

APPENDIX B:
SUMMARY OF REASONS FOR TERMINATING EACH JUDGMENT
(Ordered by Year Judgment Entered)

UNITED STATES v.
LINE MATERIAL CO., et al.
Civil Action No.: 1696

Year Judgment Entered: 1948

Section of Judgment Retaining Jurisdiction: XII

Description of Judgment: Defendants enjoined from, among other things, using cross-licensing agreements to fix the prices of drop-out fuse cutoffs made and sold under the licenses.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (price fixing).

Public Comments: None.

UNITED STATES v.
HAMILTON MANUFACTURING COMPANY, et al.
Civil Action No.: 60-C-57

Year Judgment Entered: 1960

Year Judgment Entered: 1962 (Adding Additional Defendant)

Section of Judgment Retaining Jurisdiction: X

Description of Judgment: Defendants enjoined from, among other things, fixing prices for the sale of drafting furniture to any third person, restricting the terms or conditions on which any person may resell such furniture, and boycotting any wholesaler or retailer that did not buy all of its drafting furniture from defendants.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Four of the seven corporate defendants appear to no longer exist from a search of corporate records with the Wisconsin Secretary of State's office.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (price fixing and group boycotts).

Public Comments: None.

UNITED STATES v.
BRUNSWICK-BALKE-COLLENDER COMPANY, *et al.*
Civil Action No.: 59-C-163

Year Judgment Entered: 1961

Year Judgment Entered: 1962 (Adding Additional Defendants)

Year Judgment Amended: 1962 (Dismissing One Defendant)

Section of Judgment Retaining Jurisdiction: IX

Description of Judgment: Defendants enjoined from, among other things, price fixing, submitting collusive bids, or allocating territories or customers in the sale of folding gymnasium bleachers.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Five of the six corporate defendants appear to no longer exist from a search of corporate records with the Wisconsin Secretary of State's office.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (price fixing, bid rigging, and customer allocation).

Public Comments: None.

UNITED STATES v.
HUBBARD AND COMPANY, et al.
Civil Action No.: 62-C-49

Year Judgment Entered: 1963

Section of Judgment Retaining Jurisdiction: IX

Description of Judgment: Defendants enjoined from, among other things, eliminating or suppressing competition in the sale of electrical pole line hardware used in electrical transmission lines, fixing or exchanging price information, discussing terms of sale, and/or submitting collusive or rigged bids for supplying such hardware.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (price fixing and bid rigging).

Public Comments: None.

UNITED STATES v.
AMERICAN OPTICAL COMPANY,
AN ASSOCIATION, *et al.*
Civil Action No.: 62-C-206

Year Judgment Entered: 1966

Section of Judgment Retaining Jurisdiction: XI

Description of Judgment: Defendants enjoined from, among other things, acquiring or opening additional wholesale laboratories and/or dispenser outlets for the manufacture and sale of ophthalmic eyeglass lenses. All conduct prohibitions in the decree had durations under 20 years, and all expired no later than 1987.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (attempted monopolization).
- Market conditions likely have changed. In particular, defendant Bausch & Lomb appears to have exited the ophthalmic eyeglass business in 1982 and sold or otherwise disposed of its wholesale laboratories involved in this business.

Public Comments: None.

UNITED STATES v.
BAY WEST PAPER COMPANY
Civil Action No.: 64-C-86

Year Judgment Entered: 1967

Section of Judgment Retaining Jurisdiction: VII

Description of Judgment: Defendant manufacturer of industrial paper towels was enjoined from agreeing with or requiring distributors to limit, allocate or restrict territories and customers in the sale of the manufacturer's product.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Market conditions likely have changed. The judgment prohibits activities that the Supreme Court held are not per se illegal in *Continental TV v. GTE-Sylvania*, 433 U.S. 36 (1977).

Public Comments: None.

**UNITED STATES v.
NATIONAL FUNERAL DIRECTORS
ASSOCIATION OF THE UNITED STATES, INC.**
Civil Action No.: 67-C-395

Year Judgment Entered: 1968

Section of Judgment Retaining Jurisdiction: XI

Description of Judgment: Defendant enjoined from, among other things, agreeing on or maintaining any plan to limit or restrict the advertising of prices for funeral services, except as state or local law permits.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (price fixing).

Public Comments: None.

