APPENDIX A:

UNITED STATES v. HARBOR DIST. LUMBER DEALERS ASS'N, ET AL.

CIVIL NO. 1401-Y

JUDGMENT ENTERED FEB. 14, 1941

U. S. v. HARBOR DISTRICT LUMBER DEALERS ASSN.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF CALIFORNIA, CENTRAL DIVISION.

Civil Action No. 1401-Y.

UNITED STATES OF AMERICA, PLAINTIFF

VS.

HARBOR DISTRICT LUMBER DEALERS ASSOCIATION; CONSOLIDATED LUMBER COMPANY; HAMMOND LUMBER COMPANY; PATTEN-BLINN LUMBER COMPANY; SAN PEDRO LUMBER COMPANY; E. K. WOOD LUMBER COMPANY; BEAR STATE LUMBER COMPANY; CENTURY LUMBER COMPANY; LONG BEACH LUMBER COMPANY; LUMBER SUPPLY COMPANY; MARTIN LUMBER & MATERIAL CO., INC.; ROSSMAN MILL & LUMBER CO., LTD.; RALPH D. EBRIGHT; FRODE KILSTOFTE; GEORGE N. SWARTZ; E. J. BALLANTYNE; BURTON W. CHACE; H. L. CALL; A. E. FICKLING; RICHARD GOEHRING; J. M. GRAY; ROSS HALL; C. S. JONES; FRED R. LINN; RAYMOND LINN; A. J. MACMILLAN; JOSEPH C. MARTIN; PAUL MAULL; E. J. ROSSMAN; AND GEORGE A. SWIFT, DEFENDANTS

DECREE

This cause coming on to be heard on the 14th day of February, 1941, and the defendants having waived process and service and having appeared herein,

And counsel for the Defendants and said Defendants, and each of them, having consented to the making and entering of this Decree upon condition that neither such consent nor this Decree shall be considered as evidence, admission, or adjudication, that the Defendants, or any of them, have violated any statute of the United States of America; and the United States, by counsel, having consented to the entry of this Decree, and to each and every provision thereof, and having moved for this injunction;

And it appearing by virtue of the consents of said Defendants, and the acceptance of the same by the Plaintiff, it is unnecessary to proceed with the trial of the action or to take testimony therein, or to make findings of fact, or to adjudicate the issues presented by the pleadings;

NOW, THEREFORE, before any testimony has been taken and without any findings of fact and upon the consent of all the parties hereto, it is hereby

ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. That the Court has jurisdiction of the subject matter hereof and of all the parties hereto, for the purposes of this Decree and the proceedings for the enforcement thereof, and for no other purposes, and that the Complaint states a cause of action against the Defendants under the Act of Congress of July 2, 1890, entitled "An Act to Protect Trade and Commerce Against Unlawful Restraints and Monopolies," and acts amendatory thereof and supplemental thereto.

2. That the following terms as used in this Decree shall have the following meanings:

(a) "Harbor District" shall be deemed to mean the City of Long Beach, California, and those districts in and around the City of Los Angeles, California commonly known as San Pedro and Wilmington;

(b) "Licensed contractors" shall be deemed to mean a person, firm or corporation licensed by the State or a political subdivision thereof to conduct a construction contracting business in the Harbor District.

3. Said defendants, their members, directors, officers, agents, and employees and their successors and all persons acting under, through, or for said defendants or their successors or any of them, be and they hereby are perpetually enjoined and restrained from agreeing, combining, or conspiring among themselves or with any other individual (other than a member, director, officer, agent, or employee of the same defendant or its or his successor when acting exclusively for and in behalf of said same defendant or its or his successor), association, or corporation, with respect to the purchasing and receiving of lumber and lumber products from lumber mills located in states other than the State of California, or from jobbers, agents or representatives of such lumber mills, and the handling and sale of said lumber and lumber products, to engage in any of the following specified acts or practices:

(a) fixing, maintaining or increasing prices to be charged for lumber and lumber products in the Harbor District;

(b) sponsoring, calling, holding or participating in any meetings or conferences held for the purpose of raising, lowering, fixing, establishing, or maintaining prices for the sale of lumber and lumber products in the Harbor District;

(c) allocating, dividing, parcelling, or assigning among themselves sales of lumber or lumber products in the Harbor District by dividing, allotting, or assigning so-called licensed contractors among themselves or by any other means or methods designed to effect, or effecting, a division of the lumber business in the Harbor District;

(d) agreeing to, or carrying out, any scheme, plan, or device intended to effect a division of the lumber business in the Harbor District among the Defendants, or which is designed to restrain, pre-

vent, or prohibit any individual lumber dealer from competing in good faith for the business of any lumber purchaser in the Harbor District;

(e) discriminating in the price or other conditions of sale of lumber and lumber products to any lumber dealer in the Harbor District, for the purpose of restraining or suppressing competition in the sale of such lumber or lumber products;

(f) furnishing or selling lumber or lumber products to customers or prospective customers of a competitor at prices excessively lower than prices charged under comparable circumstances for similar quantities and grades to other purchasers in the Harbor District unless said excessively low prices are made in good faith to meet competition;

(g) creating, operating or participating in the operation of any bid depository or central estimating practices designed to maintain or fix the price of lumber and lumber products, or of any scheme, plan or device designed to maintain or to fix the price of such lumber or lumber products, in the Harbor District, or to limit competition in the sale of such lumber or lumber products, or having the effect of limiting the right of a purchaser to secure a bona fide competitive price on any purchase of such lumber or lumber products in the Harbor District;

(h) exchanging or disseminating price lists or other information concerning or relating to prices to be charged for lumber and lumber products in the Harbor District, except in the negotiation, contemplation, or consummation of a bona fide sale not otherwise enjoined in this Decree;

(i) persuading, influencing or coercing any lumber dealer in the acceptance or rejection of orders for lumber or lumber products, or for the milling and preparation of such lumber or lumber products from any other lumber dealer in the Harbor District;

(j) threatening to boycott, or boycotting, lumber mills, their representatives or agents, or lumber brokers, for the purpose of influencing them in the acceptance or rejection of orders for lumber and lumber products from any lumber dealer in the Harbor District;

4. That nothing in this Decree shall apply to arrangements or agreements expressly authorized by any present or future applicable legislation of the United States.

5. That for the purpose of securing compliance with this Decree, but for no other purpose, duly authorized representatives of the Department of Justice shall, upon the written request of the Attorney General or an Assistant Attorney General, be permitted access within the office hours of the Defendants to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or control of Defendants relating to any of the matters contained in this Decree; that any authorized representative of the Department of Justice shall, subject to the reasonable convenience of the Defendants, be permitted to interview officers or employees of the Defendants without interference, restraint, or limitation by Defendants relating to any of the matters contained in this Decree, provided that such officers and agents may have counsel present if they so desire.

Any information obtained by the means permitted in this paragraph shall not be divulged by any representatives 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, or as otherwise required by law.

6. That jurisdiction of this cause be, and it is hereby, retained for the purpose of enforcing, construing, and modifying the terms of this Decree upon the application of the Plaintiff or any of the Defendants.

Dated: This 14th day of February, 1941

H. A. HOLLZER
District Judge