

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

Plaintiff, :

Civil Action

v. :

No. 109-292

MEREDITH PUBLISHING COMPANY; PERIODICAL :

Filed: May 15, 1956

DISTRIBUTORS OF GREATER NEW YORK INC.;

BOOKAZINE CO. INC.; THE BAKER & TAYLOR :

COMPANY; and BESSIE DIMONDSTEIN and

DOROTHY MASHMAN, d/b/a DIMONDSTEIN :

BOOK CO., :

Defendants. :

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FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on May 11, 1956; and the defendants Bookazine Co. Inc., and The Baker & Taylor Company having appeared and filed their answers to the complaint denying the substantive allegations thereof; and the plaintiff and defendants, Bookazine Co. Inc., The Baker & Taylor Company, Bessie Dimondstein and Dorothy Mashman, having severally consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without admission by any of them in respect to any such issue;

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

ORDERED, ADJUDGED AND DECREED as follows:

I

This court has jurisdiction of the subject matter herein and of the parties signatory hereto. The complaint states a claim for relief against the defendants signatory hereto 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) "New York metropolitan area" means that part of the State of New York which includes the City of New York and the Counties of Nassau, Suffolk, Westchester, Putnam and Rockland, and that part of the State of New Jersey which includes the Counties of Essex, Union and Hudson;

(B) "Person" means an individual, partnership, firm, association or corporation or any other business or legal entity;

(C) "Meredith books" means the hard-bound books which defendant Meredith Publishing Company now publishes, which are its New Cook Book, Baby Book, Story Book, Garden Book, Handyman's Book, Diet Book, and Junior Cook Book, or any of them and any and all similar hard-bound books which defendant Meredith Publishing Company may in the future publish;

(D) "Defendants" means Bookazine Co., Inc., The Baker & Taylor Company, Bessie Dimondstein and Dorothy Mashman, and each of them.

III

The provisions of this Final Judgment shall apply to defendants, their subsidiaries, successors and assigns and to each of their officers, directors, agents and employees, and to all other persons acting in concert or participation with any of defendants who shall have received notice of this Final Judgment by personal service or otherwise.

IV

Defendants are enjoined and restrained from entering into, adhering to or maintaining any contract, agreement, understanding, plan or program with or among themselves or any of them or with any other person or persons, directly or indirectly:

(A) To fix or maintain the price or prices for the sale or resale of Meredith books to or by any third person;

(B) to prevent any such other person or persons from selling Meredith books at a price or prices other than the price or prices suggested or approved by any defendant;

(C) to limit or restrict the persons to whom any person or persons may resell Meredith books to persons selling at prices suggested or approved by any defendant or by defendant Meredith;

(D) to hinder, restrict, limit or prevent Meredith from selling Meredith books to any person or persons.

Nothing contained in this Section IV of this Final Judgment shall prevent defendants from availing themselves of the benefits, if any, accruing to them by virtue of the Act of Congress of August 17, 1937, commonly called the Miller-Tydings Act, or the Act of Congress of July 14, 1952, commonly called the McGuire Act, or from complying with lawful requirements imposed by the defendant Meredith Publishing Company consistent with the terms of the Final Judgment entered herein against said Meredith Publishing Company:

(1) From the date of entry of this Final Judgment (a) with respect to sales of Meredith books to persons outside of the New York metropolitan area or (b) with respect to sales of Meredith books for resale to persons outside of said area;

(2) Upon the expiration of one (1) year after the date of the entry of this Final Judgment, within the New York metropolitan area.

V

For the purpose of securing 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 of the defendants 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;

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

(C) Upon written request, such 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 V shall 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 for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

VI

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: New York, N. Y.
May 14, 1956
William V. Connell, Clerk
Judgment entered - 5/15/56

/s/ E. J. Dimock
United States District Judge

We hereby consent to the making and entry of the foregoing Final Judgment.

For Plaintiff, UNITED STATES OF AMERICA

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

/s/ John J. Galgay
JOHN J. GALGAY

/s/ Worth Rowley
WORTH ROWLEY

/s/ Vincent A. Gorman
VINCENT A. GORMAN

/s/ W. D. Kilgore, Jr.
WILLIAM D. KILGORE, JR.

/s/ Joseph T. Maioriello
JOSEPH T. MAIORIELLO

Attorneys, Department of Justice

/s/ Richard B. O'Donnell
RICHARD B. O'DONNELL

Attorneys, Department of Justice

For the Defendants:

/s/ William Epstein President
For BOOKAZINE CO. INC.

For BOOKAZINE CO. INC.

/s/ Milton S. Lebe
MILTON S. LEBE
Attorney for BOOKAZINE CO. INC.

THE BAKER & TAYLOR COMPANY
By /s/ Henry T. Stetson
Attorney for The Baker & Taylor Company

/s/ Bessie Dimondstein
BESSIE DIMONDSTEIN

/s/ Dorothy Mashman
DOROTHY MASHMAN

New York:
New York:
Sworn to before me
this 9th day May 1956
/s/ Leo Parizman
LEO PARIZMAN
Notary Public, State of New York
No. 24-8275600
Qualified in Kings County
Cert. Filed in Kings County
Cert. Filed in New York County
Commission Expires March 30, 1958

I hereby consent to the making and entry of the foregoing Final Judgment contained in the foregoing five pages.

/s/ Bessie Dimondstein
BESSIE DIMONDSTEIN

STATE OF NEW YORK)
 : SS:
COUNTY OF NEW YORK)

On this 14th day of May, 1956, before me personally came BESSIE DIMONDSTEIN to me personally known and known to me to be the person described in the foregoing FINAL JUDGMENT in the matter of United States of America vs. Meredith Publishing Company et al., Civil Action No. 109,292 and who executed said foregoing instrument and acknowledged that she executed the same.

/s/ Francis D. Guiry
FRANCIS D. GUIRY
Notary Public, State of New York
No. 30-6701350, Qualified in Nassau Co.
Certificate filed in New York County
Commission Expires March 30, 1958

I hereby consent to the making and entry of the foregoing FINAL JUDGMENT contained in the foregoing five pages.

/s/ Dorothy Mashman
DOROTHY MASHMAN

STATE OF NEW YORK)
 : SS:
COUNTY OF WESTCHESTER)

On this 14th day of May, 1956, before me personally came DOROTHY MASHMAN to me personally known and known to me to be the person described in the foregoing FINAL JUDGMENT in the matter of United States of America vs. Meredith Publishing Company et al., Civil Action No. 109,292 and who executed said foregoing instrument and acknowledged that she executed the same.

/s/ Francis D. Guiry
FRANCIS D. GUIRY
Notary Public, State of New York
No. 30-6701350, Qualified in Nassau Co.
Certificate filed in New York County
Commission Expires March 30, 1958