

UNITED STATES OF AMERICA vs. PITTSBURGH-
ERIE SAW COMPANY, ET AL., DEFENDANTS.

IN THE DISTRICT COURT OF THE UNITED STATES, IN
AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA,
CENTRAL DIVISION.

In Equity No. Q-86-H.

UNITED STATES OF AMERICA, PETITIONER,

VS.

PITTSBURGH-ERIE SAW COMPANY, FRANK E. MARKELL,
Charles H. Jull, Wilson W. McClaren, and Lester E.
Walton, defendants.

FINAL DECREE.

The United States of America filed its petition herein on December 23, 1929, and the defendants having duly appeared by their counsel, Messrs. Flint and MacKay, the United States of America by its counsel moved the court for an injunction as prayed in the petition and the defendants consented to the entry of this decree without contest.

Wherefore it is ordered, adjudged, and decreed as follows:

1. That the court has jurisdiction of the subject matter and of all persons and parties hereto and that the

attempt to monopolize and the monopoly of interstate trade and commerce in the manufacture, sale, transportation, leasing, and repairing of saw frames and blades as described in the petition herein, is hereby declared illegal and in violation of the Act of Congress of July 2, 1890, commonly known as the Sherman Antitrust Act.

2. That the defendants, and each of them, and each and all of the respective officers and directors of the corporate defendant, and each and all of the respective agents, servants, employees, and all persons acting, or claiming to act, on behalf of the defendants or any of them, be and they hereby are, perpetually enjoined and restrained from continuing to carry out directly or indirectly, expressly or impliedly, the attempt to monopolize and the monopoly of the said interstate trade and commerce in saw frames and blades described in the petition herein, and from entering into, or carrying out directly or indirectly, expressly or impliedly, any monopoly or attempt to monopolize similar to that herein declared illegal.

3. That the corporate defendant, its officers, agents, servants, and employees, and all persons acting or claiming to act, on behalf of it, or them, or any of them, be enjoined from doing any or all of the following acts:

(a) Formulating, adopting, or practicing the policy, either generally or with respect to particular communities, of selling, leasing, or repairing saw frames or blades manufactured by the corporate defendant at unfair or discriminatory prices, or under unfair or discriminatory terms or conditions, that is to say, charging different prices for the same product to users occupying substantially the same position in the trade for the purpose or with the intent of excluding competitors of the corporate defendant from carrying on the manufacture, sale, leasing, and repairing of saw frames and blades in competition with the corporate defendant.

(b) Inducing or attempting to induce purchasers and lessees of saw frames and blades from competitors of the corporate defendant to breach their contracts with

such competitors by changing and reducing bids for the sale or lease of saw frames and blades below the prices originally offered by the corporate defendant and below the prices originally offered by competitors of the corporate defendant.

(c) Making false and unfair statements regarding the business, business standing, credit, and integrity of competitors of the corporate defendant and regarding the quality, durability, and workmanship of saw frames and blades manufactured, sold, and leased by said competitors for the purpose of inducing or attempting to induce users of saw frames and blades from competitors of the corporate defendant to breach their contracts with such competitors or of preventing or attempting to prevent the sale of saw frames and blades manufactured, sold, or leased by competitors of the corporate defendant.

(d) Requiring users to purchase, lease, or use, or agree to purchase, lease, or use exclusively saw frames and blades manufactured by the corporate defendant as a condition to the sale, lease, or use or agreement to sell, lease, or use saw frames and blades manufactured by the corporate defendant.

(e) Inducing or attempting to induce users to refuse or to agree to refuse to use saw frames and blades manufactured by competitors of the corporate defendant for the purpose of preventing such competitors from carrying on their lawful business.

(f) Inducing or attempting to induce persons who have been selling or leasing agents for saw frames and blades manufactured by competitors of the corporate defendant to enter into agreements, arrangements, or understandings whereby such persons should become the selling agents for the corporate defendant and at the same time retain the selling agency of competitors of the corporate defendant, but without intending in good faith to sell saw frames and blades manufactured by such competitors.

(g) Formulating, adopting, or practicing the policy, either generally or with respect to particular communi-

ties of inducing or attempting to induce salesmen employed by competitors to discontinue their employment by said competitors and to become salesmen of the corporate defendant for the purpose of preventing such competitors from selling saw frames and blades in competition with the corporate defendant.

(h) Granting preferences, priorities, rebates, or discriminations relative to prices and terms of sale, lease, or use in favor of certain selected users for the purpose of excluding competitors of the corporate defendant from carrying on their lawful business.

(i) Giving free services to certain users for the purpose of preventing competitors of the corporate defendant from selling or leasing saw frames and blades in competition with the corporate defendant.

4. That the terms of this decree shall be binding upon, and shall extend to, each and every one of the successors in interest of any and all of the defendants herein, and to any and all corporations, copartnerships, and individuals who may acquire the ownership or control directly or indirectly of the shares of the capital stock, or of the property, business, and assets of the corporate defendant whether by merger, consolidation, reorganization, or otherwise.

5. That jurisdiction of this cause be and it hereby is retained for the following purposes:

(a) Enforcing this decree.

(b) Enabling the petitioner to apply to this court for a modification or enlargement of any of the provisions of this decree on the ground that the same is inadequate.

(c) Enabling the defendants, or any of them, to apply to this court for a modification of any of the provisions of this decree on the ground that it has become inappropriate or unnecessary.

Enter:

EDWARD J. HENNING,
United States District Judge.

Filed December 23, 1929.