

EXHIBIT A
FINAL JUDGMENT AND MODIFICATION



UNITED STATES
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, :
:
Plaintiff, :
:
v. : Civil Action
:
THE GREATER NEW YORK TAILORS' :
EXPRESSMEN ASSOCIATION, INC. :
:
Defendant. :
:
-----X

FINAL JUDGMENT

The plaintiff, United States of America, having filed its complaint herein on October 16, 1961 and the plaintiff and the defendant, by their respective attorneys, having severally consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without admission by any party with respect to any such issue, and the Court having considered the matter and being duly advised,

NOW, THEREFORE, upon consent of the parties hereto, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

I

This Court has jurisdiction of the subject matter hereof and the parties hereto. The complaint states claims upon which relief may be granted against the defendant under Section 1 of the Act of Congress of July 2, 1890, as amended, entitled, "An Act to protect trade and commerce against unlawful restraints and monopolies," commonly known as the Sherman Act.

(B) "Metropolitan area" shall mean the area consisting of the States of New York, Pennsylvania, New Jersey and Connecticut;

(C) "Men's clothing" shall mean men's, young men's, boys' and children's wearing apparel, including suits and coats, sportjackets, slacks, overcoats, topcoats, uniforms and formal wear;

(D) "Manufacturer" shall mean any person engaged in the business of producing and selling men's clothing;

(E) "Contractor" shall mean any person engaged by a manufacturer to sew and otherwise finish men's clothing from cut or uncut material furnished by the manufacturer;

(F) "Men's clothing carrier" shall mean any person engaged in the business of transporting men's clothing and the component parts used in the manufacture thereof for manufacturers or contractors.

III

The provisions of this Final Judgment applicable to the defendant shall apply to the defendant and to its officers, members, agents, servants and employees, and to all persons in active concert or participation with the defendant who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

The defendant is enjoined and restrained from entering into, adhering to, participating in, maintaining or furthering any contract, combination, agreement, undertaking, by-law, rule, regulation, plan or program to:

(A) Fix, determine, maintain, establish or increase rates to be charged for carrying men's clothing and the component parts used in the manufacture thereof;

(B) Allocate, divide or assign manufacturers or contractors, or other customers, accounts, stops or routes among men's clothing carriers;

(C) Restrict or prohibit any manufacturer or contractor from employing or using any men's clothing carrier or other means of transportation for making deliveries of men's clothing or the component parts used in the manufacture thereof.

V.

The defendant is enjoined and restrained from:

- (A) Requiring any men's clothing carrier to file with it the names of manufacturers or contractors served by such carrier;
- (B) Receiving from any men's clothing carrier or maintaining or disclosing, directly or indirectly, to any person, information concerning the names and addresses of manufacturers or contractors served by any men's clothing carrier;
- (C) Arbitrating or settling, or participating in any way in, any dispute between two or more men's clothing carriers regarding manufacturers or customers, or other customers, accounts, stops or routes;
- (D) Negotiating or offering to negotiate trucking rates as a representative of any men's clothing carrier or carriers.

VI.

The defendant is ordered and directed:

- (A) Within thirty (30) days after the entry of this Final Judgment to serve upon each of its present members a conformed copy of this Final Judgment and to file with this Court and to serve upon the attorneys for the plaintiff herein, proof by affidavit and written evidence of such service;
- (B) Within thirty (30) days after the entry of this Final Judgment, to destroy all papers and records in the possession or control of the defendant which list the manufacturers or contractors, or other customers, accounts, routes or stops serviced by any of its members, or any other men's clothing carrier;

(C) Within three (3) months from entry of this Final Judgment to charter to remove therefrom Article XX thereof and so as to conform to and incorporate therein the provisions of this Final Judgment and to require as a condition of membership or tenure of office and of retention of membership or tenure of office that all present and future members and officers abide by and be bound thereby;

(D) To furnish to all its present and future members a copy of its charter or by-laws as amended in accordance with subsection (C) of this Section VI;

(E) Within thirty (30) days after the entry of this Final Judgment to serve by registered mail on each association of manufacturers and contractors to which belong the customers served by its members and on any labor union, the members of which are engaged in the manufacture or transportation of men's clothing in the metropolitan area, a conformed copy of this Final Judgment and to file with this Court and to serve upon the attorney for the plaintiff herein, proof by affidavit and written evidence of such service.

VII

Nothing in this Final Judgment shall be deemed to enjoin the defendant from bargaining collectively and entering into and carrying out the terms of any agreement with any duly organized labor union which is incident and appropriate to the exercise of any or all rights, privileges, immunities, duties and obligations accruing to and developing upon a duly organized labor union and its officers, agents and members, and which is consistent with the terms of this Final Judgment.

VIII

For the purpose of securing compliance with this Final Judgment, duly authorized representatives of the Department of Justice shall, upon 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 at its principal office, be permitted, (A) access during the office hours of said defendant, to all books, ledgers, accounts,

correspondence, memoranda, and other records and documents in the possession or under the control of said defendant relating to any matters contained in this Final Judgment; and (B) subject to the reasonable convenience of said defendant and without restraint or interference from it, to interview officers or employees of such defendant, who may have counsel present regarding any such matters; and (C) upon such request, the defendant shall submit reports in writing in respect of any such matters as may from time to time be reasonably necessary to the enforcement of this Final Judgment. No information 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 such department, except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment, or as otherwise provided by law.

IX.

Jurisdiction of this cause is retained for the purpose of enabling any of the parties to this Final Judgment to apply to the 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 or termination of any of the provisions thereof, for the enforcement of compliance therewith, and for punishment of violation thereof.

Dated: New York, New York

November 16 1961.

/s/ Wilfred Feinberg

United States District Judge



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
Plaintiff :
v. : No. 61 Civ. 3626
THE GREATER NEW YORK TAILORS' :
EXPRESSMEN ASSOCIATION, INC., :
Defendant :
----- x

O R D E R

On motion of the attorneys for the plaintiff and defendant and upon consideration of the attached affidavit and the By-Laws, Rules and Regulations attached thereto, it is hereby ordered and decreed:

1. That Article II(i) and Articles XX and XXI of the attached By-Laws, Rules and Regulations be adjudged as constituting compliance with Section VI(C) of the Final Judgment entered in this case on November 16, 1961;
2. That the \$1,000 fine imposed by the Supplemental Judgment on June 15, 1962, be suspended;
3. That the defendant be enjoined from amending or changing Article II(i) and Articles XX and XXI of the By-Laws, Rules and Regulations attached hereto, without prior notice to this Court and the plaintiff and without leave of Court;

in this case and be made enforceable by order of
this Court upon petition of the plaintiff.

/s/ Wilfred Feinberg
United States District Judge

DATED:

7/31/62

New York, N. Y.

We hereby consent to the making and entering of the
foregoing Order:

FOR THE PLAINTIFF:

John J. Galgau
John G. Keane
John P. Shanley
James J. Farrell, Jr.

Attorneys, Department of Justice

FOR THE DEFENDANT:

Jack Hirsch
Attorney for the Defendant
Greater New York Tailors' Expressmen
Association, Inc.