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6 Attorneys for the Plaintiff

7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,)
12 Plaintiff,)
13 v.)
14 ACME MEAT COMPANY;)
BRISTOL FOODS, INCORPORATED, d/b/a)
15 GOLD PAK MEAT COMPANY;)
DELTA MEAT PACKING COMPANY;)
16 FEDERAL MEAT COMPANY;)
GEM PACKING COMPANY;)
17 GLOBE PACKING COMPANY;)
GREAT WESTERN PACKING COMPANY;)
18 MEAT PACKERS, INCORPORATED;)
O.K. MEAT PACKING COMPANY;)
19 QUALITY MEAT PACKING COMPANY;)
SERV-U MEAT PACKING COMPANY;)
20 SHAMROCK MEATS, INCORPORATED;)
UNION PACKING COMPANY; and)
21 WARD FOODS, INCORPORATED,)
22 Defendants.)

Civil No. 78-1436-RMT (TX)
STIPULATION RE: CONSENT
JUDGMENT

Filed: October 22, 1979
Entered: January 31, 1980

23
24 IT IS HEREBY STIPULATED by and between the undersigned parties,
25 by their respective attorneys, that:

26 (1) A Final Judgment in the form attached may be
27 filed and entered by the Court, upon the motion of
28 any party or upon the Court's own motion, at any time

1 after compliance with the requirements of the Antitrust
2 Procedures and Penalties Act (15 U.S.C. §16), and without
3 further notice to any party or other proceedings,
4 provided that Plaintiff has not withdrawn its
5 consent, which it may do at any time before the
6 entry of the proposed Final Judgment by serving
7 notice on the defendant and by filing that notice
8 with the Court.

9 (2) In the event Plaintiff withdraws its
10 consent or if the proposed Final Judgment is not
11 entered pursuant to this stipulation, this stipula-
12 tion shall be of no effect whatever, and the making
13 of the stipulation shall be without prejudice to
14 Plaintiff and the defendants in this or any other
15 proceeding.

16 Dated: This 22nd day of October, 1979.

17 For Plaintiff:
18 John H. Shenefield
19 John H. Shenefield
Assistant Attorney General

/s/ Julian S. Greenspun
Julian S. Greenspun
Attorney

20
21 Joseph H. Widmar
22 Joseph H. Widmar
Director of Operations

23
24 /s/Crossan R. Andersen
25 Crossan R. Andersen
Assistant Chief,
26 Antitrust Division
Los Angeles Field Office

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6 Attorneys for the Plaintiff

7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,
10
11 Plaintiff,

Civil No. 78-1436-RMT (TX)

12 v.

FINAL JUDGMENT

13 ACME MEAT COMPANY;
BRISTOL FOODS, INCORPORATED, d/b/a)
14 GOLD PAK MEAT COMPANY;
DELTA MEAT PACKING COMPANY;
15 FEDERAL MEAT COMPANY;
GEM PACKING COMPANY;
16 GLOBE PACKING COMPANY;
GREAT WESTERN PACKING COMPANY;
17 MEAT PACKERS, INCORPORATED;
O.K. MEAT PACKING COMPANY;
18 QUALITY MEAT PACKING COMPANY;
SERV-U MEAT PACKING COMPANY;
19 SHAMROCK MEATS, INCORPORATED;
UNION PACKING COMPANY; and
20 WARD FOODS, INCORPORATED,

Filed: October 22, 1979

Entered: January 31, 1980

21 Defendants.

22 Plaintiff, United States of America, having filed its Complaint
23 on April 13, 1978, and the plaintiff and the defendants, by their
24 respective attorneys, having consented to the entry of this Final
25 Judgment, without trial or adjudication of any issue of fact or law
26 herein, without admission by any party with respect to any such
27 issue, and without this Final Judgment constituting evidence with
28 respect to any such issue;

1 NOW, THEREFORE, before any testimony or evidence has been taken
2 herein, and without trial or adjudication of any issue of fact or
3 law herein, and upon the consent of the parties hereto,

4 IT IS HEREBY ORDERED, ADJUDGED and DECREED as follows:

5 I

6 This Court has jurisdiction of the subject matter hereof and
7 of the parties hereto. The Complaint states a claim against the
8 defendants upon which relief may be granted under Section 1 of the
9 Sherman Act, 15 U.S.C. §1.

