

**FILED**

DEC 11 1970

C. C. EVENSEN, Clerk

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN P. MAGUIRE & CO., INC.,  
a corporation,  
Plaintiff,

NO. 44251

vs.

J U D G M E N T

CONTINENTAL T.V., INC., a  
corporation; A&G SALES, a  
corporation; SYLPAC, INC., a  
corporation; S.A.M. INDUSTRIES,  
INC., a corporation; GEORGE N.  
SHAHOOD and MARGARITHA H. SHAHOOD,  
Defendants.

CONTINENTAL T.V., INC., a cor-  
poration, A&G SALES, a cor-  
poration, SYLPAC, INC., a  
corporation, and S.A.M. INDUSTRIES,  
INC., a corporation,

Cross-Claimants,

vs.

JOHN P. MAGUIRE & CO., INC., a  
corporation, and SYLVANIA ELECTRIC  
PRODUCTS, INC., a corporation,

Cross-Defendants.

Trial of the above case commenced September 25, 1970,

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1 and the jury was duly and regularly impaneled to hear and consider  
2 the questions of fact respecting legal claims of cross-claimants  
3 herein. Cross-claimants were represented at said trial by  
4 Glenn E. Miller of the office of Johnston, Miller and Giannini;  
5 Wayne H. White of the office of Rudy, Rapoport & White, Inc.;  
6 and Lawrence A. Sullivan, Esq., and cross-defendants were  
7 represented by M. Laurence Popofsky and Richard L. Goff of the  
8 office of Heller, Ehrman, White & McAuliffe.

9           The evidence was heard by the jury, the jury was  
10 instructed, and the case was submitted to the jury. The jury  
11 was instructed to render its verdict on each of several special  
12 interrogatories propounded to it. On November 6, 1970 the  
13 jury returned its verdict on each of said special interrogatories  
14 (to the extent applicable). Said verdict included a verdict  
15 in favor of cross-claimants and against cross-defendant,  
16 SYLVANIA ELECTRIC PRODUCTS, INC. ("SYLVANIA") for single damages  
17 in the sum of \$591,505, and in favor of cross-defendant, JOHN P.  
18 MAGUIRE & CO., INC. and against cross-claimants. Said verdict  
19 has been ordered filed. Over the objections of SYLVANIA, the  
20 amount of said verdict for damages in favor of cross-claimant  
21 against SYLVANIA has been trebled to \$1,774,515 as mandated by  
22 15 USC 15 (otherwise known as § 4 of the Clayton Antitrust Act).

23           Cross-defendant, SYLVANIA, has entered no objection  
24 to an award of attorneys' fees in the amount of \$275,000 (said  
25 lack of objection, however, being without prejudice to Sylvania's  
26 right of appeal from the entire judgment, including attorneys'  
27 fees, or any portion of the judgment) and this Court finds that  
28 said sum of \$275,000 constitutes a reasonable attorneys' fee  
29 in this case for counsel for cross-claimants.

30           Cross-claimants have moved the Court for injunctive

1 relief based on the evidence adduced at trial. The Court has  
2 considered said motion in light of all the evidence, and the  
3 Court finds that cross-claimants are entitled to injunctive  
4 relief in the respects hereinafter set forth on the ground that  
5 such relief is necessary and appropriate to protect cross-  
6 claimants against threatened loss or damage by a violation of  
7 the antitrust laws (see 15 USC § 26). The Court further finds  
8 that except as injunctive relief is specifically granted herein-  
9 after, cross-claimants are not entitled to any other equitable  
10 or injunctive relief requested by them.

11 The parties have stipulated that the entire judgment  
12 in favor of cross-claimants against SYLVANIA and execution thereon  
13 may be stayed pending appeal therefrom and until said judgment  
14 (if affirmed on appeal) becomes final, without the necessity  
15 of bond or other security.

16 Plaintiff JOHN P. MAGUIRE & CO., INC. and all of the  
17 defendants herein have stipulated to a judgment in favor of  
18 plaintiff and against said defendants in the sum of \$145,000.  
19 They have further stipulated that one-half of the cash deposited  
20 by defendants herein to obtain release of attachment shall be  
21 applied upon said judgment, and the other half shall be returned  
22 to defendants, and that execution on the balance due on said  
23 judgment shall be stayed until final judgment on the claims asserted  
24 by the cross-claim herein, without the necessity of bond or  
25 other security.

