

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
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 Plaintiff, :
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 v. :
 :
 WALTON HAULING & WAREHOUSE CORP.; :
 TAIT TRANSFER COMPANY, INC.; SCHUMER :
 THEATRICAL TRANSFER, INC.; ERIE : Civil No.
 TRANSFER CO., INC.; INTERNATIONAL : 86-286
 BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, :
 WAREHOUSEMEN AND HELPERS OF AMERICA, :
 THEATRICAL DRIVERS, CHAUFFEURS AND :
 HELPERS LOCAL UNION NO. 817; EUGENE :
 A. WALTON; SAUL FREEDMAN; HARRY SCHUMER; :
 HARRY HYDE; and EDWARD O'DONNELL, :
 :
 Defendants. :
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FINAL JUDGMENT

The plaintiff UNITED STATES OF AMERICA, having filed its complaint herein on July 15, 1953 and the defendants signatory hereto having appeared and filed their answers to said complaint, denying the substantive allegations thereof; and the plaintiff and the defendants signatory hereto, by their respective attorneys, having consented to the entry of this Final Judgment herein without trial or adjudication of any issue of fact or law herein;

NOW, THEREFORE, before any testimony has been taken herein, and without trial or adjudication of any issue of fact or law, and without any admission by any party in respect of any such issue, and upon the consent of the parties signatory hereto, it is hereby

ORDERED, ADJUDGED AND DECREED, as follows:

I.

The Court has jurisdiction of the subject matter of this action and of the parties hereto. The complaint states a claim against the defendants signatory hereto under Sections 1 and 2 of the Act of Congress of July 2, 1890, c. 647, 26 Stat. 209, entitled "An Act to

protect trade and commerce against unlawful restraints and monopolies, as amended, commonly known as the Sherman Act.

II.

As used in this Final Judgment:

- (a) "Consenting defendants" means the defendants Local 817 and Edward O'Donnell;
- (b) "Local 817" means the defendant International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Theatrical Drivers, Chauffeurs, and Helpers Local Union No. 817;
- (c) "Theatrical hauler" means any person engaged in the business of hauling;
- (d) "Hauling" means hauling, trucking or transferring theatrical scenery and equipment;
- (e) "Theatrical scenery and equipment" means any and all scenic effects, including backdrops, furniture, rugs, draperies, trunks, stage lighting appliances, properties, costumes and other paraphernalia and products, used or for use in the production of motion pictures, in the presentation of theatrical performances on a stage or in the production of televised theatrical or advertising performances;
- (f) "Person" means an individual, partnership, firm, association, corporation or any other legal entity.

III.

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

IV.

The consenting defendant Local 817 is ordered and directed with

thirty days after the entry of this Final Judgment to serve by mail upon each of its officers, principal executives and members a conformed copy of this Final Judgment and to file with this Court and with the plaintiff herein, proof by affidavit of such service.

V.

The consenting defendants are jointly and severally enjoined and restrained from entering into, adhering to, renewing, maintaining or furthering, directly or indirectly, or claiming any rights under any contract, combination, agreement, understanding, plan or program with any theatrical hauler or any association, organization or central agency of or for theatrical haulers, to

- (a) determine, fix, establish, maintain or control prices, discounts, allowances or terms or conditions relating to prices for hauling;
- (b) solicit, urge, influence, suggest, require or compel the adoption of or adherence to specified prices, discounts, allowances or terms or conditions relating to prices for hauling;
- (c) prevent any person from engaging in the business of hauling unless or until such person takes or continues membership in any association, organization or central agency of or for theatrical haulers;
- (d) exclude or prevent any person from entering into, engaging in or continuing in the business of hauling;
- (e) allocate or divide customers among haulers;
- (f) prohibit, interfere with, control, restrict or limit in any way the right of any theatrical producer, television station or producer of television shows, or motion picture producer to employ or utilize any hauler or to freely select any means of transportation for hauling.

VI.

The consenting defendants are jointly and severally enjoined

and restrained from

- (a) withholding or threatening to withhold the services of any members of Local 817 from,
- (b) refraining from negotiating a labor agreement directly with,
or
- (c) blacklisting or intimidating any bona fide employer willing and able to enter into an agreement, and who shall thereafter maintain such agreement, containing terms relating to wages hours, benefits and working conditions comparable to terms and conditions for the unexpired period of other comparable collective bargaining agreements to which Local 817 may be a party;
- (d) requiring conditions and terms in any labor contract or agreement not required of other comparable employers of members of Local 817;
- (e) compelling, threatening or inducing any person to refuse to do business with any hauler other than one of the haulers named as a defendant herein.

VII.

Nothing in this Final Judgment shall be construed to restrain either or both of the consenting defendants or any of the officers, executives, agents or members of the defendant Local 817, from engaging in any lawful Union activities including but not limited to organizational activities, securing recognition, collective bargaining, contract enforcement, representation, establishment, maintenance and improvement of terms and conditions of employment.

VIII.

For the purpose of securing compliance with this Final Judgment, and for no other purpose, 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 consenting defendant, made

to its principal office, be permitted, subject to any legally recognized privilege, (a) access during the office hours of such defendant, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of such defendant relating to any matters contained in this Final Judgment; and (b) subject to the reasonable convenience of such 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, such 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 shall be divulged by any representative of the Department of Justice except in the course of legal proceedings to which the United States is a party or as otherwise required 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 of any of the provisions thereof, for the enforcement of compliance therewith, and for punishment of violations thereof.

Dated: New York, N. Y.

July 15th, 1955.

/s/ Alexander Bicks
United States District Judge

We hereby consent to the entry of the foregoing Final Judgment:

For Plaintiff United States of America:

/s/ STANLEY N. BARNES
STANLEY N. BARNES
Assistant Attorney General

/s/ RICHARD B. O'DONNELL
RICHARD B. O'DONNELL
Special Assistant to the Attorney
General

/s/ WILLIAM D. KILGORE
WILLIAM D. KILGORE

/s/ HARRY G. SKLARSKY
HARRY G. SKLARSKY

/s/ BADDIA J. RASHID
BADDIA J. RASHID

/s/ EDWARD F. CORCORAN
EDWARD F. CORCORAN

/s/ VINCENT A. GORMAN
VINCENT A. GORMAN

/s/ PAUL D. SAPIENZA
PAUL D. SAPIENZA

Trial Attorneys

For the Consenting Defendants:

International Brotherhood of Teamsters,
Chauffeurs, Warehousemen and Helpers of
America, Theatrical Drivers, Chauffeurs
and Helpers Local Union No. 817; and

Edward O'Donnell

/s/ HENRY WEISS

HENRY WEISS