

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 EAGLE ELECTRIC MANUFACTURING )  
 CO., INC.; )  
 COMMERCIAL ENCLOSED FUSE )  
 CO. OF NEW JERSEY; )  
 GEM ELECTRIC MANUFACTURING )  
 CO., INC.; )  
 CABLE ELECTRIC PRODUCTS, INC.; )  
 SUPERIOR FUSE & MFG. CO., )  
 INC.; )  
 BYRNE ORGANIZATION, INC.; and )  
 GEORGE P. BYRNE, JR., )  
 )  
 Defendants. )

Civil No. 78-2585 Ma  
Filed: September 27, 1979  
Entered: January 4, 1980

STIPULATION

IT IS HEREBY STIPULATED by and between the plaintiff, United States of America, and each of the above-named defendants, by their respective attorneys, that:

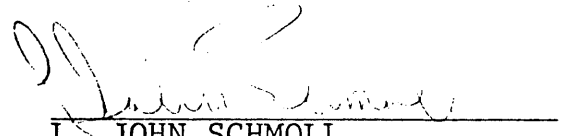
1. The parties consent that a Final Judgment in the form attached hereto may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on the defendants and filing that notice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

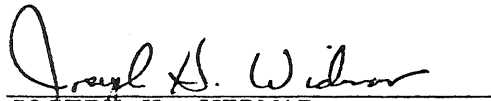
2. In the event plaintiff withdraws its consent, or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall have no effect whatever and the making of this Stipulation shall be without prejudice to any consenting party in this or any other proceeding.

DATED: September 27, 1979

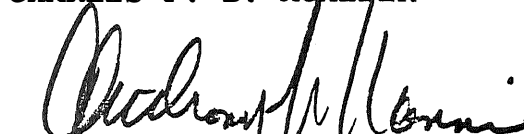
For the Plaintiff:

  
JOHN H. SHENEFIELD  
Assistant Attorney General

  
L. JOHN SCHMOLL

  
JOSEPH H. WIDMAR

  
CHARLES F. B. McALEER

  
ANTHONY V. NANNI

Attorneys, United States  
Department of Justice

For the Defendants:

/s/ Gilbert S. Edelson  
GILBERT S. EDELSON  
Rosenman, Colin, Freund,  
Lewis & Cohen  
575 Madison Avenue  
New York, New York 10022

Attorney for Eagle Electric Manufacturing  
Co., Inc.

/s/ Joseph H. MacDonald  
JOSEPH H. MacDONALD  
Harrison, Hartman & MacDonald  
113 Prospect Street  
Ridgewood, New Jersey 07450

Attorney for Commercial Enclosed Fuse Co.  
of New Jersey

/s/ David H. Peirez

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DAVID H. PEIREZ

Meyer, English, Cianciulli  
& Peirez, P.C.  
160 Mineola Boulevard  
Mineola, New York 11501

Attorney for Gem Electric Manufacturing Co., Inc.

/s/ Jacob A. Stein

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JACOB A. STEIN

Stein, Mitchell & Mezines  
1800 M Street, N.W.  
Washington, D.C. 20536

Attorney for Cable Electric Products, Inc.

/s/ Alan S. Ward

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ALAN S. WARD

Baker, Hostetler, Frost & Towers  
818 Connecticut Avenue, N.W.  
Washington, D.C. 20006

/s/ Wayne Dabb

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WAYNE DABB

Baker, Hostetler & Patterson  
1956 Union Commerce Building  
Cleveland, Ohio 44115

Attorneys for Superior Fuse & Manufacturing  
Co., Inc.

/s/ John J. Walsh

---

JOHN J. WALSH

Cadwalader, Wickersham & Taft  
One Wall Street  
New York, New York 10005

Attorney for Byrne Organization, Inc. and  
George P. Byrne, Jr.

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FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on September 28, 1978; and plaintiff and the defendants by their respective attorneys, having each 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 evidence against or admission by any party hereto with respect to any issue of fact or law herein:

NOW, THEREFORE, before the taking of any testimony 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:

This Court has jurisdiction over the subject matter of this action and of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against each defendant under Section 1 of the Sherman Act (15 U.S.C. § 1).

