

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
 v.) Civil Action No. 62 Civ. 1576
)
) Entered: December 22, 1964
 M. KLAHR, INC., JEROME KLAHR, SOLOMON)
 KLAHR and JOHN E. PESSOLANO,)
)
) Defendants.)

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on April 25, 1962; the defendants having appeared and filed their separate answers to such complaint; plaintiff and defendants by their respective attorneys having severally consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence or an admission by any party hereto with respect to any such issue; and the Court having considered the matter and being duly advised;

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

ORDERED, ADJUDGED and DECREED as follows:

I

This Court has jurisdiction of the subject matter of this action and of the parties hereto. The complaint states a claim upon which relief may be granted against the defendants under Sections 1 and 2 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) "Venetian blind" means any window, door or aperture covering consisting in part of horizontal slats which are capable of being raised, lowered or tilted;

(B) "Person" means any individual, partnership, firm, corporation, labor union or organization, association, trustee or any other business or legal entity.

III

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

IV

The defendants are jointly and severally enjoined and restrained from entering into, adhering to, enforcing or claiming any rights under any contract, agreement, understanding, plan or program with any manufacturer or seller of venetian blinds or central agency or association of or for manufacturers or sellers of venetian blinds directly or indirectly to:

(A) Fix, determine, establish or maintain prices, pricing methods, discounts or other terms or conditions for the sale or installation of venetian blinds to any third party;

(B) Allocate or divide territories, markets or customers for the manufacture, sale or installation of venetian blinds;

(C) Restrict the business of manufacturing, selling or installing venetian blinds to the members of any association or central agency of or for manufacturers, sellers or installers of venetian blinds;

(D) Submit to builders and building contractors non-competitive, collusive and rigged bids for the installation and sale of venetian blinds;

provided, however, that nothing in this Section IV shall apply to transactions solely between M. Klahr, Inc., and its officers, agents, servants, employees and subsidiaries or solely between any of them, when acting in such capacity.

V

Defendants M. Klahr, Inc., Jerome Klahr and Solomon Klahr are jointly and severally enjoined and restrained from, directly or indirectly:

(A) Excluding or engaging in activities intended to exclude any person or persons from the business of manufacturing, selling or installing venetian blinds;

(B) Organizing or participating in any activities of, or knowingly supporting, being a member of or contributing anything of value to any group, association or central agency of or for manufacturers of venetian blinds, or the venetian blind industry, the purposes or activities of which are, in any manner, inconsistent with any of the provisions of this Final Judgment;

(C) Selling or offering to sell venetian blinds to a customer or potential customer on such terms as involve below cost prices, unless such acts are done in good faith to meet the prices of a competitor;

(D) Knowingly making or causing to be made to any person any false report or statement concerning the financial standing or business integrity of any person for the purpose or with the effect of eliminating competition in the manufacture, sale or installation of venetian blinds;

(E) Communicating with any competitor with respect to the filing or terms and conditions of bids;

(F) Paying or agreeing to pay, directly or indirectly, anything of value to any labor union official for the purpose of securing his

cooperation in accomplishing any of the activities or practices enjoined and restrained in this Final Judgment or any similar thereto.

VI

Defendant John E. Pessolano is enjoined and restrained from accepting or agreeing to accept, directly or indirectly, anything of value for the purpose of securing his cooperation in accomplishing any of the activities or practices enjoined and restrained in this Final Judgment; provided, however, that none of the provisions of this Final Judgment is intended to, nor is it to be construed, as limiting or restricting defendant John E. Pessolano from performing the duties, conducting the activities or pursuing the purposes and objectives associated with the position of a duly authorized representative of a labor organization.

VII

For the purpose of securing compliance with this Final Judgment, 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 upon reasonable notice:

(A) To the defendant M. Klahr, Inc., made at its principal office, be permitted, subject to any legally recognized privilege:

- (1) Access, during the office hours of said defendant, to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of the said defendant relating to any matters contained in this Final Judgment; and
- (2) Subject to the reasonable convenience of said defendant M. Klahr, Inc., and without restrain or interference from it to interview officers and the employees of such defendant, who may have counsel present regarding any such matters; and

(B) To the defendants Jerome and Solomon Klahr, be permitted, subject to any legally recognized privilege:

- (1) Access to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of said defendants relating to any matters contained in this Final Judgment; and
- (2) To interview said defendants Jerome Klahr and Solomon Klahr, who may have counsel present, regarding any such matters; and

(C) To the defendant John E. Pessolano, be permitted, subject to any legally recognized privilege:

- (1) Access to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of said defendant relating to any matters contained in this Final Judgment; and
- (2) To interview said defendant Pessolano, who may have counsel present, regarding any such matters; and

(D) Upon request, any 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.

(E) Any information obtained by the means provided in this Section VII shall not 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 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.

VIII

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

Dated: December 22, 1964

Harold R. Tyler

United States District Judge