

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
AMPRESS BRICK COMPANY, INC.;)
AMERICAN BRICK COMPANY;)
E. L. RAMM COMPANY;)
CHICAGO BLOCK CO., INC.;)
ILLINOIS BRICK COMPANY;)
HEIGHTS BLOCK INC.;)
SGM CORPORATION;)
NORTHFIELD BLOCK CO.;)
VALLEY BLOCK & SUPPLY COMPANY;)
JOLIET CONCRETE PRODUCTS, INC.;)
and JOSEPH METZ & SONS, INC.,)
)
Defendants.)

CIVIL ACTION

NO. 73 C 1016

Filed: May 21, 1974

Entered: June 21, 1974

FINAL JUDGMENT

The Plaintiff, United States of America, having filed its Complaint herein on April 19, 1973, and Plaintiff and Defendants, by their respective attorneys, having consented to the making and entry of this Final Judgment herein, without trial or adjudication of any issues of fact or law herein and without this Final Judgment constituting any evidence against or admission by any party with respect to any such issues;

NOW, THEREFORE, without any testimony having been taken herein, and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

ORDERED, ADJUDGED AND DECREED, as follows:

I

This Court has jurisdiction of the subject matter herein and of the parties hereto, and the Complaint states claims upon which relief may be granted against the Defendants 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," (15 U.S.C. §1) commonly known as the Sherman Act, as amended.

II

As used in this Final Judgment:

(A) "Person" means any individual, corporation, partnership, firm, association or other business or legal entity;

(B) "Concrete block" means a mixture of cement, water and aggregates, with or without the inclusion of other materials, which are molded and formed by machine into units for use primarily in the building construction business.

III

The provisions of this Final Judgment applicable to any Defendant shall also apply to its subsidiaries, successors assigns, officers, directors, agents, servants and employees, and to all persons in active concert or participation with any such Defendant who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Each Defendant is enjoined and restrained, individually and collectively, from entering into, adhering to, participating in, maintaining, furthering, enforcing or claiming, either directly or indirectly, any rights under any contract, agreement, understanding, arrangement, plan or program with any other person, to:

(A) Fix, maintain, establish, determine, stabilize or adhere to prices, discounts or other terms or conditions at which concrete block is sold, or is to be sold, to any third person;

(B) Allocate or divide customers, territories or markets relating to the sale of concrete block.

V

Each of the defendants is enjoined and restrained from:

(A) Communicating to or exchanging with any other person selling concrete block any information concerning any actual or proposed prices, discounts, markups or other terms or conditions at which concrete block is to be, or has been, sold to any third person, prior to the communication of such information to the public or to non-defendant customers generally.

(B) Nothing in this paragraph V shall be construed to enjoin or restrain any defendant from communicating to or exchanging with any other person selling concrete block any information concerning prices, terms or conditions of sale of bona fide sales of concrete block between said defendant and such other person; provided, however, that any such transactions shall be subject to the prohibitions of Section IV above.

VI

The defendants are each enjoined and restrained from joining, belonging to or participating in any activities of any trade association, organization or industry group with knowledge that the activities or objectives of any such trade association, organization or industry group are inconsistent with any of the terms of this Final Judgment.

VII

Each defendant is ordered and directed to:

(A) Furnish within sixty (60) days after the entry of this Final Judgment a conformed copy of this Final Judgment to each of its respective officers, directors, managing agents and employees who have any responsibility for establishing prices or bids for the sale of concrete block by said defendant;

(B) Furnish a conformed copy of this Final Judgment to each successor officer, director, managing agent and employee having any responsibility for establishing prices or bids for the sale of concrete block by said defendant;

(C) Advise and inform each such officer, director, managing agent and employee to whom this Final Judgment has been furnished as described in subparagraphs (A) and (B) above, that violation by him of the terms of this Final Judgment could result in a conviction for contempt of court and could subject him to imprisonment and/or fine;

(D) Either distribute within sixty (60) days of the entry of this Final Judgment a conformed copy of this Final Judgment to each of its customers who is engaged in the construction business, and who has established credit with, or has purchased concrete block from, such defendant within the past twelve (12) months;

or publish within 30 days after the entry of this Final Judgment in one of the following newspapers, to wit, the Chicago Tribune, the Chicago Sun-Times, the Chicago Daily News or the Chicago Today, in a reasonably noticeable place, in the homebuilders or real estate section, in article size print, a summary of the substantive terms of this Final Judgment or the Final Judgment in its entirety. The above described summary of the substantive terms of the Final Judgment shall, in a form acceptable to the plaintiff, include the prohibitions and proscriptions of paragraphs IV, V, VI and VIII of this Final Judgment.

(E) Within ninety (90) days after the entry of this Final Judgment, to file with this Court and with the plaintiff affidavits concerning the fact and manner of compliance with subsections (A), (C) and (D) of this Section VII.

VIII

For a period of ten (10) years from the date of entry of this Final Judgment, each defendant is ordered to file with the plaintiff, on each anniversary date of such entry, a report setting forth the steps which it has taken during the prior year to advise the defendant's appropriate officers, directors and employees of its and their obligations under this Final Judgment.

IX

A. For the purpose of determining or 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, and upon reasonable notice to any defendant made to its principal office, be permitted, subject to any legally recognized privilege:

(a) Access, during office hours of each defendant, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession of or under the control of said defendant relating to any of the matters contained in this Final Judgment; and

(b) Subject to the reasonable convenience of each defendant to interview the officers, directors, agents, and employees of said defendant, who may have counsel present, regarding any such matters.

B. Each defendant shall submit such reports in writing, under oath if so requested, to the Department of Justice with respect to any of the matters contained in this Final Judgment as from time to time may be requested.

C. No information obtained by the means provided in this Section IX 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 to which the United States is a party for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

X

Jurisdiction is retained for the purpose of enabling any of the parties to this Final Judgment to apply to this 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 of any of the provisions thereof, for the enforcement of compliance therewith and for punishment or violations thereof.

DATED this 21st day of June 1974

/s/ WILLIAM J. BAUER
UNITED STATES DISTRICT JUDGE