UNITED STATES v.
PABST BREWING COMPANY, *et al.*
Civil Action No.: 59-C-215

Year Judgment Entered: 1969
Year Judgment Modified: 1971
Year Judgment Partially Vacated: 1974

Section of Judgment Retaining Jurisdiction: VI

Description of Judgment: Defendant Pabst, found to have violated Section 7 of the Clayton Act, was required to divest both the brands and the brewery of the Blatz Brewing Company. Pabst divested the Blatz brands. After making bona fide efforts to sell the Blatz brewery assets for 3 years, that provision of the Final Judgment was cancelled.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (merger or acquisition likely to substantially lessen competition). The Department of Justice or the Federal Trade Commission can review any acquisition covered by the judgment that raises antitrust concerns. These agencies' ability to review transactions is facilitated by the Hart–Scott–Rodino Antitrust Improvements Act of 1976, 15 U.S.C. §18a, which requires companies notify the Department of Justice and the Federal Trade Commission when proposed transactions meet certain thresholds.
- Market conditions likely have changed. In particular, several brands at issue in the judgment no longer exist.

Public Comments: None.

UNITED STATES v.
WEBSTER ELECTRIC COMPANY, INC.
Civil Action No.: 71-C-197

Year Judgment Entered: 1971

Section of Judgment Retaining Jurisdiction: VII

Description of Judgment: Defendant manufacturer was enjoined from imposing territorial or customer restrictions on its distributors for sales of the company's sound equipment.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Market conditions likely have changed. The judgment prohibits activities that the Supreme Court held are not per se illegal in *Continental TV v. GTE-Sylvania*, 433 U.S. 36 (1977). Moreover, defendant appears to have exited the sound equipment business.

Public Comments: None.

**UNITED STATES v.
GREAT LAKES COAL & DOCK COMPANY, *et al.***
Civil Action No.: 72-C-211

Year Judgment Entered: 1976

Section of Judgment Retaining Jurisdiction: XII

Description of Judgment: Defendants enjoyed from price fixing, customer and/or territory allocation, and bid rigging in the sale of dock coal, which is coal shipped either from the coal company's coal storage docks to a customer or shipped by coal companies to customers with their own coal storage docks.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (price fixing, customer and/or territory allocation, and bid rigging).

Public Comments: None.

**UNITED STATES v.
THE C. REISS COAL CO., et al.**
Civil Action No.: 74-C-546

Year Judgment Entered: 1976

Section of Judgment Retaining Jurisdiction: XII

Description of Judgment: Defendants enjoined from fixing or maintaining prices, allocating customers or territories, bid rigging, and exchanging price information with competitors in the sale of dock coal.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Two of the three corporate defendants appear to no longer exist from a search of corporate records with the Wisconsin Secretary of State's office.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (price fixing, customer and/or territory allocation, and bid rigging).

Public Comments: None.

**UNITED STATES v.
NATIONAL BOARD OF FUR FARM
ORGANIZATIONS, INC., *et al.***
Civil Action No.: 74-C-546

Year Judgment Entered: 1977

Section of Judgment Retaining Jurisdiction: XIII

Description of Judgment: Defendants enjoined from fixing prices, establishing quotas, restricting the quantity of import into the United States, and exchanging information with other mink breeding organizations as to the sale of mink pelts.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (price fixing, exchanging information with competitors).

Public Comments: None.

UNITED STATES v.
CAPITOL SERVICE, INC., et al.
Civil Action No.: 80-C-407

Year Judgment Entered: 1983
Year First Amendment Entered: 1983
Year Second Amendment Entered: 1983

Section of Judgment Retaining Jurisdiction: Judgment does not explicitly mention retention of jurisdiction, but the Court has inherent authority to modify consent decrees they have issued. *See* Fed. R. Civ. P. 60(b)(5). *Accord United States v. Swift & Co.*, 286 U.S. 106, 114-15 (1932).

Description of Judgment: Defendants, motion picture exhibitors, enjoined from engaging in any motion picture split agreements that allocated among themselves the rights to negotiate for films released by motion picture distribution companies. The split agreements involved not bidding for films, not negotiating for a film until it was split, and not negotiating for a film split to another exhibitor. The consent judgment was entered into by the parties after the Court determined that such split agreements constituted per se price fixing and market allocation.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Two of the four corporate defendants appear to no longer exist from a search of corporate records with the Wisconsin Secretary of State's office.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (price fixing and market allocation).

Public Comments: None.