

U. S. vs. THE KLEARFLAX LINEN LOOMS, INC.

IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE DISTRICT OF MINNESOTA
FIFTH DIVISION

Civil No. 429.

UNITED STATES OF AMERICA, PLAINTIFF,

VS.

THE KLEARFLAX LINEN LOOMS, INC., DEFENDANT.

JUDGMENT

This cause coming on to be heard on the 2nd day of May, 1945, before the Honorable Gunnar H. Nordbye, United States District Judge, and the issues presented by the complaint filed November 24, 1944, having been duly tried and having been argued, and the Court having duly rendered and filed its opinion therein and having duly made and entered findings of fact and conclusions of law in accordance with Rule 52 of the Federal Rules of Civil Procedure for the District Courts of the United States;

Now, upon consideration thereof and upon motion of plaintiff by Wendell Berge, Assistant Attorney General, Melville C. Williams, Special Assistant to the Attorney General, and Victor E. Anderson, United States Attorney, for relief in accordance with the prayer of the complaint,

and defendant The Klearflax Linen Looms, Inc., having appeared by its attorneys Hunt, Palmer & Hood;

IT IS FOUND THAT: The Court has jurisdiction of the subject matter hereof and of the defendant; the complaint states a cause of action against the defendant under Section 2 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 Anti-trust Act; and the defendant has attempted to monopolize sales of linen rugs in interstate trade and commerce to the United States of America under General Schedule Contracts in violation of Section 2 of the Sherman Anti-trust Act.

IT IS ORDERED, ADJUDGED, AND DECREED THAT:

1. The defendant, its directors, officers, agents, representatives, employees, successors, subsidiaries, assignees, and any person or persons acting or claiming to act through or for the said defendant, be, and they hereby are, enjoined from:

(a) monopolizing, or attempting to monopolize, sales in interstate trade and commerce of linen rugs to the United States under General Schedule Contracts;

(b) refusing, or threatening to refuse, to sell linen rugs or linen rug material to any customer of said defendant, for the reason that the said customer has bid, attempted to bid, or plans to bid for a General Schedule Contract pertaining to linen rugs;

(c) discriminating, or threatening to discriminate, against any customer of said defendant by imposing more stringent credit requirements, by refusing to continue to sell direct, by increasing its selling price, or by any other means, for the reason that the customer has bid, attempted to bid, or plans to bid for a General Schedule Contract pertaining to linen rugs;

(d) agreeing, or attempting to agree, with any customer of said defendant that the said customer will refrain from bidding, or will withdraw or modify any bid,

for a General Schedule Contract pertaining to linen rugs; and

(e) agreeing, or attempting to agree, with any customer of said defendant upon any price the defendant or the said customer will submit in a bid for a General Schedule Contract pertaining to linen rugs.

2. The defendant, within sixty (60) days from the signing of this judgment, shall send to each of its distributors, jobbers, and "Class 1 retail store" customers, by registered mail, a true and complete copy of this judgment, and, within said sixty (60) day period, file with the Clerk of this Court its affidavit of mailing setting forth the names of the customers with their addresses to whom said copies were mailed.

3. For the purpose of securing compliance with this judgment, authorized representatives of the Department of Justice, upon the written request of the Attorney General or an Assistant Attorney General, shall be permitted access, within the office hours of said defendant and upon reasonable notice, to books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or the control of the said defendant relating to any of the matters contained in this judgment, such access to be subject to any legally recognized privilege. Any authorized representative of the Department of Justice, subject to the reasonable convenience of the defendant, shall be permitted to interview officers or employees of the defendant regarding such matters without interference, restraint, or limitation by said defendant; provided, however, that any such officer or employee may have counsel present at such interview. The information obtained by the means permitted in this paragraph shall not be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Department of Justice except in the course of legal proceedings in which the United States is a party, or as otherwise required by law.

4. Jurisdiction of this case is retained for the purpose of enabling any party to this judgment to apply to the

Court at any time for such further orders and directions as may be necessary or appropriate for the construction or the carrying out of this judgment, for the modification or termination of any of the provisions thereof, for the enforcement thereof and compliance therewith and for the punishment of violations thereof, and for such further orders and directions as may be necessary or appropriate to dissipate the consequences of the defendant's unlawful attempt to monopolize.

5. All costs of this action shall be taxed, and charged to the defendant.

Dated this 14th day of November, 1945.

By the Court:

GUNNAR H. NORDBYE
Judge.