## II

As used in this Final Judgment:

(A) "Fuse products" means fuses, which are overcurrent protective devices containing a circuit-opening element that is heated and severed by excessive electrical current. For purposes of this action only, the definition of fuse products also includes fuse links, fuse adapters, fuse reducers, and fuse pullers.

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

(C) "Manufacturing Defendants" means all of the defendants named in the complaint except Byrne Organization, Inc. and George P. Byrne, Jr.

## III

The provisions of this Final Judgment are applicable to all defendants herein and shall also apply to each of the corporate defendants' officers, directors, agents, employees, domestic subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise. The provisions of this Final Judgment shall not apply to any activities between a defendant corporation and a parent or subsidiary thereof.

#### IV

Each defendant is enjoined and restrained from:

(A) directly or indirectly entering into, adhering to, maintaining or furthering any contract, agreement, understanding, plan, program, combination or conspiracy with any person engaged in the production or sale of fuse products to raise, fix, stabilize or maintain prices, discounts or terms or conditions of sale of fuse products to any third person;

(B) communicating to or requesting from any manufacturer of fuse products any information concerning past, present or future prices, price differentials, terms or conditions of sale, discounts, and actual or proposed pricing policies for the sale of fuse products, except necessary communications in connection with:

(1) a bona fide contemplated or actual purchase or sales transaction between the parties to such communications; or

(2) a bona fide transaction involving the actual or proposed acquisition of or merger with any manufacturer of fuse products.

#### V

(A) Each defendant is ordered to resign from and otherwise to cease all business dealings with the Electric Fuse Manufacturers Guild within ninety (90) days following the entry of this Final Judgment and to file with this Court and serve upon the plaintiff an affidavit setting forth the fact and date of such resignation and cessation of dealings.

maintaining, reviving or belonging to the Electric Fuse Manufacturers Guild, and from organizing, being a member of, providing any management services to, or attending any meetings of any trade association consisting primarily of manufacturers of fuse products.

(C) Defendants George P. Byrne, Jr. and Byrne Organization, Inc., are enjoined and restrained from directly or indirectly organizing, holding office in or being employed by a trade association of manufacturers of fuse products.

## VI

(A) Within ninety (90) days after the date of entry of this Final Judgment, each manufacturing defendant shall furnish a copy thereof to each of its officers and directors and to each of its employees having supervisory sales or pricing responsibility for fuse products and obtain and retain a written receipt therefore from each such person.

(B) Within one hundred twenty (120) days from the date of entry of this Final Judgment each manufacturing defendant shall file with this Court and serve upon the plaintiff an affidavit as to the fact and manner of its compliance with subsection (A) of this Section VI.

(C) Each manufacturing defendant shall furnish a copy thereof to each new officer or director and to each new employee having supervisory sales or pricing responsibility for fuse products and shall maintain a written record, bearing the signature of such officer, director, or employee, acknowledging receipt of a copy of this Final Judgment.

basis, take affirmative steps to advise each of its officers and directors and each of its employees with supervisory sales or pricing responsibility for fuse products of the company's and their personal obligations under this Final Judgment and the antitrust laws and of the criminal penalties for violation thereof. Such affirmative steps shall include, as a minimum, the distribution of a written directive explaining the antitrust laws and the obligations imposed by this Final Judgment and the holding of a meeting or meetings to review and explain the antitrust laws and this Final Judgment and the obligations imposed thereby.

(E) Each manufacturing defendant shall maintain a copy of each written directive distributed pursuant to Section VI (D) of this Final Judgment, including the date it was distributed and the persons to whom it was sent and a written record of each meeting held pursuant to such section showing the date and place of the meeting, who was present and the agenda for the meeting.

## VII

Each manufacturing defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of the assets of its fuse product business, that the acquiring party agrees to be bound by the provisions of this Final Judgment and that such agreement be filed with the Court and be served upon the plaintiff.



For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a defendant made to its principal office, be permitted:

(1) Access during office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

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

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to a defendant's principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

(C) No information or documents obtained by the means provided in this Section VIII 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 the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(D) If at the time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that defendant is not a party.

## IX

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 or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

XI

This Final Judgment shall terminate ten (10) years from the date of its entry.

Dated at Boston, Massachusetts, this 4th day of January,  
1980.

/s/ A. David Mazzone  
UNITED STATES DISTRICT JUDGE