

APPENDIX A:

UNITED STATES v. GREATER L.A. SOLID WASTES
MGMT. ASS'N, ET AL.

CIVIL NO. 74-809-RJK

JUDGMENT ENTERED: APR. 29, 1974

1 Michael J. Dennis
Lawrence J. Slade
2 Jonathon P. Nave
Antitrust Division
3 U. S. Department of Justice
1444 United States Courthouse
4 312 North Spring Street
Los Angeles, California 90012
5 (213) 688-2394

6 Attorneys for Plaintiff

7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,

13 v.

14 GREATER LOS ANGELES SOLID WASTES
MANAGEMENT ASSOCIATION; LOS ANGELES
15 SOLID WASTES MANAGEMENT ASSOCIATION;
SAN FERNANDO VALLEY REFUSE REMOVAL
16 ASSOCIATION, INC.; WEST LOS ANGELES
REFUSE REMOVAL ASSOCIATION; and
17 SOUTH LOS ANGELES REFUSE REMOVAL
ASSOCIATION,

18 Defendants.
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Civil No. 74-809-RJK

Filed: March 27, 1974

FINAL JUDGMENT

Entered: April 29, 1974

20 Plaintiff, United States of America, having filed its
21 Complaint herein on March 27, 1974 and Plaintiff and
22 Defendants by their respective attorneys, having consented to
23 the making and entry of this Final Judgment, without admission
24 by any party in respect to any issue and without this Final
25 Judgment constituting evidence or an admission by any party
26 hereto with respect to any such issue:

27 NOW, THEREFORE, before any testimony has been taken
28 herein, without trial or adjudication on any issue of fact or
29 law herein, and upon consent of the parties hereto, it is
30 hereby,

31 ORDERED, ADJUDGED AND DECREED as follows:
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I

This Court has jurisdiction over the subject matter of this action and of the parties hereto. The Complaint states claims upon which relief may be granted against the Defendants under Section 1 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. § 1), commonly known as the Sherman Act.

II

As used in this Final Judgment:

(A) "Person" means any individual, individual proprietorship, partnership, firm, corporation or any other form of legal entity;

(B) "Los Angeles area" means Los Angeles and Orange Counties in the State of California;

(C) "Trash hauling" means the service of collecting, hauling, and disposing of trash, rubbish, and other solid wastes; and

(D) "Trash hauler" means any person or company engaged in trash hauling, excluding public employees and governmental agencies.

III

The provisions of this Final Judgment shall apply to each Defendant, to each Defendant's officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

Each Defendant is enjoined and restrained from directly or indirectly, entering into any contract, agreement, combination or understanding with any person under which trash haulers will:

(A) Refrain from soliciting or competing for each

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other's customers;

(B) Impose requirements of compensation on trash haulers who solicit or compete for each other's customers;

(C) Submit noncompetitive, collusive and rigged bids or quotations to customers or to potential customers;

(D) Fix, maintain or stabilize prices for trash hauling.

V

Each Defendant is enjoined and restrained from:

(A) Urging, recommending, or suggesting that any of its members or any other person (1) refrain from soliciting or competing for each other's customers, (2) impose requirements of compensation on trash haulers who solicit or compete for each other's customers, (3) submit noncompetitive, collusive and rigged bids or quotations to customers or to potential customers; and (4) fix, maintain or stabilize prices for trash hauling;

(B) Imposing requirements of compensation on trash haulers who solicit or compete for each other's customers;

(C) Adopting, adhering to, maintaining, enforcing or claiming any rights under any by-law, rule, regulation, plan or program which restricts or limits the right of any of its members to solicit or compete for the customers of any person; and

(D) Taking any action against any trash haulers for failure to adhere to any plan or program which restricts the right to compete for or solicit the customers of any other trash hauler.

VI

(A) Each Defendant is ordered and directed within ninety (90) days after the entry of this Final Judgment to eliminate from its charter, constitution and by-laws, code of ethics,

U.S. Mot. and Mem. to Term.

