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Antitrust Division  
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Attorneys for the United States

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Civil No. C78-1608 WWS
	)	Filed: October 26, 1978
v.	)	Entered: 3/22/79
GOLDEN GATE SPORTFISHERS, INC.,	)	
	)	
Defendant.	)	

STIPULATION

It is stipulated by and between the undersigned parties, plaintiff United States of America, and defendant, Golden Gate Sportfishers, Inc., by their respective attorneys, that:

1. The parties consent that a final judgment in the form hereto attached may be filed and entered by the Court upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16] and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent which it may do at any time before the entry of the proposed final judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to

1 this Stipulation, this Stipulation shall be of no effect  
2 whatever and the making of this Stipulation shall be  
3 without prejudice to plaintiff and defendant in this or  
4 any other proceeding.

5 Dated: 10/2/78

6 FOR THE PLAINTIFF

7  
8 *John H. Shenefield*  
9 JOHN H. SHENEFIELD  
10 Assistant Attorney General

11 /s/ ROBERT B. ROSS  
12 ROBERT B. ROSS

13 *William E. Swope*  
14 WILLIAM E. SWOPE

15 *Charles F. B. McAleer*  
16 CHARLES F. B. MCALEER

17 *Anthony E. Desmond*  
18 ANTHONY E. DESMOND  
19 Attorneys, Department of Justice

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21 FOR THE DEFENDANT

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23 *John Connell*  
24 By JOHN CONNELL  
25 Attorney for Defendant

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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Civil No. C78-1608 WWS
	)	Filed: October 26, 1978
v.	)	Entered: March 22, 1979
	)	
GOLDEN GATE SPORTFISHERS, INC.,	)	<u>FINAL JUDGMENT</u>
	)	
Defendant.	)	
	)	

Plaintiff, United States of America, having filed its complaint herein on July 19, 1978, and defendant, Golden Gate Sportfishers, Inc., having appeared by its counsel, and both parties by their respective attorneys having consented to the making and entry of this Final Judgment without admission by any party in respect to any issue;

NOW, THEREFORE, before any testimony has been taken herein, 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 over the subject matter of this action and of the parties hereto. The complaint states claims upon which relief may be granted against the defendant under Section I of the Sherman Act [15 U.S.C. §1].

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II

As used in this Final Judgment:

(A) "Defendant" means defendant Golden Gate Sportfishers, Inc.;

(B) "Person" means any individual, partnership, corporation, association, firm, or any other business or legal entity;

III

The provisions of this Final Judgment shall apply to the defendant and to each of its officers, directors, agents, employees, chapters, successors and assigns, and to all other persons, including members of the defendant, in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

Defendant is enjoined and restrained from directly or indirectly:

(A) Entering into, adhering to, maintaining, or furthering any contract, agreement, understanding, plan or program, to fix, establish, or maintain prices charged by sportfishing boats to carry passengers.

(B) Advocating, suggesting, urging, inducing, compelling, or in any other manner influencing or attempting to influence members of the defendant and/or any other person to use or adhere to any price to be charged for passage on sportfishing boats;

(C) Policing, urging, coercing, influencing, or attempting to influence in any manner any member or any other person, or devising or putting into effect any procedure (including but not limited to picketing) the

///

1 effect of which is to fix, maintain, or stabilize prices  
2 to be charged by members or any other persons for passage  
3 on sportfishing boats.

4 V

5 Defendant is ordered and directed:

6 (A) Within 60 days after entry of this Final Judgment  
7 to serve a copy of this Final Judgment together with a letter  
8 identical in text to that attached to this Final Judgment  
9 as Appendix A, upon each of those persons who are or have  
10 been officers or members of defendant at any time since  
11 January 1, 1977.