10 II

11 As used in this Final Judgment:

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

15 (B) "Meat packer" means a business entity
16 which slaughters cattle (or has cattle slaughtered
17 for it by a third party) and dresses and sells such
18 slaughtered cattle as beef products, such as dressed
19 beef, primal cuts, fabricated meat or finished meat
20 products;

21 (C) "Carcass beef" means slaughtered beef which
22 has been dressed and not processed into primal or sub-
23 primal cuts or otherwise further products;

24 (D) "Los Angeles area" means the geographic area
25 comprising the Counties of Los Angeles, Orange, Riverside,
26 San Bernardino, Ventura and Santa Barbara, California;

1 (E) "Defendant corporation" means each defendant
2 named in the complaint in this case and listed in the
3 caption in this Final Judgment, except the defendant
4 Meat Packers, Incorporated, which no longer exists.

5 III

6 The provisions of this Final Judgment are applicable to the
7 defendant corporations and to each of their officers, directors,
8 agents, employees, subsidiaries, successors and assigns, and to all
9 other persons in active concert or participation with any of them
10 who shall have received actual notice of this Final Judgment by
11 personal service or otherwise.

12 IV

13 Each defendant corporation is enjoined and restrained from
14 entering into, adhering to, maintaining or furthering any contract,
15 agreement, understanding, plan or program with any other person
16 directly or indirectly, to:

17 (A) Fix, determine, maintain or stabilize
18 prices, or other terms or conditions for the sale
19 of carcass beef to any third person in violation of
20 the Sherman Act; and

21 (B) Communicate or exchange information with
22 any other meat packing company, employee or officer
23 thereof, concerning the present or future prices,
24 including terms and conditions of sale, that any
25 meat packing company is charging or may charge for
26 beef carcass(es) in the Los Angeles area as defined in
27 Paragraph II(D) above. "Present prices" is herein

28 / / /

1 defined as prices being charged on the date of the
2 communication or exchange and any open bid or offer as
3 of said date.

4 V

5 Each defendant corporation is enjoined and restrained from:

6 (A) Directly or indirectly communicating or
7 exchanging information with any other meat packing
8 company, employee or officer thereof, concerning the
9 present or future prices, including terms and conditions
10 of sale, that any meat packing company is charging or
11 may charge for beef carcass(es) in the Los Angeles
12 area as defined in Paragraph II(D) above. "Present
13 prices" is herein defined as prices being charged on
14 the date of the communication or exchange and any
15 open bid or offer as of said date.

16 (B) Directly or indirectly communicating or
17 exchanging any information with any other meat
18 packing company, employee or officer thereof, for
19 the purpose of fixing, increasing, decreasing,
20 maintaining or stabilizing the price of sale of
21 carcass beef to purchasers thereof within the
22 Los Angeles area as defined in Paragraph II(D) above.

23 (C) Joining, participating in or belonging
24 to any trade association, organization, or other
25 group with knowledge that any of the activities
26 thereof are inconsistent with any terms of this
27 Final Judgment.

28 / / /

VI

Each defendant corporation is ordered and directed:

(A) Within sixty (60) days after the date of entry of this Final Judgment to furnish a copy thereof to each of its directors, officers, plant managers and sales managers who have pricing responsibility in connection with the sale of carcass beef in the Los Angeles area; and shall advise and inform each such person that violation of this Final Judgment could result in a conviction for contempt of court and imprisonment and/or fine; and

(B) Within sixty (60) days after the date of entry of this Final Judgment to file an affidavit of compliance with the Clerk of the Court, and serve upon the plaintiff reciting the fact and manner of compliance with provision (A) of this Section.

VIII

(A) Each defendant corporation shall advise each of the persons described in Section VI(A) of this Final Judgment, and each of their successors, of its and their obligations under this Final Judgment, and for a period of ten (10) years from the entry of this Final Judgment, shall maintain a program to insure compliance with this Final Judgment. Defendant corporation's compliance

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1 program shall include at a minimum the
2 following with respect to each of the
3 persons described in Section VI(B), and
4 each of their successors:

5 (1) The distribution to them
6 of this Final Judgment;

7 (2) The annual submission to
8 them of a statement that corporate
9 policy absolutely prohibits any
10 violation of the antitrust laws
11 or of this Final Judgment, and a
12 knowing disregard of this policy,
13 will result in termination;

14 (3) The imposition of a
15 requirement that each of them sign
16 and submit to his employer a
17 certificate in substantially the
18 following form:

19 "The undersigned hereby (1)
20 acknowledges receipt of a copy of
21 the 1979 Meat Packing Final Judgment
22 and a written directive setting forth
23 the company policy regarding
24 compliance with the antitrust laws and
25 with such Final Judgment, (2) represents
26 that the undersigned has read and
27 understands such Final Judgment and
28 directive, (3) acknowledges that the

1 undersigned has been advised and
2 understands that non-compliance with
3 such policy and Final Judgment will
4 result in dismissal, and (4) acknowledges
5 that the undersigned has been advised
6 and understands that non-compliance
7 with the Final Judgment may also result
8 in conviction for contempt of court and
9 imprisonment and/or fine";

10 (4) The holding of one or more meetings
11 with them to review the terms of this Final
12 Judgment and the obligations it imposes, with
13 such meetings to be arranged and conducted so
14 that each of them attends at least one such
15 meeting per year.

