

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

STEVES AND SONS, INC.,

Plaintiff,

v.

Civil Action No. 3:16cv545

JELD-WEN, INC.,

Defendant.

ORDER

The jury's verdict (ECF No. 1022) on COUNT ONE found that JELD-WEN, Inc. had violated Section 7 of the Clayton Act and awarded antitrust damages to Steves and Sons, Inc. in the amount of \$58,632,454.00 (which when trebled is \$175,897,362.00), and, the jury's verdict on COUNT TWO awarded breach of contract damages to the plaintiff in the amount of \$9,933,602.00, and the Court has held that divestiture is an appropriate remedy in a decision that, under Brown Shoe Co. v. United States, 370 U.S. 294 (1962), may be appealed, even though divestiture, if affirmed as a proper remedy, will occur after appeal. Steves and Sons, Inc., by counsel, has agreed that it is not entitled to both remedies. JELD-WEN, Inc. has represented that it intends to appeal the jury's verdict and the divestiture order.

The rather unusual circumstances of this case (the award of a monetary remedy for the antitrust violation and the grant of the