1 rules and regulations, and other documents governing its
2 operations any provision which restrains members from en-
3 croaching upon or competing for other members' customers or
4 routes, obligates members on the basis of asserted property
5 rights not to encroach upon or compete for other members'
6 customers or routes, or which is contrary to or inconsistent
7 with any of the provisions of this Final Judgment.

8 (B) Each Defendant is ordered and directed to mail
9 within sixty (60) days after the date of entry of this Final
10 Judgment, a copy of this Final Judgment to each of its members
11 and to each person who is now known to have been a member at
12 any time from January 1, 1969 to the date of entry of this
13 Final Judgment, and within ninety (90) days from the aforesaid
14 date of entry to submit to the Plaintiff an affidavit setting
15 forth the fact and manner of compliance with this Section VI.

16 (C) Each Defendant shall incorporate into its by-laws
17 the injunctive provisions of Paragraphs IV and V of this
18 Judgment with the following introduction thereto: "By a
19 Judgment of the United States District Court for the Central
20 District of California, this organization, its successors,
21 assigns and subsidiaries, its directors, officers, agents,
22 and employees as well as those persons in active concert with
23 any of them who receive actual notice of this Final Judgment
24 are enjoined and restrained from:". Each Defendant shall
25 deliver a copy of its by-laws incorporating the language
26 set forth above to each person who becomes a member at any
27 time after the entry of this Final Judgment.

28 VII

29 For a period of ten (10) years from the date of entry
30 of this Final Judgment, each Defendant is ordered to file
31 with the Plaintiff, on each anniversary date of this Final
32 Judgment, a report setting forth the steps it has taken

1 during the prior year to advise such Defendant's officers,
2 directors and employees of its and their obligations under
3 this Final Judgment.

4 VIII

5 For the purpose of determining or securing compliance
6 with this Final Judgment duly authorized representatives
7 of the Department of Justice shall, upon written request of
8 the Attorney General or the Assistant Attorney General in
9 charge of the Antitrust Division, and on reasonable notice
10 to the Defendants made to their principal offices, be per-
11 mitted, subject to any legally recognized privilege, and
12 subject to the rights of the Defendants, if they so desire,
13 to have counsel present:

14 1. Access during office hours to all books, ledgers,
15 accounts, correspondence, memoranda and other records and
16 documents in the possession of or under the control of the
17 Defendants relating to any matters contained in this Final
18 Judgment; and

19 2. Subject to the reasonable convenience of the
20 Defendants, and without restraint or interference from them,
21 to interview directors, officers, agents or employees of the
22 Defendants, which persons if they wish may have counsel of
23 their choosing present, relating to any matters contained in
24 this Final Judgment. Upon such written request, the
25 Defendants shall submit such reports in writing, under oath
26 if so requested, to the Plaintiff, with respect to any of
27 the matters contained in this Final Judgment as may from
28 time to time be requested. No information obtained by the
29 means provided in this Section VII shall be divulged by any
30 person, other than a duly authorized representative of the
31 Executive Branch of Plaintiff, except in the course of legal
32 proceedings to which the United States of America is a party

1 for the purpose of securing compliance with this Final
2 Judgment or as otherwise required by law.

3 IX

4 Jurisdiction is retained by this Court for the purpose
5 of enabling either of the parties to this Final Judgment to
6 apply to this Court at any time for such further orders and
7 directions as may be necessary or appropriate for the
8 construction or carrying out of this Final Judgment, for
9 the modification of any of the provisions hereof, for the
10 enforcement of compliance therewith; and for the punishment
11 of violations thereof.

12 DATED: April 29, 1974

14 /s/ ROBERT J. KELLEHER
15 UNITED STATES DISTRICT JUDGE

16 APPROVED AS TO FORM:

17 BLECHER, COLLINS & HOECKER
18 MAXWELL M. BLECHER
19 HAROLD R. COLLINS, JR.

20 Attorneys for Defendants

21 By *Maxwell M. Blecher*
MAXWELL M. BLECHER

22 *Michael J. Dennis*
23 MICHAEL J. DENNIS

24 Attorney, Antitrust Division
25 U. S. Department of Justice
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