

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

Time: FEB 23 1963  
Wayne Christofferson  
Clerk

UTAH PIE COMPANY, a Utah Corporation, )  
 )  
Plaintiff, )  
 )  
-vs- ) No. C-148-61  
 )  
CARNATION COMPANY, a Delaware Cor- )  
poration, PET MILK COMPANY, a Delaware )  
Corporation and CONTINENTAL BAKING )  
COMPANY, a Delaware Corporation, )  
 )  
Defendants. )

DECREE

The plaintiff having filed its complaint herein on September 8, 1961, charging the three defendants with a violation of Sections 1 and 2 of the Sherman Act, and Section 2(a) of the Clayton Act, as amended; the defendants having answered by denying they collectively violated Sections 1 and 2 of the Sherman Act and by denying that each violated Section 2(a) of the Clayton Act, as amended; the matter having been tried before a jury, duly impaneled in this Court, beginning on February 4, 1963; the jury having heard the evidence and arguments of counsel; the Court having instructed the jury upon the law relating to the statutes in question; the jury having deliberated and returned its verdict on February 22, 1963 in favor of defendants on the Section 1 and 2 claims and in favor of plaintiff on the claim under Section 2(a) of the Clayton Act; the jury having assessed damages against the defendants as follows:

Continental Baking Company	\$24,994
Pet Milk Company	\$44,197
Carnation Company	\$29,277

and the Court having granted plaintiff's motion to treble the said amounts as required by Section 4 of the Clayton Act and to grant plaintiff's attorneys fees and costs pursuant to the said Section 4 of the Clayton Act; the Court



having entered judgment thereon; plaintiff having applied to the Court for injunctive relief under the provisions of 15 U.S.C. 26; and the Court having heard all of the evidence and arguments of counsel in the case;

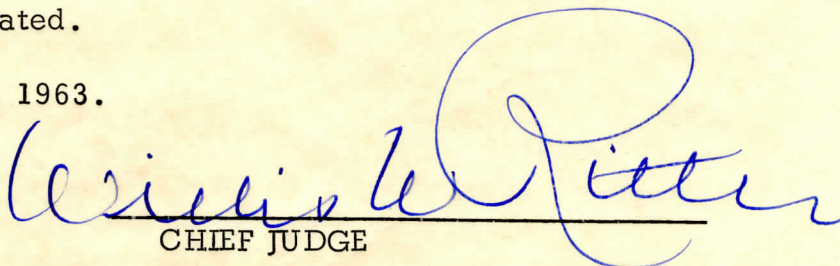
IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1) That each of the defendants has violated Section 2(a) of the Clayton Act by maintaining and charging lower prices in the trading area of plaintiff (Utah, Idaho, Washington, Montana and Colorado) than in the State of California where defendants' production facilities are located; and

2) That each defendant, its officers, representatives, agents and employees, shall not sell frozen fruit pies in the states of Utah, Idaho, Washington, Montana and Colorado at prices lower than prices charged in the State of California, (or, in the case of Continental for the state of Colorado, the prices charged in Iowa), for goods of like grade and quality; and

3) Jurisdiction of this cause is retained to permit any party to apply to the Court to modify or to vacate this decree in the light of any circumstances that shall make it just or reasonable that this decree be modified or vacated.

DATED: February 23, 1963.

  
CHIEF JUDGE

*Filed Feb. 23, 1963.*  
*31*