

Trade Regulation Reporter - Trade Cases (1932 - 1992), U. S. v. Los Angeles Meat & Provision Drivers Union, Local 626, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America., U.S. District Court, S.D. California, 1963 Trade Cases ¶70,789, (Jun. 17, 1963)

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U. S. v. Los Angeles Meat & Provision Drivers Union, Local 626, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.

1963 Trade Cases ¶70,789. U.S. District Court, S.D. California, Central Division. Civil No. 682-60 HW. Entered June 17, 1963.

Sherman Act

Labor Unions Combination with Non-labor Group — Meat Vendors — Consent Judgment.—A labor union, whose membership contains meat vendors who are self-employed individuals engaged in the distribution of fresh and processed meats for their own accounts on a purchase and resale basis, was prohibited under the terms of a consent judgment from agreeing with packing houses, jobbers, breakers or wholesalers of fresh or processed meats, or meat vendors to limit the number of meat vendors, allocate customers among meat vendors, prevent meat vendors from selling to particular customers, fixing prices paid by meat vendors, fixing prices charged by meat vendors, and prohibiting packing houses, jobbers, breakers and wholesalers from selling to bona fide meat vendors, whether members of the union or not.

For the plaintiff: Lee Loevinger, Harry G. Sklarsky, William D. Kilgore, Jr., Stanley E. Disney and James M. Legnard.

For the defendant: Brundage, Hackler & Roseman.

Final Judgment

BYRNE, District Judge [*In full text*]: Plaintiff, United States of America, having filed its complaint herein on June 17, 1960, and defendant, Los Angeles Meat & Provision Drivers Union, Local 626, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America [hereinafter referred to as Local. 626], having appeared and filed its answer on October 18, 1960, denying the substantive allegations thereof; plaintiff and defendant having consented to the entry of this Final Judgment after a partial trial pursuant to the provisions of Rule 42(h) of the Federal Rules of Civil Procedure in respect to one of the issues raised by said complaint and answer, and without admission by plaintiff or defendant with respect to any issue not adjudicated,

Now, therefore, upon consent of the parties hereto, it is hereby ordered, adjudged and decreed as follows:

I

[Sherman Act]

This Court has jurisdiction of the subject matter hereof and of the parties hereto pursuant to Section. 4 of the Act of Congress of July 2, 1890, c. 647, 26 Stat. 209, as amended [15 U. S. C. § 4], entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," commonly known as the Sherman Act, and the complaint states a claim upon which relief may be granted under Section 1 of said Act [15 U. S. C. § 1].

II

[Definitions]

As used in this Final Judgment, the following terms have the meanings indicated:

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1. Fresh meat consists of various cuts of beef, pork, veal, and lamb in the form in which they are sold to retail outlets, including butcher shops, grocery stores, delicatessens, and restaurants.
2. Processed meats consist of various types of meats which are ground or minced and packaged in raw or cooked form for sale to retail outlets. Processed meats include sausage, weiners, salami, and screppe, among others.
3. Meat vendors or vendors are self-employed businessmen engaged in the distribution of fresh and processed meats for their own accounts on a purchase and resale basis, They are not employees of anyone.

III

[*Applicability*]

The provisions of this Final Judgment shall apply to defendant Local 626, to each of its members, officers, trustees, agents, employees, sub-divisions, successors, and assigns, and to all other persons in active concert or participation with such defendant who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

[*Practices Prohibited*]

The defendant, Local 626, is enjoined and restrained from:

1. Entering into, adhering to, maintaining, furthering, or participating in any contract, agreement, understanding, plan or program with any packing houses, jobbers, breakers or wholesalers of fresh or processed meats, or meat vendors, or any other persons:
 - (a) to limit the number of meat vendors who can engage in the business of purchasing fresh and processed meats for their own account for resale;
 - (b) to allocate among meat vendors the butcher shops, retail stores, restaurants, hotels, institutions, or other customers to whom vendors may sell;
 - (c) to prevent meat vendors from selling to butcher shops, retail stores, restaurants, hotels, institutions, or other customers of the meat vendor's own choice;
 - (d) to establish, maintain, fix, or determine the prices paid by meat vendors to packing houses, jobbers, breakers, or wholesalers of fresh or processed meats;
 - (e) to establish, maintain, fix, or determine the prices charged by meat vendors to butcher shops, retail stores, restaurants, hotels, institutions, and other customers of meat vendors;
 - (f) to prohibit packing houses, jobbers, breakers, or wholesalers of fresh or processed meats from selling to bona fide meat vendors, whether or not said meat vendors area members of defendant Local 626, or Any other labor union.
2. Directly or indirectly persuading, inducing, or compelling, or attempting to persuade, induce, or compel any packing houses, jobbers, breakers, or wholesalers of fresh or processed meats, or meat vendors, or any other persons, by boycott, strikes, or picketing, or by threats thereof, or by any other means, to do or participate in the doing of any of the things set forth in subparagraphs a thru f of subsection 1 of this Section IV.

V

[*Inspection and Compliance*]

For the purpose of securing compliance with this Final Judgment, duly authorized representatives of the Department of Justice shall, upon the written request of the Attorney General, or the Assistant Attorney General

in charge of the Antitrust Division, upon reasonable notice to a defendant at its or his principal office, subject to any legally recognized privilege, be permitted:

1. Access during office hours of such defendant to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession of or under the control of such defendant, who may have counsel present, relating to any of the matters contained in this Final Judgment; and
2. Subject to the reasonable convenience of such defendant, and without restraint or interference, to interview the officers or employees of such defendant, who may have counsel present, regarding any such matters.

Upon order of this Court made on the written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, such defendant shall submit such written reports with respect to any of the matters contained in this Final Judgment as from time to time may be necessary for the enforcement of this Final Judgment.

No information obtained by the means permitted in this Section V shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the plaintiff, except in the course of legal proceedings for the purpose of securing compliance with this Final Judgment in which the United States is a party or as otherwise required by law.

VI

[*Jurisdiction Retained*]

Jurisdiction is retained for the purpose of enabling any party to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions thereof, and for the enforcement of compliance therewith and punishment of violations thereof.