

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

**UNITED STATES v.
JELICO MOUNTAIN COAL
& COKE COMPANY, et al.**
Civil Action No.: 2820

Year Judgment Entered: 1891

Section of Judgment Retaining Jurisdiction: Judgment did not explicitly mention retention of jurisdiction, but the Court has inherent authority to modify consent decrees it has 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: Defendants enjoined from, among other things, fixing prices for the sale of coal and from carrying on their coal trade under the terms of the Nashville Coal Exchange.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Fifteen of the sixteen corporate defendants appear to no longer exist from a search of corporate records with the Tennessee Secretary of State's office. None of the thirty-eight individual defendants is still living.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (price fixing).

Public Comments: None.

UNITED STATES v.
CRESCENT AMUSEMENT COMPANY, INC., et al.
Civil Action No.: 54

Year Judgment Entered: 1943

Year Judgment Modified: 1945

Year Judgment Modified: 1947

Section of Judgment Retaining Jurisdiction: 20

Description of Judgment: Defendants enjoined from, among other things, conspiring to restrain trade and monopolize exhibitions of motion picture films in various local areas.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Market conditions likely have changed. This judgment is seventy-six years old, and none of the defendant theatre companies exists as a theatre circuit today. Because the remaining movie distributor defendants were enjoined from undertaking certain licensing practices with the now defunct theatre companies, the decree no longer has any force as to the movie distributor defendants remaining in existence. The decree required certain divestitures, as well as prohibiting certain individuals from serving as directors; these conditions were satisfied long ago, so the decree no longer has any operable provisions.

Public Comments: None.

UNITED STATES v.
GENERAL SHOE CORPORATION
Civil Action No.: 2001

Year Judgment Entered: 1956

Section of Judgment Retaining Jurisdiction: XIII

Description of Judgment: Defendant enjoined from, among other things, acquiring any corporation engaged in the manufacture, distribution or sale of shoes except with the prior approval of Antitrust Division for a period of five years. Defendant was also ordered to divest stock of any shoe manufacturer or retailer other than one of its subsidiaries by 1958. In addition, Defendant was required to grant to any shoe manufacturer, not a large shoe manufacturer, access to Defendant's patents for a reasonable royalty for a period of five years. The five year periods for both provisions ended in 1961.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (acquisition substantially likely to lessen competition). The Department of Justice or the Federal Trade Commission will review any notable acquisition covered by the judgment. 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.
THIRD NATIONAL BANK
IN NASHVILLE, et al.
Civil Action No.: 3849**

Year Judgment Entered: 1968

Section of Judgment Retaining Jurisdiction: VI

Description of Judgment: In settlement of a bank merger case, the acquiring bank was required to organize a viable new banking organization and to sell all the shares of stock of the new bank to a purchaser approved by the government. The new bank was created as required.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (acquisition substantially likely to lessen competition). The Department of Justice or the Federal Trade Commission will review any notable acquisition covered by the judgment. 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.
BLUE BELL INC., et al.
Civil Case No.: 7004

Year Judgment Entered: 1976

Year Judgment Modified: 1978

Section of Judgment Retaining Jurisdiction: Judgment did not explicitly mention retention of jurisdiction, but the Court has inherent authority to modify consent decrees it has 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: In settlement of an acquisition of two plants found to violate Section 7 of the Clayton Act, Defendant was required to divest the two acquired plants and restrained for ten years from acquiring any other manufacturer of rental garments without prior approval of the Court or the Antitrust Division. The judgment was later modified to permit the Defendant to manufacture coveralls for sale to industrial laundries at one of its plants. The required divestitures were made.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (acquisition substantially likely to lessen competition). The Department of Justice or the Federal Trade Commission will review any notable acquisition covered by the judgment. 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.