

UNITED STATES OF AMERICA v. SHEET METAL
ASSOCIATION ET AL., DEFENDANTS.

IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE EASTERN DISTRICT OF LOUISIANA, NEW ORLEANS
DIVISION.

Civil Action No. 261.

UNITED STATES OF AMERICA, PLAINTIFF

vs.

SHEET METAL ASSOCIATION, A CORPORATION; LOUIS P.
DURAND; R. J. HOLZER; ERNEST BLATTMANN; WIL-
LIAM B. MATTEL; AMERICAN SHEET METAL WORKS, A
CORPORATION; BLATTMANN-WEESER SHEET METAL
WORKS, INC.; HOLZER SHEET METAL WORKS, INC.;
CHARLES CLOTWORTHY, DOING BUSINESS AS GROES-
BECK-CLOTWORTHY Co., SIDNEY N. PRATS AND MRS.
L. VERNON, DOING BUSINESS AS SIDNEY N. PRATS
SHEET METAL WORKS; H. RICHMOND FAVROT AND
CARL G. FASNACHT, DOING BUSINESS AS FAVROT
ROOFING & SUPPLY Co.; C. D. AUGUSTIN, DOING BUSI-
NESS AS OLYMPIA ROOFING Co.; A. H. WHITE Co.,
LTD.; AND J. J. CLARKE Co., INC., DEFENDANTS.

FINAL DECREE.

The United States of America having filed its com-
plaint herein on the 5th day of February 1940, and each
of the defendants having duly appeared by their respec-
tive counsel and filed their answer herein; and having
consented to the entry of this decree, without contest and
before any testimony had been taken, upon condition
that neither such consent nor this decree shall be con-
sidered an admission or adjudication that any of said
defendants (except defendant Sheet Metal Association)
have violated any statute; and the United States by its
counsel having consented to the entry of this decree and
to each and every provision hereof, and having moved
the Court for this injunction,

WHEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED as
follows:

I. That the Court has jurisdiction of the subject mat-
ter hereof and of all persons and parties hereto and
that the complaint states a cause of action against the
defendants under the Act of Congress of July 2, 1890,
commonly known as the Sherman Antitrust Act.

II. That the defendants and each and all of them and
each and all of their respective officers, representatives,
agents, servants, employees, and all persons acting or
claiming to act on behalf of or under the defendants or
any of them be and they hereby are perpetually enjoined
and restrained:

1. From carrying out or continuing to carry out, di-
rectly or indirectly, expressly or impliedly, the combina-
tion and conspiracy to restrain interstate trade and
commerce alleged and described in the complaint herein
through the use of any one or more of the following
means, to wit:

(a) The holding of meetings by defendant Sheet Metal
Association or by any of the defendants herein or any
group thereof for the purpose of entering and comparing
any bids requested by or to be submitted to general con-
tractors or any other corporations or individuals;

(b) The dissemination or exchange among the mem-
bers of said defendant Sheet Metal Association or among
any of the defendants herein at meetings or in any man-
ner otherwise of any information regarding quantities
of materials or labor necessary to the performance of
any job by any of the defendants herein or of prices to
be charged therefor;

(c) The addition by defendants or either of them to
any bid offered by them, or either of them, for the per-
formance of sheet-metal work, built-up roofing work, or
air-conditioning work of any sum or amount, whether
same be a percentage of said bid or otherwise, for the
purpose of defraying organization, bid depository, or
joint estimating expense.

2. From aiding, abetting, inducing, or assisting, individually or collectively, others to do any of the things which the defendants are herein restrained from doing.

III. That for the purpose of securing compliance with the judgment, authorized representatives of the Department of Justice shall, upon the request of the Attorney General or an Assistant Attorney General, be permitted access, within the office hours of the defendants, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or control of the defendants or any of them, relating to any of the matters contained in this judgment; that any authorized representative of the Department of Justice shall, subject to the reasonable convenience of the defendants, be permitted to interview officers or employees of defendants, without interference, restraint, or limitation by defendants; that defendants, upon the written request of the Attorney General, shall submit such reports with respect to any of the matters contained in this judgment as may from time to time be necessary for the proper enforcement of this judgment.

IV. That jurisdiction of this cause is retained for the purpose of enforcing or modifying this decree and for the purpose of granting such additional or supplemental relief as may hereafter appear necessary or appropriate.

Dated February 5th, 1940.

(Sig.) WAYNE G. BORAH,
United States District Judge.