

UNITED STATES vs. U. S. MACHINE CORPORATION.
IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Civil Action No. 45C620

UNITED STATES OF AMERICA, PLAINTIFF,

VS.

U. S. MACHINE CORPORATION, DEFENDANT.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on the 3rd day of May, 1945; the defendant having appeared, by its attorney, and having consented to the entry of this final judgment herein;

NOW, THEREFORE, without taking any testimony or evidence or making any Findings of Fact, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

I

The Court has jurisdiction of the subject matter hereof and of parties hereto, and the Complaint states a cause of action against the said defendant herein under Section 1 of the Act of Congress of July 2, 1890, entitled "An

Act to protect trade and commerce against unlawful restraints and monopolies," and acts amendatory thereof and supplemental thereto.

II

The defendant and its subsidiaries, successors, officers, directors, employees and agents and all persons acting or claiming to act under, through or for said defendant are hereby enjoined and restrained from directly or indirectly entering into, adhering to or furthering any contract, agreement, license, franchise, understanding, plan or program with any manufacturer or distributor of stokers to:

(a) Determine, fix, maintain or adhere to prices, terms, conditions of sale, pricing formulae or price differentials to be imposed on, required of, charged or offered, to any other person or by any other person, for the installation of stokers or for any service in connection with such installation;

(b) Determine, fix, maintain or adhere to price margins or differentials between the cost or price of stokers, with or without accessories thereto, and the installation of stokers, with or without accessories thereto.

III

The defendant and its subsidiaries, successors, officers, directors, employees and agents and all persons acting or claiming to act under, through or for said defendant are hereby enjoined and restrained from:

(a) Establishing, maintaining, adhering to or furthering, directly or indirectly, any plan or program, bid depository or reporting system by which prices, quotations, bids, terms or conditions of sale, offered or to be offered, quoted or to be quoted, to any customer for the installation of stokers are made available to any competitor;

(b) Establishing, maintaining, adhering to or furthering, directly or indirectly, whether by threats of discrimination or otherwise, any plan or program, bid depository or reporting system which has the effect directly or indirectly of assigning to a seller or installer of stokers

receiving an inquiry from a customer, an exclusive or preferential right to deal with such customer for the sale or for the installation of a stoker.

IV

The defendant and its officers, directors, agents, employees, successors, and assigns are ordered to destroy, upon the entry of this judgment, their accumulated files of protected inquiry notations filed with the said defendant by any distributor, dealer, seller or installer of stokers; and are hereby enjoined from directly or indirectly maintaining such files or any files similar thereto.

V

The defendant shall file with this Court and with the Attorney General of the United States or with the Assistant Attorney General in charge of the Antitrust Division a report within thirty days after the date of the entry of this judgment of all action taken by it to comply with, and to conform to, the terms of Paragraph IV of this judgment.

VI

For the purpose of securing compliance with this judgment, duly authorized representatives of the Department of Justice on written request of the Attorney General of the United States or an Assistant Attorney General, and on reasonable notice to the defendant, shall be permitted, subject to any legally recognized privilege against self-incrimination, (1) access during the office hours of such defendant to all books, ledgers, accounts, correspondence, memoranda or other records and documents in the possession or under the control of said defendant relating to any matter contained in this judgment; (2) without restraint or interference from the defendant, to interview officers or employees of said defendant, who may have counsel present, regarding any such matter; provided, however, that information obtained by the means permitted in this paragraph shall not be divulged by any

representative of the Department of Justice to any person other than a duly authorized representative of the Department of Justice, except in the course of legal proceedings for the purpose of securing compliance with this judgment in which the United States is a party or as is otherwise permitted by law.

VII

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

Dated: May 3, 1945.

IGOE

United States District Judge