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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA, ) Civil No. CV-81-0951-RJK(kx)  
12 )  
Plaintiff, )  
13 ) Filed: October 28, 1981  
v. )  
14 ) Entered: February 12, 1982  
BEVEN-HERRON, INC., and )  
15 SIMPSON MANUFACTURING CO., INC., )  
16 )  
Defendants. )

17  
18 FINAL JUDGMENT

19 Plaintiff, United States of America, having filed its complaint  
20 herein on February 25, 1981, and plaintiff and defendants, by their  
21 respective attorneys, having consented to the entry of this Final  
22 Judgment without trial or adjudication of any issue of fact or law  
23 herein and without this Final Judgment constituting any evidence  
24 against or an admission by any party with respect to any such issue;

25  
26 NOW, THEREFORE, before the taking of any testimony and without  
27 trial or adjudication of any issue of fact or law herein and upon  
28 consent of the parties hereto, it is hereby,

1 ORDERED, ADJUDGED, AND DECREED as follows:

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3 I.

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

9  
10 II.

11  
12 As used herein, the term:

13  
14 (a) "Panelized roof construction" means a construction  
15 process utilizing structural glued laminated timber in  
16 the construction of roofs for commercial and  
17 industrial buildings;

18  
19 (b) "Person" or "persons" means any natural person, firm,  
20 partnership, association, corporation or other  
21 business or legal entity; and

22  
23 (c) "Roof construction company" means any person engaged  
24 in providing the engineering, labor and/or materials  
25 relating to panelized roof construction to general  
26 contractors and/or owners of commercial or industrial  
27 building construction projects.

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III.

This Final Judgment applies to the defendants and to their officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV.

Each defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of the assets used by it in the construction and sale of panelized roofs, that the acquiring party agree to be bound by the provisions of this Final Judgment, and that such agreement be filed with the Court.

V.

Each defendant is enjoined and restrained from entering into, adhering to, maintaining or furthering any contract, agreement, understanding, plan, program, combination or conspiracy with any other roof construction company: (a) to fix, maintain or stabilize prices; (b) to submit any collusive, noncompetitive or complementary bids; or (c) to allocate among any roof construction companies any such bids for panelized roof construction projects.

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1 VI.

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3 Each defendant is enjoined and restrained from communicating to  
4 or receiving from any roof construction company any information  
5 regarding past, present or future panelized roof construction bids,  
6 prices, markups or any other terms or conditions of panelized roof  
7 construction bids or sales.

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9 VII.

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11 Nothing contained in this Final Judgment shall be applicable to:

12  
13 (a) Any discussions between a defendant and any roof  
14 construction company where such discussions relate  
15 solely to the prices, terms or conditions of a bona  
16 fide contemplated or actual purchase or sale between  
17 said defendant and roof construction company of  
18 components or materials utilized in panelized roof  
19 construction; or

20  
21 (b) Any transactions or communications solely between a  
22 defendant and a parent or subsidiary of, or the person  
23 under common control with, such defendant, or between  
24 officers, directors, agents or employees thereof.

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VIII.

Each defendant is ordered and directed:

- (a) To furnish within thirty (30) days after entry of this Final Judgment a copy thereof to each of its officers and directors who has management responsibility for the sale of panelized roof construction, and to each of its managing agents and employees having responsibility for or authority over the establishment of the prices or preparation of bids for panelized roof construction;
- (b) To furnish a copy of this Final Judgment to each person who becomes an officer, director, managing agent or employee described in Subparagraph (a) of this Paragraph, within thirty (30) days after such person is employed by or becomes associated with such defendant;
- (c) To take additional affirmative steps to advise each of its officers, directors, managing agents and employees described in Subparagraphs (a) or (b) of this Paragraph of its and their obligations under the Final Judgment and of the criminal penalties for violation of this Final Judgment, including annual distribution of written directives setting forth corporate antitrust

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1 and Final Judgment compliance policies, annual  
2 distribution of copies of the Final Judgment, and  
3 annual meetings to review its terms and the  
4 obligations it imposes;

