

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 LEVITON MANUFACTURING CO.,)
 INC.;)
 EAGLE ELECTRIC MANUFACTURING)
 CO., INC.;)
 SLATER ELECTRIC, INC.;) Civil Action
 CIRCLE F INDUSTRIES, INC.;) No.: H-77-555
 BELL ELECTRIC COMPANY, INC.;)
 JOHN I. PAULDING, INC.;) Filed: June 1, 1979
 TRIBORO ELECTRIC CORP.;) Entered: 10/2/79
 GEORGE P. BYRNE, INC.; and)
 GEORGE P. BYRNE, JR.,)
)
 Defendants.)

STIPULATION

IT IS HEREBY STIPULATED by and between the plaintiff,
United States of America, and each of the above-named
defendants, by their respective attorneys, that:


1. The parties consent that a Final Judgment in
the form attached hereto may be filed and entered by the
Court, upon the motion of any party or upon the Court's own
motion, at any time after compliance with the requirements
of the Antitrust Procedures and Penalties Act, 15 U.S.C. §
16, and without further notice to any party or other pro-
ceedings, provided that plaintiff has not withdrawn its
consent, which it may do at any time before the entry of the
proposed Final Judgment by serving notice thereof on the
defendants and filing that notice with the Court.

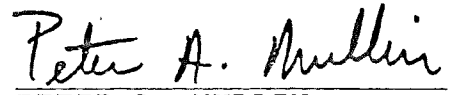
2. In the event plaintiff withdraws its consent
hereto, or if the proposed Final Judgment is not entered
pursuant to this Stipulation, this Stipulation shall have no

effect whatever and the making of this Stipulation shall be without prejudice to any consenting party in this or any other proceeding.

DATED: June 1, 1979

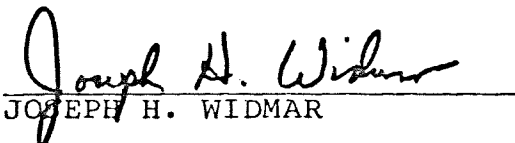
FOR THE PLAINTIFF:


JOHN H. SHENEFIELD
Assistant Attorney General

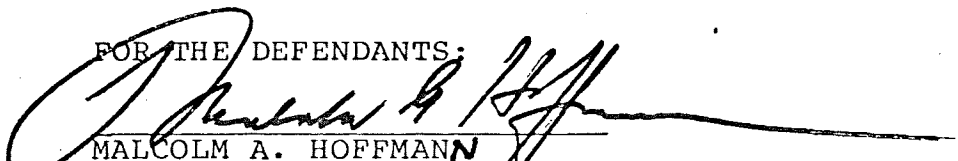

PETER A. MULLIN
Attorney, United States
Department of Justice

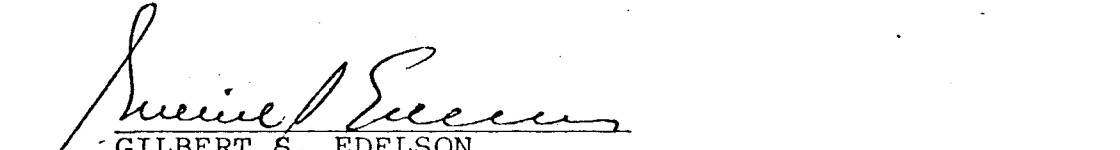

WILLIAM E. SWOPE

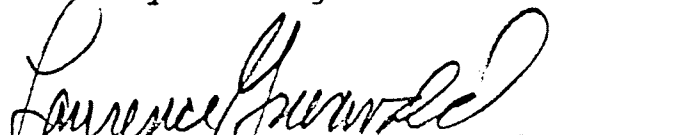

CHARLES F. B. MCALEER

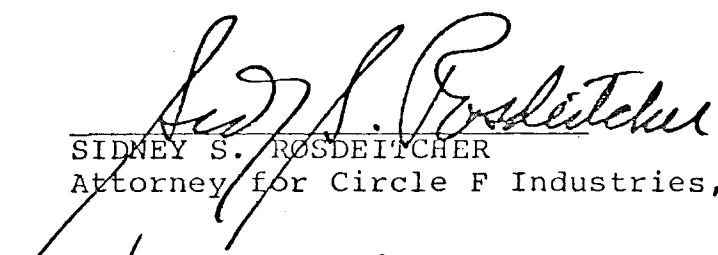

JOSEPH H. WIDMAR
Attorneys, United States
Department of Justice

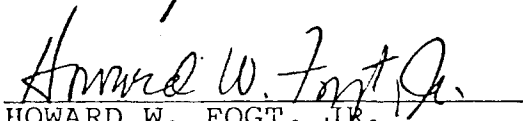
FOR THE DEFENDANTS:

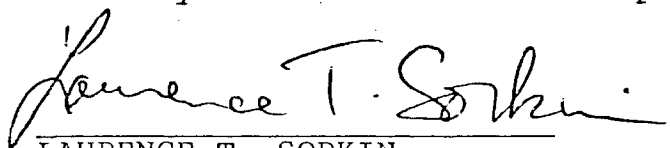

MALCOLM A. HOFFMANN
Attorney for Leviton Manufacturing Co., Inc.

