

APPENDIX B:
SUMMARY OF REASONS FOR TERMINATING EACH JUDGMENT
(Ordered by Year Judgment Entered)

Case No.: 1116

Case Name: U.S. v. A. Schrader's Son, Inc.

Year Judgment Entered: 1923

Section of Judgment Retaining Jurisdiction: 3

Description of Judgment: Defendants were enjoined from using license agreements to impose illegal restrictions on customers, including vertical price maintenance and price discrimination, in the sale and distribution of valves, valve parts, and pressure gauges, used in the manufacture, repair, and inflation of pneumatic tires and tubes.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Defendants no longer exist (corporation no longer in existence and individual defendants are deceased).
- Conduct (vertical price maintenance) might not be considered per se illegal today and would likely be reviewed under a rule of reason standard.
- Market conditions have likely changed dramatically in the past 95 years.

Public Comments: None.

Case No.: 14674

Case Name: U.S. v. Seafarers Sea Chest Corp., et al.

Year Judgment Entered: 1956

Section of Judgment Retaining Jurisdiction: XI

Description of Judgment: Union and its company seller were prohibited from monopolizing or attempting to monopolize the sale of slop chest supplies (supplies stored on a ship that are sold to vessel personnel).

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- One of two defendants no longer exists.
- Market conditions have likely changed and the industry is no longer consolidated to one supplier of slop chest supplies as it appears that hundreds of suppliers are now in business.

Public Comments: None.

Case No.: 17768

Case Name: U.S. v. Nassau & Suffolk County Retail Hardware Association, Inc., et al.

Year Judgment Entered: 1959

Section of Judgment Retaining Jurisdiction: VIII

Description of Judgment: Defendants enjoined from price fixing in the sale of hardware and housewares sold to consumers. The decree also ordered dissolution of the defendant trade association.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Defendant trade association no longer exists.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (price fixing).

Public Comments: None.

Case No.: 63-C-1206 (Proposed Final Judgment; *see also* 63-C-1207, Final Judgment)

Case Name: U.S. v. Nassau-Suffolk Pharmaceutical Society, Inc.

Year Judgment Entered: 1963

Section of Judgment Retaining Jurisdiction: VII

Description of Judgment: Defendant enjoined from price fixing and from conspiring to maintain resale prices of drug products.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Defendant no longer appears to exist.
- Judgment terms prohibit acts the antitrust laws already prohibit (price fixing).

Public Comments: None.

Case No.: 63-C-1207 (Although the Proposed Final Judgment is complete, the entered Final Judgment has a partial page. Both are filed for completeness of the record.)

Case Name: U.S. v. Nassau-Suffolk Pharmaceutical Society, Inc.

Year Judgment Entered: 1963

Section of Judgment Retaining Jurisdiction: VII

Description of Judgment: Defendant enjoined from price fixing and from conspiring to maintain resale prices of drug products.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Defendant no longer appears to exist.
- Judgment terms prohibit acts the antitrust laws already prohibit (price fixing).

Public Comments: None.

Case No.: 66-C-395

Case Name: U.S. v. Permatex Company, Inc.

Year Judgment Entered: 1966

Section of Judgment Retaining Jurisdiction: VI

Description of Judgment: Defendants enjoined from, among other things, restricting the prices at which its products were sold, and from preventing purchasers from reselling to discounters.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.

Public Comments: None.

Case No.: 66-C-929

Case Name: U.S. v. Ehrenreich Photo-Optical Industries, Inc.

Year Judgment Entered: 1966

Section of Judgment Retaining Jurisdiction: VII

Description of Judgment: Defendant enjoined from, among other things, fixing the resale price and otherwise influencing the retailing of photographic products.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Defendant no longer exists.

Public Comments: None.

Case No.: 62-C-1421

Case Name: U.S. v. F. & M. Schaefer Brewing Company

Year Judgment Entered: 1969

Section of Judgment Retaining Jurisdiction: VII

Description of Judgment: Defendant enjoined from, among other things, entering into a marketing agreement with a designated brewery and from entering into unapproved marketing agreements with any other brewery.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (market allocation).

Public Comments: None.

Case No.: 72-C-860

Case Name: U.S. v. Bird Corporation, et al.

Year Judgment Entered: 1972

Section of Judgment Retaining Jurisdiction: IX

Description of Judgment: Defendants enjoined from, among other things, fixing the resale price of respirators; allocating territories and customers related to the sale of respirators; and entering into any agreement which prevented the distributor defendant (Instrumentation Associates) from selling any product other than the product manufactured by the manufacturer defendant (Bird Corporation). For a ten year period, the defendants were required to file a report with the Government setting forth the steps taken to advise their officers, employees and agents of their obligations under the final judgment.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- All terms of the Judgment have been satisfied.
- One of two defendants no longer exists.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (price fixing, customer allocation, market allocation).

Public Comments: None.

Case No.: 70-C-1228

Case Name: U.S. v. Ross Trucking, Inc., et al. (Standard Fruit)

Year Judgment Entered: 1973

Section of Judgment Retaining Jurisdiction: IX

Description of Judgment: Defendant importer of bananas enjoined from requiring banana wholesalers or retailers to use a designated agent.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.

Public Comments: None.

Case No.: 70-C-1228

Case Name: U.S. v. Ross Trucking, Inc., et al. (Ross Trucking)

Year Judgment Entered: 1973

Section of Judgment Retaining Jurisdiction: VIII

Description of Judgment: Defendant trucking company enjoined from participating in a plan with any banana importer which would require the use of the trucking firm as the transport agent.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.

Public Comments: None.

Case No.: 71-C-563

Case Name: U.S. v. National Association for Air Freight, Inc., et al.

Year Judgment Entered: 1974

Section of Judgment Retaining Jurisdiction: VII

Description of Judgment: Defendants enjoined from, among other things, fixing prices for air freight and allocating air freight customers. The final judgment also required the dissolution of one defendant, the National Association for Air Freight.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- All terms of the Judgment have been satisfied.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (price fixing, customer allocation).

Public Comments: None.

Case No.: 71-C-609

Case Name: U.S. v. United Artists Theatre Circuit, Inc., et al.

Year Judgment Entered: 1976 (modified 1985)

Section of Judgment Retaining Jurisdiction: X

Description of Judgment: Defendants were required to divest 23 movie theaters within five years from the date of the final judgment. For a ten year period from the date of the judgment, defendants were enjoined from making further acquisitions without Government approval. The final judgment was modified in 1985 to allow the exclusion of three theaters from the divestiture provisions.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- All terms of the Judgment have been satisfied.

Public Comments: None.

Case No.: 75-C-1275

Case Name: U.S. v. Composition Roofers & Waterproofers Employers Association of New York City and Vicinity, et al.

Year Judgment Entered: 1978

Section of Judgment Retaining Jurisdiction: XII

Description of Judgment: Defendants enjoined from, among other things, fixing the terms and lengths of guarantees for roof installation. For a five year period, the defendants were required to file a report with the Government setting forth the steps taken to advise their officers, employees and agents of their obligations under the final judgment.

Reasons Judgment Should Be Terminated:

- Judgment more than ten years old.
- All terms of the Judgment have been satisfied.
- Judgment terms largely prohibit acts the antitrust laws already prohibit (price fixing).

Public Comments: None.