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6 (d) To file with the Court and serve upon the plaintiff  
7 within sixty (60) days from the date of entry of this  
8 Final Judgment, an affidavit as to the fact and manner  
9 of its compliance with Subparagraph (a) of this  
10 Paragraph; and

11  
12 (e) To require each person described in Subparagraphs (a)  
13 or (b) of this Paragraph annually to sign and submit  
14 to his or her employer, for retention in the  
15 employer's files, a certificate in substantially the  
16 following form:

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18 "The undersigned hereby (1) acknowledges receipt of a  
19 copy of the 1981 Antitrust Final Judgment and a written  
20 directive setting forth the Company policy regarding  
21 compliance with the antitrust laws and with such Final  
22 Judgment, (2) represents that the undersigned has read and  
23 understands such Final Judgment and directive, (3)  
24 acknowledges that the undersigned has been advised and  
25 understands that non-compliance with such policy and Final  
26 Judgment will result in appropriate disciplinary measures  
27 determined by the Company and which may include dismissal,  
28 and (4) acknowledges that the undersigned has been advised

1 and understands that non-compliance with the Final  
2 Judgment may also result in conviction for contempt of  
3 court and imprisonment and/or fine."

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5 IX.

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7 For the purpose of determining or securing compliance with the  
8 Final Judgment, and subject to any legally recognized privilege,  
9 from time to time:

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11 (a) Duly authorized representatives of the Department of  
12 Justice shall, upon written request of the Attorney  
13 General or of the Assistant Attorney General in charge  
14 of the Antitrust Division, and on reasonable notice to  
15 a defendant made to its principal office, be permitted:

16  
17 (1) Access during office hours of such defendant to  
18 inspect and copy all books, ledgers, accounts,  
19 correspondence, memoranda and other records and  
20 documents in the possession or under the control of  
21 such defendant, who may have counsel present, relating  
22 to any matters contained in this Final Judgment; and

23  
24 (2) Subject to the reasonable convenience of such  
25 defendant and without restraint or interference from  
26 it, to interview officers, employees and agents of  
27 such defendant, who may have counsel present,  
28 regarding any such matters.

1 (b) Upon the written request of the Attorney General or of  
2 the Assistant Attorney General in charge of the  
3 Antitrust Division made to a defendant's principal  
4 office, such defendant shall submit such written  
5 reports, under oath if requested, with respect to any  
6 of the matters contained in this Final Judgment as may  
7 be requested.

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9 No information or documents obtained by the means provided in  
10 this Section IX shall be divulged by any representative of the  
11 Department of Justice to any person other than a duly authorized  
12 representative of the Executive Branch of the United States, except  
13 in the course of legal proceedings to which the United States is a  
14 party, or for the purpose of securing compliance with this Final  
15 Judgment, or as otherwise required by law.

16  
17 If at the time information or documents are furnished by a  
18 defendant to plaintiff, such defendant represents and identifies in  
19 writing the material in any such information or documents to which a  
20 claim of protection may be asserted under Rule 26(c)(7) of the  
21 Federal Rules of Civil Procedure, and said defendant marks each  
22 pertinent page of such material, "Subject to claim of protection  
23 under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then  
24 10 days notice shall be given by plaintiff to such defendant prior

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1 to divulging such material in any legal proceeding (other than a  
2 grand jury proceeding) to which that defendant is not a party.

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4 X.

5  
6 Jurisdiction is retained by this Court for the purpose of  
7 enabling any of the parties to this Final Judgment to apply to this  
8 Court at any time for such further orders or direction as may be  
9 necessary or appropriate for the construction or carrying out of  
10 this Final Judgment, for the modification of any of the provisions  
11 hereof, for the enforcement of compliance herewith, and for the  
12 punishment of any violation hereof.

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14 XI.

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16 This Final Judgment will expire on the tenth anniversary of its  
17 date of entry.

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19 XII.

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21 Entry of this Final Judgment is in the public interest.

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23 Dated: February 12, 1982

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25 /s/ Judge Robert J. Kelleher  
26 ROBERT J. KELLEHER  
27 UNITED STATES DISTRICT JUDGE  
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