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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

FILED

APR 9 1981

At 8:30 8:45 AM
ANGELO W. LOCASCIO
Clerk

Hon. Herbert J. Stern
Civil Action No.: 80-149

FINAL JUDGMENT

_____	x
UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
SOCIETE NATIONALE DES POUDRES)
ET EXPLOSIFS, and FAYETTE)
CHEMICAL CORPORATION,)
)
Defendants.)
_____	x

Plaintiff, United States of America, having filed its complaint herein on January 18, 1980, and the defendants, Societe Natonale des Poudres et Explosifs and Fayette Chemical Corporation, by their respective attorneys, having 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 against or an admission by any party with respect to any such issue, and defendant Societe Nationale des Poudres et Explosifs having consented to waive, solely for the purpose of this Final Judgment, its rights to contest the jurisdiction of the Court over its person:

NOW, THEREFORE, before any testimony or evidence has been taken and without trial or adjudication of any issue of fact or law herein, by 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 each of the parties consenting hereto. The complaint states a claim upon which relief may be granted against the defendants under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this Final Judgment, the term:

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

(4) Use a common sales agent or distributor to sell or distribute industrial nitrocellulose within the United States;

(B) Furnishing to or requesting from any other nitrocellulose producer any information concerning future prices, terms or other conditions of sale in the United States for industrial nitrocellulose, unless such information has

the French Translation, to its president or chief executive officer, its directors and to each of its officers, agents and employees then responsible for the sale of industrial nitrocellulose in the United States;

(B) Furnish a copy of this Final Judgment or, in the case of SNPE, the French Translation, to each successor to those persons described in subparagraph (A) hereof within thirty (30) days after each such successor becomes responsible for the sale of industrial nitrocellulose in the United States;

(C) Attach to each copy of this Final Judgment furnished pursuant to subparagraphs (A) and (B) hereof a statement advising each person of the terms and requirements of this Final Judgment. Such statement shall state that it is the policy and the intent of the defendant to comply with the requirements of the Final Judgment, shall describe the consequences, including possible civil or criminal penalties, to the defendant and its agents and employees of a failure to comply and shall include (1) an instruction that any agent or employee who fails to comply with the Final Judgment may be subject to

Final Judgment, by mailing a copy to such producer or ascertaining that the other defendant has done so; and

(E) File with this Court and serve upon the plaintiff, within sixty (60) days from the date of entry of this Final Judgment, a statement as to the fact and manner of its compliance with subparagraph (A), (C) and (D) hereof, and the measures which it has taken to assure compliance with subparagraph (B) hereof.

VIII

(A) For the purpose of determining or securing compliance with this Final Judgment with regard to defendant SNPE and for no other purpose:

(1) Upon written request that the Attorney General or the Assistant Attorney General in charge of the Antitrust Division may make from time to time, and on reasonable notice to defendant SNPE at its principal business office in Paris, France or any successor location, and subject to any legally recognized privilege:

(a) Within sixty (60) days of receipt of a request for books, ledgers, accounts, correspondence, memoranda, and other records relating to any matters contained in this Final Judgment in the possession or under the control of the defendant SNPE, defendant SNPE shall provide copies of such documents at the Department of Justice in Washington, D.C.; and

(b) Defendant SNPE shall submit such written reports, under oath if requested, with respect to its compliance with this Final Judgment as may, from time to time, be requested.

(2) Defendant SNPE shall provide written notice to plaintiff prior to engaging in any transactions or activities which would be prohibited by this Final

(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 as to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and such 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 with respect to SNPE twenty (20) days of notice and with respect to Fayette ten (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 such defendant is not a party or pursuant to a request under the Freedom of Information Act.

IX

Jurisdiction is retained by this Court for the purposes of enabling any of the parties to this Final Judgment to apply to this Court at any time for such 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 violations hereof.

X

Defendant Fayette shall require, as a condition of the sale or disposition of all, or substantially all, of the assets used by it in its industrial nitrocellulose 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.

XI


The term of this Final Judgment shall be ten years from the date of entry.

XII

Entry of this Final Judgment is in the public interest.

Dated:

April 8, 1981


UNITED STATES DISTRICT JUDGE