APPENDIX A:

UNITED STATES v. KAYNAR MFG. CO., INC., ET AL.

CIVIL NO. 63-1036-S

JUDGMENT AGAINST KAYNAR MFG., CO., INC., ELASTIC STOP NUT CORP. OF AM., AND STANDARD PRESSED STEEL CO., ENTERED: JUN. 30, 1964

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. KAYNAR MANUFACTURING CO., INC.; ELASTIC STOP NUT CORPORATION OF AMERICA; STANDARD PRESSED STEEL COMPANY; and TEXTRON INDUSTRIES, INCORPORATED, Defendants.	)	CIVIL NO. 63-1036-S ENTERED: June 30, 1964

FINAL JUDGMENT

The plaintiff, United States of America, having filed its complaint herein on August 29, 1963, the defendants having filed their answers denying the substantive allegations thereof, and the parties consenting hereto by their respective attorneys having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law and without this Final Judgment's constituting evidence or an admission by any party with respect to any such issue:

NOW, THEREFORE, before the taking of any testimony and without trial or adjudication of any issue of fact or law, and upon the consent of the parties hereto, it is hereby

ORDERED. ADJUDGED and DECREED as follows:

I

This Court has jurisdiction of the subject matter of this action and of the parties consenting hereto. The complaint states claims for relief against the consenting defendants under Section 1 of the Act of Congress of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," commonly known as the Sherman Act, as amended.

II

As used in this Final Judgment:

(A) "Person" shall mean an individual, partnership, firm, corporation, association or other business or legal entity;

(B) "Fastener" shall mean any fastener qualified under National Air Standards or standards specified by the Departments of the Army, Navy or Air Force for aircraft, missiles and similar purposes.

III

The provisions of this Final Judgment applicable to any defendant shall apply to such defendant and to each of its officers, directors, agents, employees, subsidiaries, successors and assigns, and to all persons in active concert or participation with such defendant who receive actual notice of this Final Judgment by personal service or otherwise. For the purpose of this Final Judgment, each consenting defendant and its subsidiaries, officers, directors, agents, servants and employees shall be deemed to be one person.

IV

Each consenting defendant is enjoined and restrained from entering into, adhering to, maintaining or claiming any rights under any contract, agreement, understanding, plan or program to:

(A) Fix, establish, maintain or adhere to prices, discounts or other terms or conditions for the sale of fasteners to any third person;

(B) Submit noncompetitive, collusive or rigged bids or quotations for fasteners to any governmental body or agency thereof, or to any other purchaser of fasteners;

(C) Exchange with or transmit to any other manufacturer or seller of fasteners, except in connection with bona fide purchase or sales transactions, any information:

(1) concerning bids for the sale of fasteners prior to the opening thereof; and

(2) concerning prices terms or conditions for the sale of fasteners except after their release to the trade generally.

V

(A) Each consenting defendant is ordered and directed individually and independently to:

(1) Review, determine and establish its list prices, discounts and other terms and conditions of sale for self-locking nuts qualified to meet National Air Standards and the standards specified by Departments of the Army, Navy or Air Force and designated as NAS, MS and AN on the basis of its individual costs, profits and other lawful considerations;

(2) Withdraw its then current price lists for such self-locking nuts and to adopt and publish the price lists arrived at pursuant to subsection (A) of this Section V.

(B) Within sixty (60) days from the date of entry of this Final Judgment each consenting defendant shall file an affidavit with the Clerk of this Court, with a copy to the plaintiff herein, setting forth the fact and manner of compliance with this Section V.

VI

For the purpose of securing or determining compliance with this Final Judgment, duly authorized representatives of the Department of Justice shall, on written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any consenting defendant made to its principal office, be permitted, subject to any legally recognized privilege and with the right of such defendant to have counsel present:

(A) Access, during office hours of such defendant, to all books, ledgers, accounts, correspondence, memoranda, and other

records and documents in the possession or under the control of defendant relating to any matters contained in this Final Judgment;

(B) Subject to the reasonable convenience of defendant and without restraint or interference from it, to interview officers or employees of such defendant, who may have counsel present, regarding any such matters.

Upon written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, a consenting defendant shall submit such reports in writing with respect to the matters contained in this Final Judgment as may from time to time be necessary to the enforcement of this Final Judgment.

No information obtained by the means permitted in this Section VI shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the Plaintiff, except in the course of legal proceedings in which the United States is a party for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

VII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the amendment or modification of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

Dated: June 29, 1964

/s/ FRED KUNZEL
United States District Judge