

No. 1977-51

FILED
JAN 6 1924
Chas. E. Fitch
Deputy Clerk

IN THE DISTRICT COURT OF THE UNITED STATES,
WESTERN DISTRICT OF MICHIGAN.

UNITED STATES OF AMERICA, Plaintiff,

v.

MAPLE FLOORING MANUFACTURERS ASSOCIATION, Et AL,
Defendants.

FINAL DECREE.

IN THE DISTRICT COURT OF THE UNITED STATES,
WESTERN DISTRICT OF MICHIGAN.

UNITED STATES OF AMERICA, Plaintiff,

v.

MAPLE FLOORING MANUFACTURERS ASSOCIATION ET AL.

Defendants.

FINAL DECREE.

This cause came on to be heard at this term, and the Court having considered the evidence and having heard arguments of counsel and being fully advised in the premises, it is hereby ordered, adjudged and decreed as follows:

1. That the contract or articles of association under which defendants are now operating, under the name of the Maple Flooring Manufacturers Association, and the activities thereunder as alleged in the original bill and proved on the hearing constitute a combination in restraint of interstate trade and commerce in

violation of the Act of Congress of July 2, 1890, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," known as the Sherman Anti-Trust Act.

2. That the defendants and their officers, agents, servants and employees and all persons acting under, by or in behalf of them or any of them are hereby ordered and directed to dissolve and to forever discontinue defendant Maple Flooring Manufacturers Association, and they are perpetually enjoined, restrained and prohibited from forming or engaging in any like association; and from entering into any express or implied agreement or articles of association or minimum price plan or minimum price basis or any arrangement similar to and having a like purpose as said agreements or articles of association or minimum price plans or minimum price bases described in the petition herein and shown in the proof.

3. That the defendants, their officers, agents, servants, and employees, and all persons acting under, through or in behalf of them or any of them, are hereby perpetually enjoined, restrained and prohibited from combining, conspiring or agreeing to do any of the following acts:

(a) To fix in any manner whatsoever or to maintain uniform or non-competitive f. o. b. factory or delivered prices for the maple, beech or birch flooring sold by them, or to increase or diminish such

prices, or to do any act or acts having the purpose or effect of establishing or maintaining such uniform or non-competitive prices or increasing or diminishing such prices;

(b) To fix in any manner whatsoever, or to maintain, uniform minimum prices or average costs for maple, birch or beech flooring, or the elements to be considered as entering into and determining said minimum prices or average costs, or to do any act or acts having the purpose or effect of establishing or maintaining uniform minimum prices or average costs for use as common bases in establishing prices;

(c) To make reports to a central collective agency or agencies or to receive reports from a central collective agency or agencies such as or similar to the reports described in subdivision five of paragraph five of the petition herein (and proven by the evidence) to be used as a means of fixing or controlling prices or in any manner affecting the production of maple, beech or birch flooring or to be used as a means of fixing or controlling or increasing or diminishing prices of maple, beech or birch flooring or to be used as a means of controlling or otherwise affecting the production of such flooring;

(d) To do any act or acts having the purpose or effect of causing or enabling them or any of them to establish or maintain

uniform or non-competitive prices or to increase or diminish such prices or to maintain uniform policies as to prices and sales;

(e) To compile, publish or use freight rate books containing any or all of the following matters: average cost charts of the principal items of maple, beech or birch flooring, tables of differentials for the determination of the average costs of other kinds of maple, beech or birch flooring, delivered cost charts showing the average cost of any item of maple, beech or birch flooring when delivered at any destination;

Provided, however, that nothing contained in this decree shall be construed as prohibiting any defendant from doing or performing any of the foregoing acts or from selecting his or its own trade and from disposing of his or its own products to such persons or on such terms as he or it may choose if done individually and without combining, conspiring or agreeing with any other defendant or with any other manufacturer of maple, beech and birch flooring.

4. That the petitioner shall have and recover from the defendants its costs.

E. W. Sessions

District Judge.

January 4, 1924.