

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BROWN SHOE COMPANY, INC.,
G. R. KINNEY CO., INC., and
G. R. KINNEY CORPORATION,

Defendants.

NO. 10527 (3)

1960

12-8-59

FINAL JUDGMENT

This cause was heretofore tried before the Court and at the conclusion of the testimony herein was passed for the filing of briefs. The Court having heard the testimony, reviewed the briefs and being fully advised herein, filed a written Opinion on November 20, 1959, which said Opinion is hereby adopted as its findings and conclusions and in accordance therewith does:

1. ORDER, ADJUDGE and DECREE that the acquisition by defendant Brown Shoe Company, Inc., through its subsidiary defendant G. R. Kinney Corporation, of defendant G. R. Kinney Co., Inc., constitutes a violation of Section 7 of the Clayton Act (15 U.S.C., §18) in that the effect may be substantially to lessen competition and tend to create a monopoly and therefore, plaintiff's Complaint is sustained and pursuant to Section 15 of the Clayton Act (15 U.S.C. §25) defendant Brown is ordered to relinquish and dispose of the stock, share capital and assets of defendant G. R. Kinney Corporation, and any stock, share capital, assets or other interest it may have, in defendant G. R. Kinney Co., Inc.

2. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendants Brown Shoe Company, Inc., G. R. Kinney Co., Inc., and G. R. Kinney Corporation, their agents, servants, officers and directors, and any and all persons acting for and on behalf of the defendants, after the divestiture herein ordered, are hereby enjoined from acquiring or having any interest in the business, stock, share capital or assets of the other defendants.

3. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pending divestiture, defendant G. R. Kinney Corporation shall administer the assets acquired from G. R. Kinney Co., Inc., and replacements heretofore and hereafter made, in good faith, and as a going shoe business with a view to preserving the assets in as good condition as possible. Same shall continue to be operated independently and pursuant to the terms and conditions set forth in the Order of this Court dated March 13, 1956.

4. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the divestiture herein ordered shall require the prior approval of this Court on notice to counsel for plaintiff. Defendants shall prepare and file with this Court, within ninety (90) days from the effective date of this Final Judgment, a proposed plan to carry into effect the divestiture order and the plaintiff shall have thirty (30) days thereafter to file opposition or suggestions thereto.

5. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that jurisdiction of this cause 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 carrying out of this Final Judgment, for the enforcement of compliance therewith

6. Costs hereof are taxed against the defendants.

Done this 8th day of December, 1959.

/s/ Randolph H. Weber
UNITED STATES DISTRICT JUDGE