

UNITED STATES OF AMERICA,
Plaintiff,
v.
CONTINENTAL CAN COMPANY, INC.
and NATEL-ATLAS GLASS COMPANY,
Defendants.

CONTINENTAL CAN COMPANY, INC.
and HAZEL-ATLAS GLASS COMPANY,
Defendants.

Plaintiff, United States of America, having filed its complaint herein, the defendants having appeared, plaintiff having adduced testimony and other evidence in support of the complaint and having rested its case, the Court having dismissed the complaint on the motion of the defendants, the Supreme Court of the United States having remanded the case for further trial, and the defendants having waived their right to adduce testimony and other evidence in opposition to the complaint, it is hereby

This Court has jurisdiction of the subject matter of this action and of the parties hereto pursuant to Section 15 of the Act of Congress of October 15, 1914,

as amended, entitled "An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes", commonly known as the Clayton Act. Continental's acquisition in 1956 of the assets, business and good will of Hazel-Atlas was an acquisition in violation of Section 7 of the Clayton Act.

II.

The provisions of this Final Judgment applicable to defendant Continental shall apply to each of its subsidiaries, successors and assigns and to each of their directors, officers, agents and employees, and to all other persons in active concert or participation with the said defendant who shall have received actual notice of this Final Judgment by personal service or otherwise.

III.

Continental is ordered and directed within one (1) year from the date of entry of this Final Judgment to divest itself of the following:

(a) Its glass container plants located at Oakland, California; Pomona, California; Montgomery, Alabama; Zanesville, Ohio; Washington, Pennsylvania (the plant known as "Hazel No. 1"); Washington, Pennsylvania (the plant known as "Hazel No. 2"); Ada, Oklahoma; and Lancaster, New York, together with all real estate, buildings, machinery, tools, equipment, fixtures, replacement parts and other fixed assets of said plants, and all inventories at said plants;

(b) All machinery, equipment, furniture, real estate, fixtures and improvement of the so-called Holad

plant in Washington, Pennsylvania, now being used as a central mould shop by Continental's Hazel-Atlas Division, except moulds not pertaining to the properties described in subparagraph (a) above;

(c) All business and good will appertaining to the plants described in subparagraph (a) above.

The sale of all of the above assets by Continental to Brockway Glass Company, Inc. of Brockway, Pa. on October 20, 1964 pursuant to the direction of this Court of September 23, 1964 is hereby ratified, approved and confirmed.

IV.

Continental is enjoined from continuing, after one (1) year from the date of entry of this Final Judgment, as lessee of the leased premises near Plainfield, in Will County, Illinois, which it uses as a glass container plant, and is ordered and directed to divest itself, within such period of one (1) year, by cancellation or assignment of the lease, of its leasehold estate in said premises, and to divest itself of all of its interest in said glass container plant, together with all machinery, tools, equipment, fixtures, replacement parts, and other fixed assets, and inventories, owned by it at said plant, and all business and good will appertaining to said plant.

V.

Continental is enjoined and restrained for a period of ten (10) years after the date of entry of this Final Judgment from acquiring directly or indirectly, any capital stock or other financial interest in, or assets used in the production or sale of glass containers of, any company engaged in the production or sale of glass containers in the United States provided, however, that the foregoing shall not be deemed to prohibit Continental from:

(a) Acquiring as compensation for the assets, business and good will required to be divested by Section III or Section IV above debt, securities or stock having no right to vote (while held by Continental) for the election of directors of any company purchasing such assets, business and good will from Continental;

(b) Enforcing any bona fide lien, mortgage, deed of trust or other form of security on the properties ordered divested hereunder given for the purpose of securing to Continental full payment of any unpaid purchase price;

(c) Repurchasing the land and buildings (but not the machinery or equipment thereof) of the plant at Lancaster, New York, in the event that the purchaser thereof is not able to realize from the resale thereof an amount equal to such amount as Continental may have guaranteed as the realizable value thereof.

VI.

For the purpose of securing compliance with this Final Judgment and for no other purpose, and subject to any legally recognized privilege, duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Anti-Trust Division, and on reasonable notice to Continental at its principal office, be permitted (1) reasonable access, during the office hours of Continental, to all books, ledgers, accounts, correspondence, memoranda and other records and

documents in the possession or under the control of Continental relating to any of the matters contained in this Final Judgment, and (2) subject to the reasonable convenience of Continental and without restraint or interference from it, to interview officers or employees of Continental, who may have counsel present, regarding such matters.

For the purposes of securing compliance with this Final Judgment, Continental upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Anti-Trust Division, and upon reasonable notice made to its principal office, shall submit such reasonable reports in writing to the Department of Justice with respect to 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 provided in this Section VI shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the Plaintiff except in the course of court proceedings to which the United States of America is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

VII.

Jurisdiction is retained 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 or for the modification or termination of any of the provisions thereof, and for the enforcement of compliance therewith and punishment of violations thereof.

Dated: 4/16/69

/s/ Fredrick L. P. [unclear]
UNITED STATES DISTRICT JUDGE