

VS.

INSTITUTE OF CARPET MANUFACTURERS OF AMERICA, INC.;
BIGELOW-SANFORD CARPET CO., INC.; CHARLES P. COCH-
RANE CO., INC.; FIRTH CARPET COMPANY; HARDWICK &
MAGEE CO.; HIGHTSTOWN RUG COMPANY; ARCHIBALD
HOLMES & SON; A. & M. KARAGHEUSIAN, INC.; THOMAS
L. LEEDOM COMPANY; MAGEE CARPET COMPANY; C. H.
MASLAND & SONS, INC.; MOHAWK CARPET MILLS, INC.;
PHILADELPHIA CARPET COMPANY; ROXBURY CARPET
COMPANY; ALEXANDER SMITH & SONS CARPET COM-
PANY; HERBERT GUTTERSON; JOHN A. SWEETSER;
PETER P. HAGAN; HAROLD E. WADELY; BOYD SHARP;
ELMER J. SKAHAN; WILLIAM LYLE HOLMES JR.;
FREDERICK L. BRONAUGH; CHARLES W. WEXLER;
HARRY L. MAGEE; FRANK E. MASLAND, JR.; HOWARD
SHUTTLEWORTH; HERBERT E. DOERR; ALBERT S. HOWE;
AND WILLIAM D. GARDNER, DEFENDANTS

FINAL JUDGMENT

The United States of America filed its complaint herein on January 28, 1941; the defendants appeared and severally filed their answers to such complaint; and no testimony having been taken, each of the defendant parties to this decree consents to the entry of this decree without any findings of fact, upon condition that neither such consent nor this decree shall be, or be considered, evidence or any admission or adjudication that such defendant has violated or is now violating any statute; and the United States of America by its counsel having consented to the entry of this decree and to each and every provision thereof, and having moved the court for this injunction,

And it appearing that by virtue of the attached 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 or adjudication of the

UNITED STATES vs. INSTITUTE OF CARPET
MANUFACTURERS OF AMERICA, INC., ET AL.

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

Civil Action No. 12-416.

UNITED STATES OF AMERICA, PLAINTIFF

issues, and upon the consent of all parties hereto, it is hereby

ORDERED AND DECREED AS FOLLOWS:

I

The Court has jurisdiction of the parties to this decree; and for the purposes of this decree and proceedings for the enforcement thereof, and for no other purpose, the Court has jurisdiction of the subject matter hereof, and the complaint states a cause of action against said defendants, and each of them, under Section 1 of the Sherman Act (15 U. S. C. A. § 1).

II

Any company defendant, its successors, members, directors, officers, subsidiary corporations, employees, and all persons acting under, through or for them, be and they hereby are enjoined and restrained from agreeing, combining, or conspiring with any other manufacturer of rugs and carpets, its successors, members, directors, officers, subsidiary corporations, agents, employees, and all persons acting under, through or for them, and through the Institute of Carpet Manufacturers of America, Inc. or otherwise:

1. To fix, determine, maintain or adhere to prices to be charged for rugs and carpets, or the terms or conditions of sale, or the discounts to be allowed, to various purchasers or classes of purchasers or on various types of such merchandise or to adhere to prices published by them for rugs and carpets.

2. To confer, or to exchange plans or programs, prior to publication to the general trade, as to prices to be charged on particular products, the differentials in prices to be established between different widths, lengths, sizes or qualities (including drops, seconds and samples) of rugs and carpets, or as to limitations on the kinds, quality, grade, quantity or number of lines of merchandise to be manufactured and sold by any manufacturer in the industry.

3. To establish or adhere to differentials in price between different widths, lengths, sizes or qualities, (including drops, seconds and samples), of rugs and carpets.

4. To limit the kinds, quality, grade, quantity or the number of lines of merchandise to be manufactured and sold.

5. To establish or adhere to charges for freight or handling to be used in arriving at delivered prices on rugs and carpets at various points in the United States.

6. To refrain from giving volume allowances or rebates to purchasers of rugs and carpets, or to give volume allowances or rebates to purchasers of rugs and carpets, or to establish what volume allowances or rebates should be given or not given to various purchasers or classes of purchasers of rugs and carpets, or to establish classifications of customers or to classify customers for the purpose of allowances or rebates.

7. To limit the number of lines of merchandise or the quantity to be sold to any particular class of customer or for any particular class of work.

8. To establish, change, or use methods of accounting for the purpose of fixing or maintaining prices, differentials or terms of sale.

9. To prepare statistical data showing to any company the relative position of any other company with respect to such matters as production, sales, inventories, orders and cost of production.

10. To urge, in connection with the distribution of data concerning inventories and production, or otherwise, any change or limitation in the inventory or production of any particular manufacturer.

Nothing contained in this decree shall be deemed to prohibit the operations of any existing or future sales agency, otherwise lawful, when the operations thereunder do not involve any arrangements, agreements or understandings between the agent and the principal concerning sales by the agent of products or commodities belonging to the agent of any one other than the principal; or to re-

strain or prohibit any conduct of one or more defendants which is made lawful by the Webb-Pomerene Act of April 19, 1918, c. 50, 40 Stat. 517; 15 U. S. C. 61-65, or acts amendatory thereto or to operations or activities of any defendant outside the United States, its territories and the District of Columbia otherwise lawful, or to its operations or activities within the United States, its territories and the District of Columbia which relate exclusively to foreign countries and which are otherwise lawful according to the laws of the United States.

III

If obligations are imposed upon, or rights granted to the defendants, or any of them, by the laws or regulations of any state or of the Federal Government, which are inconsistent with the terms of this decree, the Court, upon application of the defendants or any of them and reasonable notice to the Attorney General, shall from time to time enter orders relieving such defendants, or any of them, from compliance with any requirements of this decree in conflict with such laws or regulations; and the right of the defendants to make such application and to obtain such relief is expressly granted.

IV

For the purpose of securing compliance with this decree, and for no other purpose, duly authorized representatives of the Department of Justice shall, on the written request of the Attorney General or an Assistant Attorney General and on reasonable notice be permitted (1) reasonable access, during the office hours of said defendants, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of said defendants, relating to any of the matters enjoined by this decree, (2) subject to the reasonable convenience of said defendants, and without restraint or interference from them, and subject to any legally recognized privilege, to interview officers or employees of said defendants, who may have counsel present, regarding any such matters;

and said defendants, on such request, shall submit such reports in respect of any such matters as may from time to time be reasonably necessary for the proper enforcement of this decree; provided, however, that information obtained by the means permitted in this paragraph shall not be divulged by any representative 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.

V

Jurisdiction of this cause is retained for the purpose of enabling any of the parties to this decree to apply to the Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this decree, for the modification thereof (including, but without being limited to, any modification upon application of the defendants or any of them in order to conform this decree to any act of Congress enacted or repealed after the date of entry of this decree or to the laws or regulations of any state) for the enforcement of compliance therewith and for the punishment of violations thereof.

Any application by any party hereto under the provisions of this paragraph, shall be made in open court upon notice to all of the parties hereto, and any of the parties hereto, upon such application, shall have the right and privilege of requiring the production of witnesses upon whose testimony such application is sought or opposed, and of examining and cross-examining such witnesses in accordance with the rules of the Court.

Dated Feb. 5th, 1941. Approved

GEORGE M. HULBERT,

United States District Judge.

Judgment rendered February 6th, 1941.

GEORGE J. H. FOLLMER, *Clerk.*