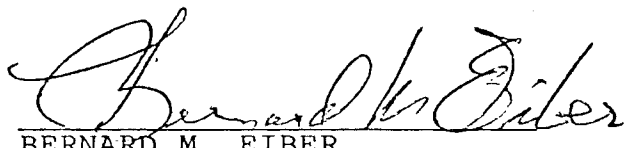

GILBERT S. EDELSON
Attorney for Eagle Electric Manufacturing Co., Inc.

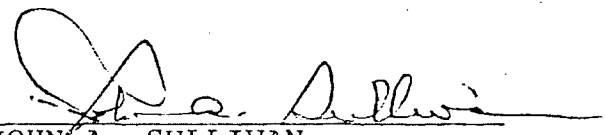

LAWRENCE GREENWALD
Attorney for Slater Electric, Inc.


SIDNEY S. ROSDEITCHER
Attorney for Circle F Industries, Inc.


HOWARD W. FOGT, JR.
Attorney for Bell Electric Company, Inc.


LAURENCE T. SORKIN
Attorney for John I. Paulding, Inc.


BERNARD M. EIBER
Attorney for Triboro Electric Corp.


JOHN A. SULLIVAN
Attorney for George P. Byrne, Inc.
and George P. Byrne, Jr.

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 Defendants.)

Civil Action No.: H-77-555

Filed: June 1, 1979

Entered: 10/2/79

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on October 27, 1977, and the plaintiff and the defendants, by their respective attorneys, having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or admission by any party with respect to any issue of fact or law herein:

NOW, THEREFORE, without any testimony being taken herein, and without trial or adjudication of any issue of fact or law herein, and upon the consent of all parties hereto, it is hereby

ORDERED, ADJUDGED AND DECREED:

I

This Court has jurisdiction of the subject matter herein and of the parties hereto. The complaint states a

claim upon which relief may be granted against the defendants under Section 1 of the Sherman Act, 15 U.S.C. § 1.

II

As used in this Final Judgment:

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

(B) "Manufacturing defendants" means all the corporate defendants named in the complaint except George P. Byrne, Inc.; and

(C) "Wiring devices" means current carrying electrical products that serve primarily as a connection or control point for an electrical circuit and certain products commonly used therewith which do not themselves carry an electrical current, including but not limited to, switches, receptacles, power outlets, caps, connectors, incandescent lampholders, wallplates, weatherproof boxes and covers, and combination devices (but not including fluorescent lampholders and dimmers), said products being sometimes known in the trade as residential grade wiring devices, as distinguished from a heavy-duty grade of wiring device sometimes known as specification grade wiring devices.

III

The provisions of this Final Judgment are applicable to all defendants herein and shall also apply to each of the corporate defendants' officers, directors, agents, employees, domestic subsidiaries, successors and assigns, and to those 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. The provisions of this Final Judgment shall not apply to any activities between a defendant corporation and a parent or subsidiary thereof.

IV

Each defendant is enjoined and restrained from:

(A) directly or indirectly entering into, adhering to, maintaining or furthering any contract, agreement, understanding, plan, program, combination or conspiracy with any other person engaged in the production or sale of wiring devices to raise, fix, stabilize or maintain prices, discounts or terms or conditions of sale of wiring devices to any third person;

(B) communicating to or requesting from any manufacturer of wiring devices any information concerning past, present or future prices, price differentials, terms or conditions of sale, discounts, and actual or proposed pricing policies for the sale of wiring devices, except necessary communications in connection with: (1) a bona fide contemplated or actual purchase or sales transaction between the parties to such communications; or (2) a bona fide transaction involving the actual or proposed acquisition of any manufacturer of wiring devices; and

(C) continuing, maintaining, reviving or belonging to the Wiring Device Association or any other trade association consisting primarily of residential grade wiring device manufacturers.

V

Defendants George P. Byrne, Jr., and George P. Byrne, Inc., are enjoined and restrained from directly or indirectly organizing, holding office in, or being employed by a trade association of wiring device manufacturers.

