

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

In Equity No. 28-276.

UNITED STATES OF AMERICA, PETITIONER,

VS.

LIVE POULTRY DEALERS PROTECTIVE ASSOCIATION, INC.,
Joseph A. Laub, Samuel Goldstein, Jake Williams,
David Hirschorn, Max Rosen, Julius Kastein, Jacob
Reisner, Mendell Gordon, Charles Frank, William
Simon, Samuel Friedman, Joseph Mines, Charles
Sahn, Abe Frazil, Jacob Koslow, Harry Rubin, Max
Levitt, Samuel Margulies, Abraham Brochstein, Ben-
jamin Dinerman, Max Wolas, Defendants.

FINAL DECREE.

This cause came on to be heard at this Term, and upon consideration thereof, and upon motion of the Petitioner by Emory R. Buckner, United States Attorney for the Southern District of New York and Alexander B. Royce, Special Assistant to the United States Attorney, and W. Houston Kenyon, Jr., Special Assistant to the United States Attorney, of Counsel, for relief in accordance with the prayer of the petition, and all the defendants therein having appeared by their attorneys, Koenig, Sittenfeld & Aranow and Goldstein & Goldstein, 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 trade and commerce, and to monopolize the same, and the restraint and monopoly attained thereby, described in the petition, in so far as it relates to the activities of the Price Committee therein described, 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 the acts amendatory thereof and supplemental or additional thereto.

II. These defendants and all other members of said Live Poultry Dealers Protective Association, Inc. and their agents, servants, employees and all persons acting under, through, by or in behalf of or in aid of or in conjunction with them or any of them, or claiming so to act, are specifically enjoined, restrained and prohibited collectively or individually, directly or indirectly, from agreeing among themselves or with each other or with others, to fix, establish or publish or fixing, establishing or publishing any prices to be observed in the purchase of such poultry from receivers or commission men or from others.

But nothing herein contained shall be construed or interpreted as

1. Preventing the defendants from refusing to purchase live poultry until and unless the price for such poultry shall have been agreed upon, before or at the time or times at which the sales and purchases are made or agreed upon; provided that neither the defendants nor any of them shall be required by the defendant association or others of these defendants to abide in their purchases by the decision or decisions as to purchase or price of anyone other than the buyer and the seller involved in the particular purchase, or as

2. Preventing the defendants or any of them from making their purchases on the basis of a quoted price or prices in the determination of which they or any of them act or acted collectively or through a representative or representatives; provided that neither the defendants nor any of them shall be required by the defendant association or others of these defendants to abide in their purchases by the decision or decisions as to purchase or price of anyone other than the buyer and seller involved in the particular purchase.

AND FURTHER PROVIDED that none of the foregoing permissive clauses shall be deemed to permit the doing of any of the acts therein specified with unlawful intent or in conjunction with other acts, where the effect is to restrain or monopolize interstate trade and commerce.

This decree shall be effective and binding on these defendants, both those impleaded by name and those by representation, their officers, agents, servants and employees, and those in active concert or participation with them, and each of them, from the time they shall receive actual notice thereof by personal service of the same (including effective service by registered mail) or otherwise.

Dated, December 14, 1925.

THOMAS D. THACHER,
U. S. District Judge.

Entered: December 19, 1925.