

Trade Regulation Reporter - Trade Cases (1932 - 1992), United States v. Stationers Association of Southern California, Inc., and Blake Lockard., U.S. District Court, S.D. California, 1954 Trade Cases ¶67,669, (Jan. 15, 1954)

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United States v. Stationers Association of Southern California, Inc., and Blake Lockard.

1954 Trade Cases ¶67,669. U.S. District Court, S.D. California, Central Division. Civil Action No. 14777-C. Filed January 15, 1954. Case No. 1148 in the Antitrust Division of the Department of Justice

Sherman Antitrust Act

Consent Decree—Practices Enjoined—Price Fixing—Stationery and Office Supplies.— An association of stationers and an individual were enjoined by a consent decree from entering into any agreement with any other person (1) to fix or stabilize the prices, terms or conditions for the sale of stationery and office supplies to a third person; (2) to compile, publish, or disseminate any price list suggesting prices, terms, or conditions for the sale of stationery and/ office supplies by, or to, third persons; or (3) to influence or suggest the prices, terms, or conditions upon which any stationery and office supplies may be sold by, or to, third persons. See Combinations and Conspiracies, Vol. 1, ¶2017.208; Department of Justice Enforcement and Procedure, Vol. 2, ¶8281.600, 8421.

Consent Decree—Practices Enjoined—Price Fixing—Trade Association—Stationery and Office Supplies.—An association of stationers and an individual were enjoined by a consent decree from (1) compiling, publishing, distributing, contributing to or using any price list suggesting prices, terms or conditions for the sale of stationery and office supplies by, or to, any person, or selling or transferring any rights with respect to any such price list; (2) influencing, suggesting or restricting the prices, terms, or conditions under which any stationery and office supplies may be sold by, or to, any third person; or (3) being a member of, contributing anything of value to, or participating in any activities of any trade association or other organization whose known purposes or activities violate or are inconsistent with this Final Judgment.

For the plaintiff: Stanley N. Barnes, Assistant Attorney General; William C. Dixon, Special Assistant to the Attorney General; James M. McGrath and Edward R. Minor, trial attorneys; William D. Kilgore, Jr., and Harry N. Burgess, attorneys.

For the defendants: Wright, Peeler & Garrett (Harold F. Collins), Los Angeles, California.

Final Judgment

CARTER, District Judge [*In full text*]: Plaintiff, United States of America, having filed a complaint herein on November 26, 1952; and the defendants, namely, The Stationers Association of Southern California, Inc., hereinafter referred to as the "Association", and Blake Lockard, by their attorneys, having appeared and consented to the entry of this Final Judgment, without trial and without adjudication of any issue of fact or law herein, and without this judgment constituting any evidence or admission with respect to any such issue,

Now, therefore, before the taking of any testimony and without adjudication of any issue of fact or law herein, and-upon the consent of all the parties hereto, and not upon evidence,

It is hereby ordered, adjudged and decreed:

I

[*Sherman Act*]

This Court has jurisdiction of the subject matter herein, and all of the parties hereto. The complaint states a cause of action against the defendants and each of them under Section 1 of the Act of Congress of July 2, 1890 (C. 647, 26 Stat. 209,) as amended, commonly known as the Sherman Act.

II

[*Definitions*]

As used in this Final Judgment:

(A) "Stationery and office supplies" means paper, pens, pencils, writing supplies, legal forms, rubber stamps, filing supplies, ledger sheets and kindred articles customarily sold by persons primarily engaged in selling stationery and office supplies to ultimate users.

(B) "Person" means an individual, partnership, firm, association, corporation or other legal entity.

III

[*Applicability of Judgment*]

The provisions of this Final Judgment applicable to a defendant shall apply to such defendant, its subsidiaries, officers, agents, servants, employees, and to those persons in active concert or participation with any defendant who receive actual notice of this Final Judgment by personal service or otherwise.

IV

[*Practices Prohibited*]

The defendants are jointly and severally enjoined and restrained from entering into, adhering to, maintaining or furthering, or claiming any rights under, any contract, agreement, understanding, plan or program with any other person:

(A) To fix, determine, maintain or stabilize the prices, terms or conditions for the sale of stationery and office supplies to third persons;

(B) To compile, compute, publish, distribute, prepare or disseminate any price list, price book or other document which contains or suggests, or which purports to contain or suggest, the prices, terms or conditions for the sale of stationery and office supplies by, or to, third persons;

(C) To influence or suggest, or attempt to influence or suggest, the prices, terms or conditions upon which any stationery and office supplies may be sold by, or to, third persons.

V

The defendants are jointly and severally enjoined and restrained from:

(A) Compiling, computing, publishing, distributing, contributing to, disseminating, or using, any price list, price book or other document, which contains or suggests, or which purports to contain or suggest, the prices, terms or conditions for the sale of stationery and office, supplies by, or to, any person, or selling or transferring any rights with respect to any such price list or price book;

(B) Influencing, suggesting or restricting, or attempting to influence, suggest or restrict the prices, terms or conditions upon which any stationery and office supplies may be sold by, or to, any third person;

(C) Being a member of, contributing anything of value to, or participating in any of the activities of, any trade association or other organization the known purposes or activities of which are violative of, or in any manner inconsistent with, any of the provisions of this Final Judgment.

VI

[*Distribution of Final Judgment*]

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The defendant Association is ordered and directed to mail a copy of this Final Judgment within 90 days after the date of its entry to each member of defendant Association and to each person who has been a subscriber to the price book published by the defendants, or either of them, during the past six (6) months and to file with this Court and with the plaintiff herein, within ten days thereafter, a sworn statement as to the fact and manner of compliance with the provisions of this Section VI, which statement shall include the names and addresses of the persons to whom such notice was sent.

VII

[*Inspection and Compliance*]

For the purpose of securing compliance with this Final Judgment, duly authorized representatives of the Department of Justice, shall, on written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant, be permitted subject to any legally recognized privilege, (a) reasonable access, during the office hours of such defendant, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of such defendant, relating to any of the matters contained in this Final Judgment, and (b) subject to the reasonable convenience of such defendant, and without restraint or interference, to interview officers and employees of such defendant who may have counsel present, regarding any such matters. For the purpose of securing compliance with this Final Judgment the defendants upon the written request of the Attorney General, or such Assistant Attorney General, shall submit such reports with respect to any of the matters contained in this Final Judgment as from time to time may be necessary for the purpose of enforcement of this Final Judgment.; No information obtained by the means permitted in this paragraph shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Department 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.

VIII

[*Jurisdiction Retained*]

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