

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

OPERATIVE PLASTERERS AND CEMENT
MASONS INTERNATIONAL ASSOCIATION
OF THE UNITED STATES AND CANADA;
BRICKLAYERS, MASONS AND PLASTERERS
INTERNATIONAL UNION OF AMERICA; and
PLASTERING DEVELOPMENT CENTER, INC.,

Defendants.

CIVIL ACTION

No. 56 C 1096

At Chicago, Illinois, in said Division and
District on January 21, 1959.

FINAL JUDGMENT

The plaintiff, United States of America, having filed its complaint herein on June 29, 1956, the defendant Operative Plasterers and Cement Masons International Association of the United States and Canada having filed its answer denying the substantive allegations thereof, and the plaintiff and said defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting evidence or an admission by any party signatory hereto with respect to any such issue:

NOW, THEREFORE, before the taking of any testimony, and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties signatory hereto, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

I

This Court has jurisdiction of the subject matter of this action and of the parties signatory hereto. The complaint states claims for relief against the defendant signatory hereto 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," commonly known as the Sherman Act, as amended.

II

As used in this Final Judgment:

(A) "Plastering machine" means any mechanical device which is actuated by gas or electricity and sprays a plaster mix on walls or ceilings;

(B) "Contractor" means any person, firm or corporation which regularly enters into contracts for and engages in the performance of plastering work, employing workmen and purchasing equipment and materials therefor;

(C) "Defendant Union" means defendant Operative Plasterers and Cement Masons International Association of the United States and Canada, with offices located at 335 Euclid Avenue, Cleveland 14, Ohio.

III

The provisions of this Final Judgment shall apply to defendant Union and to each of its successors, assigns, officers, directors, servants, employees and agents, and to all persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

Defendant Union is enjoined and restrained from, directly or indirectly:

(A) Entering into, adhering to, or enforcing any contract, agreement or understanding with any manufacturer of plastering machines which has the purpose or effect of

- (1) preventing, limiting or restricting the lease, sale or other disposition of any plastering machines, or
- (2) dictating, prescribing, or otherwise regulating the terms or conditions under which any such plastering machines may be leased, sold or otherwise disposed of by any manufacturer or any other person;

(B) Inducing, coercing or knowingly permitting any local union affiliated with defendant Union to enter into any contract, agreement or understanding with any contractor having the purpose or effect of precluding the contractor from leasing, purchasing or otherwise acquiring a plastering machine manufactured by a person who makes plastering machines available to contractors employing, or not employing members of defendant's Union.

V

Defendant Union is ordered and directed within sixty (60) days after the entry of this Final Judgment, to serve by mail upon each local union affiliated therewith, a conformed copy of this Final Judgment.

VI

Defendant Union is further ordered and directed to publish in The Plasterer and Cement Mason, 335 Euclid Avenue, Cleveland 14, Ohio, and in all trade journals and publications which have carried advertisements of the defendant at any time between January 1, 1950, and the date of the entry of this Judgment, a summary statement of the Judgment entered herein; provided, however, that forty-five (45) days prior to said publication, a copy shall be made available to the Midwest Office, Antitrust Division, Department of Justice, who shall have the right to make any reasonable changes as to form and additions or deletions to said summary statement prior to publication.

VII

For the purpose of securing compliance with this Final Judgment, and for no other purpose, 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 the defendant Union, mailed to its principal office, be permitted, subject to any legally recognized privilege:

(A) Access during regular office hours to those parts of the books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant which relate to any matters contained in this Final Judgment; and

(B) Subject to the reasonable convenience of the defendant, and without restraint or interference from it, to interview its officers or employees, who may have counsel present, regarding any such matters.

Upon such written request, defendant Union shall submit such reports

in writing with respect to the matters contained in this Final Judgment as may from time to time be necessary to the enforcement of this Final Judgment.

No information obtained by the means permitted in this Section VII shall 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 in which the United States is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

VIII

Jurisdiction is retained by this Court 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 amendment or modification of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

IX

This Final Judgment shall become effective thirty (30) days after entry herein.

s/ J. S. PERRY
United States District Judge

Dated: January 21, 1959

We hereby consent to the making and entry of this Final Judgment.

For the Plaintiff:

s/ Victor R. Hansen
VICTOR R. HANSEN
Assistant Attorney General

s/ Earl A. Jinkinson
EARL A. JINKINSON

s/ George H. Schueller
GEORGE H. SCHUELLER

s/ Ned Robertson
NED ROBERTSON

Attorneys, Department of Justice

s/ W. D. Kilgore, Jr.
WILLIAM D. KILGORE, JR.

Room 404, United States Courthouse
Chicago 4, Illinois
Harrison 7-4700

Attorneys, Department of Justice

For the Defendant:
Operative Plasterers and Cement
Masons International Association
of the United States and Canada

MARTIN F. O'DONOGHUE

By s/ Martin F. O'Donoghue
1401 K Street, N. W.
Washington, D. C.