

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,  
Plaintiff,

v.

THE NEW YORK TIMES COMPANY,  
NEW YORK TIMES SALES, INC.,  
and FIELD ENTERPRISES, INC.,  
Defendants.

CIVIL ACTION  
NO. 71 C 615

Filed: Feb. 26, 1974

Entered: April 1, 1974

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on May 21, 1971, and all defendants having appeared by their attorneys and filed their answers in which they deny the offense charged in such complaint and said defendants having consented to the making and entry of this Final Judgment,

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

ORDERED, ADJUDGED AND DECREED as follows:

I

This Court has jurisdiction of the subject matter hereof and of the parties hereto. The complaint states a claim against the defendants 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 (15 U.S.C. §1).

II

As used in this Final Judgment:

(A) "Times Service" shall mean New York Times Service.

(B) "CDN Service" shall mean the Chicago Daily News/Sun-Times Service.

(C) "Field" shall mean Field Enterprises, Inc. and its subsidiaries or corporations affiliated therewith through common ownership and control.

(D) "Times" shall mean The New York Times Company and its subsidiaries or corporations affiliated therewith through common ownership and control.

(E) "Times Sales" shall mean New York Times Sales, Inc.

### III

The provisions of this Final Judgment shall apply to defendants and to their officers, agents, successors and assigns, and to those persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise.

### IV

(A) Defendants are ordered and directed to terminate and cancel the "Syndication Agreement" among them made as of October 1, 1970.

(B) Defendants are enjoined from utilizing a common agent for the promotion and sale of CDN Service and Times Service.

(C) Except as provided in paragraph IV(D) hereof,

(i) Field is enjoined from entering into any contract, agreement or understanding with Times or Times Sales, and

(ii) Times and Times Sales are enjoined from entering into any contract, agreement or understanding with Field,

with respect to the promotion, price, sale or operation of CDN Service or Times Service.

(D) Nothing herein shall prevent Times Service and CDN Service from sharing a wire or other communications facilities to transmit material to subscribing newspapers; provided that, in the event Times Service and CDN Service agree to share a wire or other communications facilities,

(i) either party shall have the right to terminate the agreement, without penalty, and the party seeking to terminate the agreement shall not be required to give notice more than six months in advance of termination; but the parties may provide for an initial period during which the agreement may not be terminated, which period shall not extend beyond twenty months from the date of entry of this Final Judgment; and

(ii) the cost of such wire or other shared communications facilities shall be allocated as nearly as is practicable on the basis of each party's actual use of the facilities, but such allocation shall not preclude payment of a reasonable management fee to account for costs incurred by the party responsible for leasing, operating and maintaining the facilities.

V

Defendant shall file with the Department of Justice on each anniversary date of the entry of this Final

Judgment a report setting forth the steps which it has taken during the prior year to advise defendant's appropriate officers, directors and management personnel of its and their obligations under this Final Judgment.

## VI

For the purpose of determining or securing compliance with this Final Judgment, and for no other purpose:

(A) Any duly authorized representative of the Department of Justice shall, upon written request by the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a defendant, made to its principal office, be permitted, subject to any legally recognized privilege:

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

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

(B) Upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, a defendant shall submit such additional

reports in writing with respect to the matters contained in this Final Judgment as from time to time may be requested.

No information obtained by the means provided for 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 United States except in the course of legal proceedings to which plaintiff 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, for the modification of any of the provisions hereof, and for the enforcement of compliance herewith and punishment of violations hereof.

#### VIII

This Final Judgment shall terminate and cease to be effective ten years from the date on which it is entered.

April 1, 1974  
Dated

/s/ JACOB MISHLER  
UNITED STATES DISTRICT COURT