

UNITED STATES v. DISCHER ET AL.

IN THE DISTRICT COURT OF THE UNITED STATES,
SOUTHERN DISTRICT OF NEW YORK.

In Equity No. 14—393.

UNITED STATES OF AMERICA, PETITIONER,

vs.

GRANT F. DISCHER, PEARL P. CRABILL, JAMES TURNER,
EMIL GROSSMAN, J. HARRY SAGER, WILLIAM G. COX,
BENJAMIN D. ZIMMERMAN, LOUIS P. HALLADAY, HENRY
H. SCHERFF, JAMES W. LAWHEAD, ALLEN L. MCGRE-
GOR, WALTER H. SCHWAB, GEMCO MANUFACTURING
COMPANY, THE CENTRAL BRASS AND FIXTURE COM-
PANY, EMIL GROSSMAN MFG. CORPORATION, J. H. SA-
GER COMPANY, INC., COX BRASS MFG. COMPANY, MIL-
WAUKEE AUTO ENGINE SUPPLY COMPANY, L. P. HALLA-
DAY COMPANY, AMERICAN BRASS COMPANY, AUTO COM-
PRESSOR COMPANY, U. S. AUTO BUMPER COMPANY,
AUTO PARTS MFG. COMPANY, DEFENDANTS.

FINAL DECREE.

This cause came on to be heard at this term, and upon consideration thereof, and upon motion of the petitioner, by Francis G. Caffey, United States Attorney for the Southern District of New York, its attorney, and by Henry A. Guiler, Special Assistant to the United States Attorney, of Counsel, for relief in accordance with the prayer of the petition, and all the parties having appeared therein by their attorneys Elias H. Bottum, Phillip

W. Haberman and Edwin P. Grosvenor, and having consented thereto in open court;

Now, therefore, it is ordered, adjudged and decreed as follows, viz:

I. That the combination and conspiracy in restraint of the trade and commerce and to monopolize the same, and the restraint and monopoly attained thereby, described in the petition, be and hereby are declared illegal and in violation of the Act of Congress, approved July 2, 1890, entitled "An Act to protect Trade and Commerce against Unlawful Restraints and Monopolies," and Acts amendatory thereof and supplemental or additional thereto.

II. That the Automobile Bumper Association described in the petition, and the agreement of association of which a copy is attached to the petition, be and hereby are declared illegal and in violation of said Acts of Congress.

III. That said defendants and each of them, and their officers, agents, servants and employees, and all persons acting under, through, by, or in behalf of them or either of them, or claiming so to act, be and hereby are perpetually enjoined, restrained and prohibited, directly or indirectly, from engaging in or carrying into effect the said combination and conspiracy, and from engaging in or entering into any like combination or conspiracy, the effect of which would be to restrain or monopolize trade or commerce in automobile, motor-car and motor-truck bumpers and parts thereof, among the several states of the United States, or, in the District of Columbia, and from carrying out or continuing in effect the license or other agreements, described in, or annexed to the petition, or making any express or implied agreements or arrangements together or with one another, like those hereby adjudged illegal or enjoined, or using any other method or methods, the effect of which would be to prevent the free and unrestrained flow of said interstate trade or commerce in said automobile, motor-car and motor-truck bumpers and parts thereof, or, to monopolize the same; but no defendant who was the owner of a

patent or patents involved in this case prior to January 31, 1917, so long as he acts separately and independently, is enjoined by this decree from issuing to one or more of the defendants, acting separately and independently of each other, any lawful license under such patent or patents.

IV. That said defendants, and each of them, and their officers, agents, servants and employees, and all persons acting under, through, by, or in behalf of them or either of them, or claiming so to act, be and hereby are ordered and directed to dissolve and forever discontinue said Automobile Bumper Association, and be and hereby are perpetually enjoined, restrained and prohibited, directly or indirectly, from engaging in, forming, or entering into any like association, or becoming members of any like association, or from making any express or implied agreement of association, or arrangement, together or with one another, similar to, or like said agreement of association hereinbefore mentioned and marked Exhibit "A," but that the defendants are not restrained from forming an association for purposes not inconsistent with this decree and not in violation of law.

V. That the said defendants and each of them, their officers, agents, servants, employees, and all persons acting under, through, by, or in behalf of them, or any of them, or claiming so to act, be and hereby are perpetually enjoined, restrained and prohibited, directly or indirectly, from

(a) Agreeing to, fixing or establishing in any manner whatsoever, by agreement, understanding or otherwise, among themselves, the prices to be charged for said automobile, motor-car and motor-truck bumpers and parts thereof, or maintaining the said prices after they are so agreed to, fixed or established.

(b) Maintaining, using or continuing to maintain or use, collectively, in any manner whatsoever, the minimum prices already agreed upon or adopted.

(c) Agreeing among themselves to establish or adopt

the terms, conditions or policies which should obtain with respect to the sale or disposal of said automobile, motor-car and motor-truck bumpers and parts thereof.

(d) Agreeing among themselves to fix the prices at which said automobile, motor-car and motor-truck bumpers and parts thereof should be sold or resold by jobbers or dealers, or individually or collectively fixing, suggesting, or in any manner whatsoever indicating the prices at which said automobile, motor-car and motor-truck bumpers and parts thereof should be sold or resold by jobbers or dealers.

(e) Agreeing among themselves in any manner whatsoever, to charge purchasers of said automobile, motor-car and motor-truck bumpers, and parts thereof, uniform prices, or doing any act which will, or may be calculated to result in uniform prices.

(f) Aiding, abetting or assisting, individually or collectively, others to do all or any of the matters or things hereinbefore set forth.

VI. That jurisdiction of this case be and hereby is retained for the purpose of enforcing this decree, and for the purpose of enabling the parties to apply to the Court for modification hereof, if it be hereafter shown to the satisfaction of the Court that by reason of changed conditions or changes in the statute law of the United States the provisions hereof have become inappropriate or inadequate to maintain competitive conditions in interstate trade or commerce of the United States in the business of manufacturing, selling or distributing automobile, motor-car and motor-truck bumpers, and parts thereof, or have become unduly oppressive to the defendants, and are no longer necessary to secure or maintain competitive conditions in such trade or commerce.

VII. It is further ordered, adjudged and decreed that the petitioner have and recover of the defendants the costs in this behalf expended, for which let execution issue.

Dated, New York, December 4, 1917.

JULIUS M. MAYER,
United States District Judge.