

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA, )  
Plaintiff, ) CIVIL NO. 9370  
v. ) ENTERED December 30, 1963  
ROEHR PRODUCTS COMPANY, INC. )  
(CONNECTICUT); ROEHR PRODUCTS )  
COMPANY, INC. (DELAWARE); and )  
BRUNSWICK CORPORATION, )  
Defendants. )

FINAL JUDGMENT

The plaintiff, United States of America, having filed its complaint herein, the defendants having appeared, and the parties hereto 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 evidence or an admission by any party hereto with respect to any such issue;

NOW, THEREFORE, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon the 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 the parties hereto. The complaint states claims for relief 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.

II

As used in this Final Judgment:

(A) "Roehr products" shall mean hypodermic disposable needles and disposable syringes, with or without needles, and accessories relating

thereto;

(B) "Person" shall mean an individual, partnership, firm, corporation, association or other business or legal entity; and

(C) "Subsidiary" shall mean any corporation more than 50% of whose common stock entitled to vote for directors, is, directly or indirectly, owned or controlled by a defendant.

### III

The provisions of this Final Judgment applicable to any defendant shall also apply to each of its officers, directors, agents, employees, subsidiaries, successors and assigns, and to all persons in active concert or participation with such defendant who receive actual notice of this Final Judgment by personal service or otherwise. For the purpose of this Final Judgment the defendants and each of their subsidiaries, officers, directors, agents, servants and employees or any of them shall be deemed to be one person.

### IV

The defendants are each enjoined and restrained from entering into, adhering to, maintaining, enforcing or claiming any rights under, any combination, contract, agreement or understanding, with any distributor, dealer or other person to:

(A) Limit, allocate, assign or restrict customers, territories or markets for the sale of any Roehr products;

(B) Fix, establish, maintain or adhere to prices, discounts, or other terms or conditions for the sale of any Roehr products to any third person; and

(C) Limit, restrict or prevent the resale or exportation of any Roehr products.

### V

The defendants are each enjoined and restrained from:

(A) Imposing or attempting to impose any limitation or restriction upon the persons to whom, the territories in which, or the prices at which,

any dealer, distributor or other person may sell any Roehr products;

(B) Imposing or attempting to impose any restriction on the resale of any Roehr products;

(C) Requiring or requesting from any dealer, distributor, or other person selling Roehr products to give any defendant any invoices of sales of such products;

(D) Requiring any dealer, distributor or other person selling Roehr products to give any defendant the names of customers for such products;

(E) Giving any quantity discount for the purchase of any Roehr product except for the initial term of any contract in existence on the date of entry of this Final Judgment and except on sales made directly by any defendant; and

(F) Selling or attempting to sell Roehr products upon any condition or understanding that the purchaser

(1) Not sell such products in any territory or to any person; and

(2) Sell such products at prices or upon terms or conditions designated by any defendant.

## VI

Nothing in paragraph IV (B) or paragraph V of this Final Judgment shall prohibit any defendant from exercising any legal rights it may have to "fair trade" under existing or future legislation three years subsequent to the date of entry of this Final Judgment.

## VII

Defendants are ordered and directed:

(A) Within ninety (90) days after the date of entry of this Final Judgment to take all necessary action to effect the cancellation of each provision of every contract or agreement between and among the defendant and dealers, distributors or other person which is contrary to or inconsistent with any provisions of this Final Judgment;

(B) To send to each present dealer and distributor of Roehr products a letter in a form identical to Exhibit A attached hereto and made a part hereof within ninety (90) days after the date of entry of this Final Judgment;

(C) Within ninety (90) days after the date of entry of this Final Judgment to mail a copy of said judgment to each of those dealers and distributors described in (B) above; and

(D) To file with this Court, and serve upon the plaintiff, within one hundred and five (105) days after the date of the entry of this Final Judgment, affidavits as to the fact and manner of compliance with subsections (A), (B) and (C) of this Section VII.

## VIII

For the purpose of securing or determining 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 any defendant made to its principal office, 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 which relate to any matters contained in this Final Judgment; and

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

Upon written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, the defendants shall submit such reports in writing with respect to the matters contained in this Final Judgment as may from time to time be necessary to the enforcement of this Final Judgment.

No information obtained by the means permitted 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 plaintiff except in the course of legal proceedings in which the United States is a party for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

## 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 and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the amendment or modification of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

DATED: December 30, 1963

/s/ M. Joseph Blumenfeld  
United States District Judge

EXHIBIT A

(To be sent to each Roehr representative and distributor)

In accordance with the terms of a decree entered by the Court in Hartford, Connecticut, with the consent of the parties, terminating the Government's antitrust law suit, we are sending this notice to you and all other Roehr representatives and distributors.

The decree imposes the following prohibitions, among others, upon us:

- (1) We cannot restrain you from selling to any customer you choose, in any territory you wish, or at any price you determine;
- (2) We cannot request you to furnish us with sales invoices; and
- (3) We cannot require you to furnish us with the names of your customers.

A copy of the Court's decree is enclosed.