

APPENDIX B:
SUMMARY OF REASONS FOR TERMINATING EACH JUDGMENT
(Ordered by Year Judgment Entered)

**UNITED STATES v.
THE UNION PACIFIC
RAILROAD COMPANY, *et al.***
In Equity No. 2136

Year Judgment Entered: 1913

Section of Judgment Retaining Jurisdiction: 20

Description of Judgment: Defendant Union Pacific required to divest stock in Southern Pacific Railroad that it had acquired.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (merger or acquisition likely to substantially lessen competition). The Department of Justice or the Federal Trade Commission can review any acquisition covered by the judgment that raises antitrust concerns. These agencies' ability to review transactions is facilitated by the Hart–Scott–Rodino Antitrust Improvements Act of 1976, 15 U.S.C. §18a, which requires companies notify the Department of Justice and the Federal Trade Commission when proposed transactions meet certain thresholds.

Public Comments: None.

**UNITED STATES v.
UTAH-IDAHO WHOLESALE GROCERS'
ASSOCIATION, et. al.**
In Equity No. 8158

Year Judgment Entered: 1926

Section of Judgment Retaining Jurisdiction: Judgment does not explicitly mention retention of jurisdiction, but the Court has inherent authority to modify consent decrees they have issued. *See* Fed. R. Civ. P. 60(b)(5). *Accord United States v. Swift & Co.*, 286 U.S. 106, 114-15 (1932).

Description of Judgment: Defendant Association and its members enjoined from, among other things, fixing prices and terms and conditions for the sale of groceries as well as group boycotts of manufacturers who sell groceries direct to retailers.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Thirteen of the fourteen corporate defendants bound by the decree appear to no longer be in business from a search of corporate records with the Utah Secretary of State's office.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (price fixing and group boycotts).

Public Comments: None.

UNITED STATES v.
THE LUCKY LAGER BREWING
COMPANY OF SAN FRANCISCO
Civil Action No. C-15-58

Year Judgment Entered: 1958
Year First Modification Entered: 1959
Year Second Modification Entered: 1963

Section of Judgment Retaining Jurisdiction: VIII

Description of Judgment: Defendant Lucky Lager required, among other things, to divest its acquisition of Fisher Brewing Company, or if unable to complete a divestiture within nine months, to sell for consumption in the State of Utah no more than 39 percent of the total beer consumed in that State (its market share prior to the acquisition). After a trustee was unable to sell Fisher Brewing, the judgment was modified to cancel that requirement.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (merger or acquisition likely to substantially lessen competition). The Department of Justice or the Federal Trade Commission can review any acquisition covered by the judgment that raises antitrust concerns. These agencies' ability to review transactions is facilitated by the Hart–Scott–Rodino Antitrust Improvements Act of 1976, 15 U.S.C. §18a, which requires companies notify the Department of Justice and the Federal Trade Commission when proposed transactions meet certain thresholds.
- Market conditions likely have changed. In particular, competition in the brewery industry has evolved substantially since the entry of the judgment, and some of the brands at issue in this judgment either no longer exist or face new competition.

Public Comments: None.

**UNITED STATES v.
UTAH PHARMACEUTICAL ASSOCIATION**
Civil Action No.: C-30-61

Year Judgment Entered: 1962

Section of Judgment Retaining Jurisdiction: VIII

Description of Judgment: Defendant Association enjoined from, among other things, fixing or suggesting prices or conditions for the sale of prescription drugs.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (price fixing).

Public Comments: None.

**UNITED STATES v.
BEATRICE FOODS CO., et al.**
Civil Action No.: NC-3869 /NC-38-69

Year Judgment Entered: 1971

Year Judgment Entered: 1972 (Added Additional Defendant)

Section of Judgment Retaining Jurisdiction: IX

Description of Judgment: Defendants enjoined from, among other things, fixing prices or rigging bids on dairy products distributed in Utah, Southwestern Idaho, and Northwestern Colorado and allocating territories.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Two of the three corporate defendants bound by the decree appear to no longer be in business from a search of corporate records with the Utah, Idaho, and Colorado Secretary of States' offices.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (price fixing, bid rigging, and market allocation).

Public Comments: None.