12 (B) To serve a copy of this Final Judgment together  
13 with a letter identical in text to that attached to this  
14 Final Judgment as Appendix A, upon all of its future  
15 members at such time as they become members;

16 (C) To file with this Court and serve upon the  
17 plaintiff within sixty (60) days after the date of entry  
18 of this Final Judgment an affidavit as to the fact and  
19 manner of compliance with subsection A of this Section V.

20 VI

21 (A) For the purpose of determining or securing  
22 compliance with this Final Judgment, any duly authorized  
23 representative of the Department of Justice shall, upon  
24 written request of the Attorney General or the Assistant  
25 Attorney General in charge of the Antitrust Division,  
26 and on reasonable notice to defendant made to its principal  
27 office, be permitted, subject to any legally recognized  
28 privilege:

29 (1) Access during the office hours of  
30 defendant to all books, ledgers, accounts, corres-  
31 pondence, memoranda, and other records and  
32 documents, in the possession or under the control

1 of defendant, relating to any matters contained in  
2 this Final Judgment; and

3 (2) Subject to the reasonable convenience  
4 of defendant and without restraint or interference  
5 from it, to interview officers, directors, agents,  
6 partners, members, or employees of defendant, who  
7 may have counsel present, regarding any such  
8 matters.

9 (B) Defendant, upon the written request of the  
10 Attorney General or the Assistant Attorney General in  
11 charge of the Antitrust Division, shall submit such reports  
12 in writing with respect to any of the matters contained in  
13 this Final Judgment as may from time to time be requested.

14 No information obtained by the means provided in this  
15 Section VI shall be divulged by any representative of the  
16 Department of Justice to any person other than a duly  
17 authorized representative of the Executive Branch of the  
18 United States, except in the course of legal proceedings  
19 to which the United States is a party, or for the purpose  
20 of securing compliance with this Final Judgment, or as  
21 otherwise required by law.

22 (C) If at the time information or documents are  
23 furnished by a defendant to plaintiff, the defendant  
24 represents and identifies in writing the material in any  
25 such information or documents which is of a type described  
26 in Rule 26(c)(7) of the Federal Rules of Civil Procedure,  
27 and the defendant marks each pertinent page of such  
28 material, "Subject to Claim of Protection under the  
29 Federal Rules of Civil Procedure," then <sup>ten</sup> <sup>10</sup> twenty (~~20~~) days  
30 notice shall be given by plaintiff to the defendant prior  
31 to divulging such material in any legal proceeding (other  
32 than a grand jury proceeding) to which the defendant is

1 not a party.

2 VII

3 Jurisdiction is retained by this Court for the purpose  
4 of enabling any of the parties to this Final Judgment to  
5 apply to this Court at any time for such further orders  
6 and directions as may be necessary or appropriate for the  
7 construction or carrying out of this Final Judgment, for  
8 the modification of any of the provisions hereof, for the  
9 enforcement of compliance therewith, and for the punishment  
10 of violations thereof.

11 VIII

12 Entry of this Final Judgment is in the public interest.

13 Dated: March 22, 1979

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16 /s/ William W. Schwarzer  
17 United States District Judge  
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APPENDIX A

Re: Final Judgment in United States v. Golden Gate Sportfishers, Inc., Civil no. C78-1608 WWS

Dear Sir:

Enclosed herewith is a copy of a Final Judgment entered , 1978, in United States v. Golden Gate Sportfishers, Inc., Civil No. C78-1608 WWS. The terms of the Final Judgment require that a copy of said Judgment as well as this letter be served upon you. You should read the terms of the Final Judgment carefully and note that you as a member of the association are bound by its provisions. The purpose of this letter is to enable you to better understand those provisions.

The essence and intent of the Final Judgment is that you should make your own pricing and profit decisions without consulting with any other sportfishing boats or organization of such boats. This includes not only the price of passage, but also any discounts, or concessions in the charges for rental fishing equipment, tackle, or bait. Prices should not be a subject of agreement. Nor should you attempt to influence the prices charged by others, whether such influence be in the form of persuasion or coercion.