

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

v.

62 Civ. 2031

OLYMPIA PROVISION & BAKING CO., INC.
and PROVISION SALESMEN & DISTRIBUTORS
UNION, LOCAL 627, AMALGAMATED MEAT
CUTTERS AND BUTCHER WORKMEN OF NORTH
AMERICA, AFL-CIO,

Defendants.
*****X

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on June 7, 1962; the defendants Olympia Provision & Baking Co., Inc. (hereinafter "Olympia"), Provision Salesmen & Distributors Union, Local 627, Amalgamated Meat Cutters and Butcher Workmen of North America, AFL-CIO (hereinafter "Local 627"), Sabrett Food Products Corp. (hereinafter "Sabrett") and Superior Frankfurter, Inc. (hereinafter "Superior"), having appeared and filed their several answers; the action having been severed as against the defendants Sabrett and Superior, and each having consented to the entry of separate judgments against them, which judgments were entered on December 18, 1967; the defendant Olympia having defaulted upon the call of this action for trial and having waived any further notice herein under Rule 55 of the Federal Rules of Civil Procedure; the matter having been tried against the defaulting defendant Olympia and the

defendant Local 627 from November 8, 1967 to November 19, 1967; and the Court having entered its Opinion, Findings of Fact and Conclusions of Law on April 5, 1968,

NOW THEREFORE, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

I

This Court has jurisdiction of this cause and of the defendants herein under Sections 1 and 2 of the Act of Congress of July 2, 1890 (15 U.S.C. §§1, 2), as amended, commonly known as the Sherman Act. The defendants Olympia and Local 627, and Sabrett, Superior and the distributor-members of Local 627 who dealt with Olympia, Sabrett and Superior, have combined and conspired to restrain and monopolize the manufacture, sale and distribution of frankfurters by means of price-fixing and boycotting agreements in violation of Sections 1 and 2 of the Sherman Act.

II

As used in this Final Judgment:

- (A) "Person" shall mean an individual, partnership, corporation, association, or other business or legal entity;
- (B) "Distributor" shall mean any person who is an independent contractor engaged in the business of buying frankfurters from Sabrett, Superior, or Olympia and reselling them to retail outlets for his own account and profit or any subsidiary, successor, or assign of any such person;

(C) "Sabrett" shall mean Sabrett Food Products Corp., a corporation organized and existing under the laws of the State of New Jersey, with its principal place of business in Jersey City, New Jersey, its subsidiaries, successors and assigns and its directors, officers, trustees, agents and employees;

(D) "Superior" shall mean Superior Frankfurter, Inc., a corporation organized and existing under the laws of the State of New York with its principal place of business in the Bronx, New York, its subsidiaries, successors and assigns and its directors, officers, trustees, agents and employees;

(E) "Meat Products" shall include frankfurters, meat patties, sausage and similar items.

III

The provisions of this Final Judgment shall apply to the defendants Olympia and Local 627 and to their respective directors, officers, trustees, agents, employees, subsidiaries, successors and assigns, and to all persons in active concert or participation with either such defendant who receive actual notice of this Final Judgment by personal service or otherwise.

IV

The defendant Olympia is enjoined and restrained from directly or indirectly entering into, adhering to, renewing, maintaining, furthering, enforcing, participating or

acquiescing in, or claiming any rights under any contract, agreement, combination, conspiracy, understanding, plan, program, or course of action with any person to:

- (A) Fix, establish, maintain or adhere to prices, discounts, differentials, or other terms or conditions, for the sale and distribution of meat products to any third person, including distributors;
- (B) Boycott, or otherwise refuse to sell meat products to any person.

V

The defendant Local 627 is enjoined and restrained from directly or indirectly:

- (A) Entering into, adhering to, renewing, maintaining, furthering, enforcing, participating or acquiescing in, or claiming any rights under any contract, agreement, combination, conspiracy, understanding, plan, program or course of action with Sabrett, Superior, Olympia, a distributor or with any of the foregoing to:

- (1) Fix, establish, maintain, or adhere to prices, price discounts, or price differentials for the sale and distribution of meat products by Sabrett, Superior, Olympia, a distributor or by any of the foregoing to any third person, including distributors;

- (2) Boycott, or otherwise refuse to sell meat products to any distributor because of such distributor's failure or refusal to become a member, or because of such distributor's prices, price discounts, or price differentials for the sale of meat products;
- (3) Persuading, inducing, coercing, or compelling, or attempting to persuade, induce, coerce or compel, Sabrett, Superior, Olympia, a distributor or any of the foregoing by boycott, strikes or picketing, or by threats thereof, or by any other means, to do or participate in the doing of any of the things set forth in Subsection (A) of this Section V, including Subparagraphs (1) and (2) of such Subsection (A).

VI

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 either of the defendants Olympia and Local 627 made to their principal offices, 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.

Upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, the defendants Olympie and Local 627 shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment. No information obtained by the means provided 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 of America, except in the course of legal 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 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 or directions as may be necessary or appropriate for the construction of or the carrying out of this Final Judgment, or for the modification of any of the provisions thereof, and for the purpose of enabling the plaintiff to apply to this Court for the enforcement of compliance therewith, and the punishment of violations thereof.

Dated: New York, New York

Sept 26, 1965

St. Richard H. Linet
United States District Judge

Judgment Entered

John J. O'Leary, Jr.
CLERK