26 1. IT IS THEREFORE ORDERED, ADJUDGED AND DECREED,  
27 that the jury's verdict, a copy of which is attached hereto,  
28 be enrolled.

29 2. IT IS FURTHER ORDERED, ADJUDGED AND DECREED,  
30 --

1 pursuant to said jury verdict, that cross-claimants have and  
2 recover of and from cross-defendant SYLVANIA ELECTRIC PRODUCTS,  
3 INC., the sum of \$1,774,515, said sum being the verdict of the  
4 jury trebled as a matter of law, plus costs in the sum of  
5 \$18,000 and an attorney's fee in the sum of \$275,000, together  
6 with interest on said sums to run at the rate of 7% per annum  
7 from the date of entry of this judgment.

8 3. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that  
9 cross-defendant, SYLVANIA ELECTRIC PRODUCTS, INC., and its  
10 agents and employees, be, and they hereby are, perpetually  
11 enjoined and restrained from directly or indirectly imposing,  
12 inducing, or securing any condition, agreement or understanding,  
13 either by oral or written statement or by acts of retaliation,  
14 that limits the freedom of any one or more of the cross-claimants  
15 as to where or to whom it or they may display or resell products  
16 sold by said cross-defendant and acquired by one or more of  
17 cross-claimants, provided, however, that nothing herein shall  
18 either require said cross-defendant to sell any products to one  
19 or more of cross-claimants or restrain said cross-defendant from  
20 unilaterally refusing to sell products to any of cross-claimants.  
21 Except as hereinabove expressly provided, cross-claimants'  
22 request for equitable and injunctive relief is hereby denied.

23 4. IT IS FURTHER ORDERED that execution on the judgment  
24 in favor of cross-claimants and against SYLVANIA ELECTRIC  
25 PRODUCTS, INC. set forth in paragraph 2 above, and the injunctive  
26 relief set forth in paragraph 3 above, are hereby stayed pending  
27 appeal therefrom and until said judgment (if affirmed on appeal)  
28 becomes final, and, pursuant to the parties' stipulation, that  
29 no bond or other security shall be required as a condition of  
30 this stay.

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1           5. IT IS FURTHER ORDERED, ADJUDGED AND DECREED,  
2 pursuant to said jury verdict, that cross-claimants recover  
3 nothing under their cross-claim from cross-defendant, JOHN P.  
4 MAGUIRE & CO., INC.

5           6. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that  
6 plaintiff JOHN P. MAGUIRE & CO., INC. have and recover of and  
7 from defendants, CONTINENTAL T.V., INC., a corporation, A&G  
8 SALES, a corporation, SYLPAC, INC., a corporation, S.A.M.  
9 INDUSTRIES, INC., a corporation, GEORGE N. SHAHOOD and  
10 MARGARITHA H. SHAHOOD the total sum of \$145,000 (which sum shall  
11 include principal, pre-judgment interest, costs and attorneys' fees)  
12 together with interest on said sum to run at the rate of 7% per  
13 annum from the date of entry of this judgment.

14           7. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that  
15 the cash which was deposited by defendants herein in order to  
16 obtain release of attachment, and all accumulated interest earned  
17 thereon, as remains on deposit shall be paid as follows: one-  
18 half of the total of said cash deposit plus interest shall be  
19 paid immediately to plaintiff, JOHN P. MAGUIRE & CO., INC. in  
20 partial satisfaction of the foregoing judgment in favor of  
21 plaintiff against defendants; the remainder of said deposit plus  
22 interest shall be paid to defendants as their interests may  
23 appear.

24           8. IT IS FURTHER ORDERED that, except for the payment  
25 specified immediately above, execution on said judgment in favor  
26 of plaintiff against defendants is hereby stayed until such time  
27 as there is a final judgment on the claims asserted by the  
28 cross-claim herein against cross-defendant SYLVANIA ELECTRIC  
29 PRODUCTS, INC., and that pursuant to the parties' stipulation  
30 no bond or other security shall be required as a condition of

1 such stay.

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DATED this 11<sup>th</sup> day of December, 1970.

*Tom C. Clark*

The Honorable Tom C. Clark,  
sitting by designation as U.S.  
District Judge, U.S. District Court.