16 (B) For a period of ten (10) years from the
17 entry of this Final Judgment, each defendant
18 corporation shall file with the Court and with the
19 plaintiff, on the anniversary date of this Final
20 Judgment, a sworn statement, by a responsible official
21 designated by the defendant corporation to perform
22 such duties, and the person in charge of sales,
23 setting forth all steps it has taken during the
24 preceding year to discharge its obligations under
25 this Section VII. This statement shall be accom-
26 panied by copies of all written directives issued
27 by the defendant corporation during the prior year
28 with respect to compliance with the antitrust laws

1 and with this Final Judgment.

2 (C) The plaintiff may demand and obtain a more
3 detailed statement of a defendant corporation's
4 compliance with this Final Judgment if plaintiff
5 determines that such defendant corporation's annual
6 compliance statement incompletely states the steps
7 it has taken to discharge its duties under this
8 Section VII.

9 VIII

10 Nothing in this Final Judgment shall prohibit any defendant
11 corporation:

12 (A) From entering into or carrying out a
13 bona fide purchase or sale transaction involving
14 such defendant and any other person engaged in the
15 production and/or sale of carcass beef, when such
16 person is either purchasing carcass beef on his own
17 behalf or acting as a purchasing agent or group
18 buying representative on behalf of any third
19 person; or

20 (B) Communicating information to another
21 person engaged in the production and/or sale
22 of carcass beef in the course of, and related to,
23 negotiating for, entering into, or carrying out
24 a transaction as described in Section VIII(A).

25 IX

26 (A) For the purpose of determining or
27 securing compliance with this Final Judgment,
28 any duly authorized representative of the

1 Department of Justice shall, on written request
2 of the Attorney General or the Assistant Attorney
3 General in charge of the Antitrust Division, and
4 on reasonable notice to any defendant corporation
5 made to its principal office, be permitted, subject
6 to any legally recognized privilege:

7 (1) Access during the office hours of
8 such defendant corporation to inspect and
9 copy all books, ledgers, accounts,
10 correspondence, memoranda, and other records,
11 and documents in the possession or under the
12 control of such defendant corporation, who may
13 have counsel present, relating to any matters
14 contained in the Final Judgment; and

15 (2) Subject to reasonable convenience
16 of such defendant corporation and without
17 restraint or interference from it, to
18 interview any officers, directors, agents,
19 partners or employees of such defendant
20 corporation, any of whom may have counsel
21 present, regarding any such matters.

22 (B) Each defendant corporation, upon the written
23 request of the Attorney General or the Assistant Attorney
24 General in charge of the Antitrust Division shall submit
25 such reports in writing with respect to any of the matters
26 contained in this Final Judgment, as may from time to
27 time be requested, subject to any legally recognized
28 privilege.

1 No information obtained by the means provided in this
2 Section IX shall be divulged by any representative of the
3 Department of Justice to any person other than a duly authorized
4 representative of the Executive Branch of the United States,
5 except in the course of legal proceedings to which the United
6 States is a party, or for the purpose of securing compliance with
7 this Final Judgment, or as otherwise required by law.

8 If at any time information or documents are furnished by a
9 defendant corporation to plaintiff, such defendant corporation
10 represents and identifies in writing the material in any such
11 information or documents which is of a type described in
12 Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said
13 defendant corporation marks each pertinent page of such material
14 "Subject to claim of protection under Rule 26(c)(7) of the Federal
15 Rules of Civil Procedure," then 10 days notice shall be given by
16 plaintiff to such defendant corporation prior to divulging such
17 material in any legal proceeding (other than a Grand Jury
18 proceeding) to which the defendant corporation is not a party.

19 X

20 Jurisdiction is retained for the purpose of enabling any of
21 the parties to this Final Judgment to apply to this Court at any
22 time for such further orders and directions as may be necessary
23 or appropriate for the construction or carrying out of this Final
24 Judgment or for the modification of any of the provisions herein
25 and for the enforcement of compliance herewith and the punishment
26 of the violation of any of the provisions contained herein. The
27 duration of this decree shall be ten (10) years from the date of
28 entry of the Final Judgment.

XI

Entry of this Final Judgment is in the public interest.

Dated: This 31st day of January, 1979.

/s/ Robert M. Takasugi

UNITED STATES DISTRICT JUDGE

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