APPENDIX A:

UNITED STATES v. CALIFORNIA WHOLESALE GROCERS' ASS'N, ET AL.

CIVIL NO. H-80-M

JUDGMENT ENTERED MAY 5, 1926

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

In Equity No. H-80-M.

UNITED STATES OF AMERICA, COMPLAINANT,

v.

CALIFORNIA WHOLESALE GROCERS' ASSOCIATION, A voluntary association, William Cluff Co., Delaney Brothers, Dodge, Sweeney & Co., Haas Brothers, J. H. Newbauer & Co., Sussman, Wormser & Co., Tillman & Bendel, Inc., Hall, Luhrs & Company, The Lindley Company, The Bert McDowell Company, Mebius & Drescher Co., Southwestern Grocery Co., Klauber-Wangenheim Co., Simon Levi Co. of San Diego, The Keystone Co. of San Jose, Walsh-Col Co., Hedges-Buck Co., J. R. Garrett Co., California Wholesale Grocery Co., R. L. Craig & Co.., Haas, Baruch & Co., M. A. Newmark & Co., Simpson-Ashby Co., United Wholesale Grocery Co., Nau-Murray Co., Smart & Final Co., corporations, Enrico Marre and Alphonse Marre, copartners doing business under the firm name and style of E. Marre & Bro., P. T. Cumberson, W. M. Delaney, E. G. Williams, F. M. VanSicklen, S. Lilienthal, J. H. Newbauer, S. R. Newbauer, J. Blumlein, A. J. Falk, W. T. Holling, W. E. Sprouse, W. J. Graham, J. W. Phelps, Victor H. Tuttle, J. Krafft, M. R. Newmark, J. H. Gough, E. S. Bosbyshell, A. R. Johnston, Mrs. D. A. Lindley, C. H. Welch, J. E. Smith, P. C. Drescher, E. E. Garnett, H. Klauber, J. P. Haddock, Bert Levi, W. G. Alexander, T. J. Trodden, J. D. Campbell, H. Nau, J. S. Smart, and W. S. Suddaby, individuals, defendants.

The United States of America having filed its petition herein on the second day of April, 1924, and all of the defendants having duly appeared by Messrs. McCutchen, Olney, Mannon & Greene, and Messrs. Lawler & Degnan, their solicitors of record, and having answered, and the cause being now at issue on the petition and answer;

Now, comes the United States of America by Samuel W. McNabb, its attorney for the Southern District of California, and by H. H. Atkinson, Special Assistant to the Attorney General, and come also all of the defendants herein by their solicitors as aforesaid, and it appearing to the Court that the Court has jurisdiction of the subject matter alleged in the petition and that the petition states a cause of action, and the petitioner having moved the Court for an injunction against the defendants as hereinafter decreed, and the Court having duly considered the statements of counsel for the respective parties and all of the defendants through their said solicitors now and here consenting to the rendition of the following decree;

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

I

That the combination and conspiracy in restraint of interstate trade and commerce and the acts, agreements and understandings in restraint of interstate trade and commerce, as such combination, conspiracy, acts, agreements, and understandings are described in subparagraphs (c), (d), and (e) of Paragraph IV of the petition herein, and the restraint of such trade and commerce obtained thereby are violative of the Act of Congress of July 2, 1890, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," known as the Sherman Anti-Trust Act.

II

That the defendants and each of them, and their members, officers, agents, servants, and employees, and all persons acting under, through, by or in behalf of them, or any of them, or claiming so to act, be and they are hereby perpetually enjoined, restrained and prohibited from agreeing, combining or conspiring, directly or indirectly, among themselves or with others, and from continuing any such agreement, combination, or conspiracy,

(a) to do any act or thing whatsoever, designed, or the reasonably to be expected effect of which would be, to deter, prevent, or discourage by boycott, intimidation, withdrawal of patronage or other coercive acts whatsoever, or threat of the same, any manufacturer or producer of groceries or other like articles, without the State of California, from shipping, transporting, or selling such groceries or other like articles to any customer or person, or to any class of customers or persons, within the State of California;

(b) to aid, abet, or assist directly or indirectly, each other or others, to do any or all of the matters or things hereinbefore set forth and enjoined.

III

That each of the remaining prayers of the complaint filed herein is hereby denied in view of the statement of government counsel that the evidence at hand does not show restraint of interstate trade and commerce by the other means alleged.

IV

That neither the complainant nor the defendants have or recover the costs in this cause expended.

Dated at Los Angeles, Calif., May 5, 1926.

PAUL J. MCCORMICK,
Judge, United States District Court.