Trade Regulation Reporter - Trade Cases (1932 - 1992), United States v. General Cable Corp., U.S. District Court, S.D. New York, 1964 Trade Cases ¶71,011, (Feb. 28, 1964)

Click to open document in a browser

United States v. General Cable Corp.

1964 Trade Cases ¶71,011. U.S. District Court, S.D. New York. Civil No. 61 Civ. 240. Entered February 28, 1964. Case No. 1586 in the Antitrust Division of the Department of Justice.

Clayton Act

Acquiring Competitors—Relief—Prohibition Against Future Acquisitions.—A manufacturer of wire and cable was prohibited under the terms of a consent judgment from acquiring directly or indirectly any stock, financial or other interests in, or the assets of, any person engaged in the manufacture, sale or distribution of appliance wire, cord and flexible cord sets, or communication wire and cable, for a period of eight years.

For the plaintiff: William H. Orrick, Jr., Assistant Attorney General, William D. Kilgore, Donald F. Melchior, Harry N. Burgess, Frank Korf, and Robert J. Staal, Attorneys, Department of Justice.

For the defendant: Simpson, Thacher & Bartlett, by Albert G. Bickford.

Final Judgment

DAWSON, District Judge [*In full text*]: Plaintiff, United States of America, having filed its complaint herein on January 19, 1961, and the defendant, General Cable Corporation, having appeared by its attorneys and having filed its answer to such complaint denying the substantive allegations thereof; and said plaintiff and defendant having each consented to the entry of this Final Judgment herein, without trial or adjudication of or finding on any issues of fact or law herein and without this Final Judgment constituting evidence or admission by any party in respect to any such issue;

Now, therefore, without any testimony having been taken herein, and without trial or adjudication of or finding on any issue of fact or law herein, and on consent of the parties hereto, it is hereby Ordered, adjudged and decreed.

I

[*Clayton Act*]

This Court has jurisdiction of the subject matter herein and of the parties hereto. The complaint states claims for relief under Section 7 of the Act of Congress of October 15, 1914, as amended, entitled “An Act to Supplement existing laws against unlawful restraint and monopolies and for other purposes,” commonly known as the Clayton Act.

II

[*Definitions*]

As used in this Final Judgment:

(A) “General Cable” means the defendant, General Cable Corporation, a New Jersey corporation, and its subsidiaries or divisions, or any of them;

(B) “Appliance wire, cord and flexible cord sets” means any product included in Standard Industrial Classification Code No. 33576, U. S. Bureau of the Census, U. S. Census of Manufacturers 1958 M. C. 58-300, Numerical List of Manufactured Products;

(C) “Communication Wire and Cable” means any product included in Standard Industrial Classification Code No. 33574 (excepting No. 33574 13 “Coaxial cable, lead or aluminum sheathed and flexible”), U. S. Bureau of the Census, U. S. Census of Manufacturers 1958 M. C. 58-300, Numerical List of Manufactured Products;

(D) “Person” means any individual, partnership, corporation or association or any other legal or business entity.

III

[*Applicability*]

The provisions of this Final Judgment applicable to the defendant General Cable shall apply to its officers, directors, agents, employees, when acting in behalf of General Cable, and to its subsidiaries, successors and assigns, and to all other persons in active concert or participation with it who receive actual notice of this Final Judgment by personal services or otherwise.

IV

[*Acquisitions Prohibited*]

Defendant General Cable is enjoined and restrained, for a period of eight (8) years following the date of the entry of this Final Judgment, from, directly or indirectly, acquiring any stock, financial or other interest in, or any of the business or assets of, any person engaged in the United States in the manufacture, sale or distribution of “appliance wire, cord and flexible cord sets” or “communication wire and cable.”

V

[*Inspection and Compliance*]

For the purpose of determining and securing compliance with this Final Judgment, and for no other purposes, 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 the defendant made to its principal office, be permitted, subject to any legally recognized privilege:

(A) Access, during the office hours of said defendant, to books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of said defendant relating to any of the subject matters contained in this Final Judgment; and

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

Upon such written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, said 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 provided for in this Section shall be divulged by any representative of the Department of Justice to any person except a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to 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 Retained*]

Jurisdiction 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, and for the enforcement of compliance therewith and the punishment of violations thereof.