



Roy T. Gottesman
Executive Director

August 13, 1986

TO: Vinyl Institute Legal Committee

RE: Carlton Antitrust Suit

Last week, in Gaithersburg, I learned that the original decision in the Carlton/Allied Tube and Conduit Suit had been reversed and Sheila Millar of Keller and Heckman agreed to look into the situation.

I enclose a letter which she has written to Chuck O'Connell on this subject, which I believe will be of interest to you.

We will, of course, keep you advised should we obtain further details.

Roy

RTG/pmb
enclosure

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AUG 13 1986

DR. R. T. GOTTESMAN

Re: Carlon Antitrust Suit

Dear Chuck:

You have perhaps heard that a judgment in favor of Allied Tube & Conduit has been reached by the judge hearing the antitrust suit brought against Allied by Indian Head, Inc. (Carlon). The decision was reached in a bench ruling by the judge. The lawsuit arose as a result of Allied Tube's "packing" a National Fire Protection Association (NFPA) meeting at which restrictions on non-metallic conduit were established. You will recall that the jury reached a verdict in favor of Carlon.

The judge was apparently persuaded by the First Amendment arguments raised by Allied Tube & Conduit that lobbying activities before entities such as NFPA should be exempt under the Noerr-Pennington exemption to the antitrust laws. As a result, the decision is in keeping with the recent decision of a California court in the suit Sessions v. Joor Manufacturing, Inc. Carlon plans to appeal.

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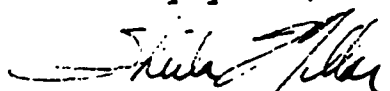
Mr. Charles E. O'Connell
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KELLER AND HECKMAN

We have talked with Carlon's counsel, who has agreed to send us a copy of the hearing transcript at which the judge issued the order. Given the importance of these types of decisions to lobbying activities of SPI, we will review the transcript and advise you further about the particulars of the decision.

Of course, if you have any questions or comments in the meantime, please feel free to contact us.

Cordially yours,



Sheila A. Millar

cc: Lewis R. Freeman, Jr.
Roger D. Bernstein
H. Patrick Toner
Roy T. Gottesman

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