

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

v.

WALTON HAULING & WAREHOUSE CORP.; TAIT  
TRANSFER COMPANY, INC.; SCHUMER THEATRICAL  
TRANSFER, INC.; ERIE TRANSFER CO., INC.;  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS,  
CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF  
AMERICA; THEATRICAL DRIVERS, CHAUFFEURS  
AND HELPERS LOCAL UNION NO. 817; EUGENE A.  
WALTON; SAUL FREEDMAN; HARRY SCHUTTER;  
HARRY HYDE; and EDWARD O'DONNELL,

Defendants.  
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Civil No.

86-286

FINAL JUDGMENT

The plaintiff, UNITED STATES OF AMERICA, having filed its complaint herein on July 15, 1953 and the defendants signatory hereto having appeared and filed their respective answers to said complaint, denying the substantive allegations thereof; and the plaintiff and the defendants signatory hereto, by their respective attorneys, having consented to the entry of this Final Judgment herein without trial or adjudication of any issue of fact or law herein;

NOW, THEREFORE, before any testimony has been taken herein, and without trial or adjudication of any issue of fact or law, and without any admission by any party in respect of any such issue, and upon the consent of the parties signatory hereto, it is hereby

ORDERED, ADJUDGED AND DECREED, as follows:

I.

The Court has jurisdiction of the subject matter of this action and of the parties hereto. The complaint states a claim against the defendants signatory hereto under Sections 1 and 2 of the Act of Congress of July 2, 1890, c. 647, 26 Stat. 209, entitled "An Act to protect trade and commerce

against unlawful restraints and monopolies," as amended, commonly known as the Sherman Act.

## II.

As used in this Final Judgment:

(A) "Consenting defendants" means the defendants signatory hereto, and each of them;

(B) "Theatrical hauler" means any person engaged in hauling;

(C) "Hauling" means hauling, trucking or transferring theatrical scenery and equipment;

(D) "Theatrical scenery and equipment" means any and all scenic effects, including backdrops, furniture, rugs, draperies, trunks, stage lighting appliances, properties, costumes and other paraphernalia and products, used or for use in the production of motion pictures, in the presentation of theatrical performances on a stage or in the production of televised theatrical or advertising performances;

(E) "Person" means an individual, partnership, firm, association, corporation or any other legal entity.

## III.

The provisions of this Final Judgment applicable to any consenting defendant shall apply to such defendant and to its members, officers, directors, agents, servants, employees, successors and assigns, and to all persons in active concert or participation with such defendant who shall have received actual notice of this Final Judgment by personal service or otherwise.

## IV.

The consenting defendants are jointly and severally enjoined and restrained from entering into, adhering to, renewing, maintaining or furthering, directly or indirectly, or claiming any rights under any contract, combination, agreement, understanding, plan or program with any defendant, any theatrical hauler or any association, organization or central agency of or for theatrical haulers to:

(A) Determine, fix, establish, maintain or control prices, discounts, allowances or terms or conditions of payment for hauling;

(B) Solicit, urge, influence, suggest, require or compel the adoption of or adherence to specified prices, discounts, allowances or terms or conditions of payment for hauling;

(C) Prevent any person from becoming a member of any association of theatrical haulers, except by reason of the failure or refusal of any such person to comply with such association's reasonable and non-discriminatory requirements for membership not otherwise inconsistent with the provisions of this Final Judgment;

(D) Prevent any person from engaging in the business of hauling unless or until such person takes or continues membership in any association, organization or central agency;

(E) Exclude or prevent any person from entering into, engaging in or continuing the business of hauling;

(F) Exchange lists of theatrical haulers' customers or to register or file the names of such customers with any association, organization or central agency of or for theatrical haulers;

(G) Allocate or divide customers for hauling;

(H) Prohibit, interfere with, control, restrict or limit, in any way, the right of any theatrical producer, television station or producer of television shows, or motion picture producer, to employ or utilize any theatrical hauler or to freely select any means of transportation for hauling.

#### V.

The consenting defendants are jointly and severally enjoined and restrained from:

(A) Circulating or exchanging, or having circulated or exchanged, among or with theatrical haulers, price lists or proposed price lists (or schedules of allowances, terms or discounts) for hauling prior to general publication thereof in the trade;

(B) Circulating or exchanging, or having circulated or exchanged, directly or indirectly, among or with any theatrical haulers any statistics representing cost of theatrical hauling operations, excepting only such circulation or exchange of statistics as to labor costs and benefits necessary in connection with collective bargaining with any duly organized labor union;

(C) Being a member of, knowingly contributing anything of value to, or participating in any of the activities of, any association, organization or central agency of or for theatrical haulers, the activities of which are inconsistent in any manner with any of the provisions of this Final Judgment;

(D) Utilizing or employing, directly or indirectly, persuading, requiring or inducing defendant International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Theatrical Drivers, Chauffeurs and Helpers Local Union No. 817, or any other such organization of employees, to boycott, picket or coerce any person desiring services of any theatrical hauler or any person desiring to engage in the business of hauling;

(E) Entering into any contract to perform hauling services which covers a period of performance in excess of two years from the date of execution thereof.

## VI.

For the purpose of securing compliance with this Final Judgment, and for no other purpose, duly authorized representatives of the Department of Justice shall, upon 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, (a) access during the 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 such defendant relating to any matters contained in this Final Judgment; and (b) subject to the reasonable convenience of such 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; and (c) upon such request, such defendant shall submit reports in writing in respect of any such matters as may from time to time be reasonably necessary to the enforcement of this Final Judgment. No information obtained by the means provided in this section shall be divulged by any representative of the Department of Justice except in the course of legal proceedings to which the United States is a party or as otherwise required by law.

VII.

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

Dated: April 27, 1955

/s/ Gregory F. Noonan  
United States District Judge

We hereby consent to the entry of the foregoing Final Judgment:

For Plaintiff United States of America:

/s/Stanley N. Barnes  
STANLEY N. BARNES  
Assistant Attorney General

/s/Richard B. O'Donnell  
RICHARD B. O'DONNELL  
Special Assistant to the Attorney  
General

/s/W. D. Kilgore Jr.  
William D. Kilgore, Jr.

/s/Harry G. Sklarsky  
Harry G. Sklarsky

/s/Baddis J. Rashid  
Baddis J. Rashid

/s/Edward F. Corcoran  
Edward F. Corcoran

/s/Vincent A. Gorman  
Vincent A. Gorman

/s/Paul D. Sapienza  
Paul D. Sapienza

Trial Attorneys

For the Consenting Defendants:

For: Walton Hauling & Warehouse Corp.,  
and Eugene A. Walton

/s/Charles Melzak  
CHARLES MELZAK

For: Tait Transfer Company, Inc.;  
Eric Transfer Co., Inc.;  
Harry Hyde and Saul Freedman

/s/Samuel Goldberg  
SAMUEL GOLDBERG

/s/Corbin Bennett & Delehanty  
CORBIN, BENNETT AND DELEHANTY  
of counsel for above defendants

For: Schumer Theatrical Transfer, Inc.;  
and Harry Schumer

/s/Bertrand Ettinger  
BERTRAND ETTINGER