VI

(A) Within sixty (60) days from the date of entry of this Final Judgment, each manufacturing defendant shall file with the Court and serve on the plaintiff an affidavit setting forth the announcement date, effective date, and percentage of change, if included in the announcement letter, of each published price list for wiring devices issued by such defendant during the period from April 1, 1976, to the date of this Final Judgment.

(B) Within sixty (60) days from the date of this Final Judgment, each manufacturing defendant shall: (1) conduct such review of its prices and terms and conditions of sale for wiring devices as is necessary to determine if each such price and term or condition of sale has been independently arrived at; (2) independently review, redetermine and reissue each such price or term or condition of sale not independently arrived at; and (3) file with the Court and serve on the plaintiff an affidavit certifying that each of its prices and terms or conditions of sale for wiring devices has been independently determined.

(C) For a period of five (5) years from the date of the entry of this Final Judgment, each manufacturing defendant shall prepare and maintain an affidavit of one of its officers or directors, within thirty (30) days of each

change in its published prices, discounts, or terms or conditions of sale for wiring devices, stating that said officer or director has made reasonable inquiry and that to the best of his knowledge, information and belief said change was individually and independently arrived at and was not the result of any agreement, understanding or communication with any other manufacturer of wiring devices.

VII

(A) Within ninety (90) days after the date of entry of this Final Judgment, each corporate defendant shall furnish a copy thereof to each of its officers and directors and to each of its employees having supervisory sales or pricing responsibility for wiring devices, and obtain and retain a written receipt therefor from each such person.

(B) Within one hundred twenty (120) days from the date of entry of this Final Judgment each corporate defendant shall file with this Court and serve upon the plaintiff an affidavit as to the fact and manner of its compliance with subsection (A) of this Section VII.

(C) Each corporate defendant shall furnish a copy of this Final Judgment to each new officer or director and to each new employee having supervisory sales or pricing responsibility for wiring devices and shall maintain, for a period of ten (10) years, a written record, bearing the signature of such officer, director or employee, acknowledging receipt of a copy thereof.

(D) Each corporate defendant shall, on an annual basis, take affirmative steps to advise each of its officers

and directors and each of its employees with supervisory sales or pricing responsibility for wiring devices of the company's and their personal obligations under this Final Judgment and of the criminal penalties for violation thereof. Such affirmative steps shall include, as a minimum, the distribution of a written directive explaining the antitrust laws and the obligations imposed by this Final Judgment and the holding of a meeting or meetings to review and explain the antitrust laws and this Final Judgment and the obligations imposed thereby.

(E) Each corporate defendant shall maintain a copy of each written directive distributed pursuant to Section VII (D) of this Final Judgment, including the date distributed and to whom sent and a written record of each meeting held pursuant to such section showing the date and place of the meeting, who was present and the agenda for the meeting.

VIII

Each manufacturing defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of its total assets of its wiring devices business, that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the Court, and serve upon the plaintiff, its consent to be bound by this Final Judgment.

IX

(A) For the purpose of determining or securing compliance with this Final Judgment, each corporate defendant shall permit duly authorized representatives of the Department of Justice, on written request of the Attorney General

or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to the defendant at its principal office, subject to any legally recognized privilege:

(1) to inspect and copy during the regular business hours of such defendant, who may have counsel present, all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant which relate to any matters contained in this Final Judgment; and

(2) to interview any officer, director or employee of such defendant regarding any matter contained in this Final Judgment, subject to the reasonable convenience of such defendant, and without restraint or interference therefrom, provided that such defendant and such officer, director or employee may have counsel present at any such interview.

(B) For the purpose of determining or securing compliance with this Final Judgment, defendant shall submit such reports in writing, under oath if so requested, with respect to any matter contained in this Final Judgment as may from time to time be requested in writing by the Attorney General or the Assistant Attorney General in charge of the Antitrust Division.

(C) No information obtained by the means provided in this Section IX shall be divulged by any representative of the Department of Justice to any person other than a

duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(D) If at any time information or documents are furnished by any defendant to plaintiff pursuant to this Section IX, and such defendant represents and identifies in writing the material in any such information or documents as being the type described in Rule 26 (c) (7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26 (c) (7) of the Federal Rules of Civil Procedure," then the plaintiff shall give ten (10) days notice to such defendant prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which the defendant is not a party.

X

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or modification of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

XI

This Final Judgment shall terminate ten (10) years from the date of its entry.

XII

Entry of this Final Judgment is in the public interest.

Dated at Hartford, Connecticut, this 2nd day of October,
1979.

/s/

M. JOSEPH BLUMENFELD
UNITED STATES DISTRICT JUDGE