

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
ST. PETERSBURG AUTOMOBILE
DEALERS ASSOCIATION,
Defendant.

Civil Action No.: 72-725-Civ-T
Filed: August 14, 1973
Entered: Sept. 15, 1973

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on December 14, 1972, and the Plaintiff and the Defendant, by their respective attorneys, having consented to entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein, and without admission by any party with respect to any such issue, and without this Final Judgment constituting evidence or admission by any party with respect to any such issue;

NOW, THEREFORE, before the taking of any testimony and without adjudication of any issue of fact or law herein and upon the consent of the parties hereto, it is hereby

ORDERED, ADJUDGED and DECREED as follows:

I

This Court has jurisdiction over the subject matter herein and over the parties hereto. The Complaint states a claim against the Defendant upon which relief may be granted under Section 1 of the Act of Congress of July 2, 1890, entitled

"An Act to protect trade and commerce against unlawful restraints and monopolies," as amended, commonly known as the Sherman Act.

II

As used in this Final Judgment:

(A) "Automobile repairs" means the application of parts and/or labor to automobiles for the purpose of repairing them;

(B) "Repair shop" means any person engaged in performing automobile repairs;

(C) "Parts" means new and used automobile parts utilized in repairing automobiles; and

(D) "Person" means any individual, association, partnership or corporation.

III

The provisions of this Final Judgment applicable to the Defendant shall also apply to each of its officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Defendant is enjoined and restrained from, directly or indirectly:

(A) Entering into, adhering to, maintaining or furthering any contract, agreement, understanding, plan or program to fix, determine, maintain or stabilize:

1. The prices, discounts, markups or other terms and conditions at which parts are sold by repair shops to any third person;

2. The fees charged or deposits required to estimate the cost of performing automobile repairs.

(B) Discussing, advocating, suggesting, urging, inducing, threatening, coercing, intimidating, or compelling the adoption of or future adherence to:

1. Uniform or specific prices, discounts, markups, or other terms and conditions at which parts are sold by repair shops to any third person;
2. Uniform or specific fees to be charged or deposits to be required to estimate the cost of performing automobile repairs.

(C) Adopting any by-law, rule or regulation, or entering into, adhering to, maintaining or furthering any contract, agreement, understanding, plan or program to restrict or limit or attempt to restrict or limit the amount or placement of any advertising or promotional activity.

V

Defendant Association is ordered and directed to furnish, within 90 days after date of entry of this Final Judgment, a copy thereof to each of its officers, directors, agents and members, and to file with this Court and serve upon the Plaintiff an affidavit as to the fact and manner of its compliance with this Section V.

VI

For a period of 10 years from the date of entry of this Final Judgment the Defendant is ordered to file with the Plaintiff, on each anniversary date of this Final Judgment, a report setting forth the steps it has taken during the prior year to advise the Defendant's appropriate officers, directors, employees and members of their obligations under this Final Judgment.

VII

For the purpose of determining or securing compliance with this Final Judgment, duly authorized representatives of the Department of Justice shall, on written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Defendant, be permitted, subject to any legally recognized privilege:

(A) Access, during office hours of Defendant, to all books, ledgers, accounts, correspondence, memoranda and other records and documents in possession or under the control of the Defendant relating to any matters contained in this Final Judgment;

(B) Subject to the reasonable convenience of the Defendant, and without restraint or interference from it, to interview officers, directors, employees or agents of the Defendant, who may have counsel present, regarding any such matters.

Upon written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, Defendant shall submit such reports in writing with respect to the matters contained in this Final Judgment as may, from time to time, be requested.

No information obtained by the means permitted in this Section VII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the Plaintiff, except in the course of legal proceedings in which the United States of America is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

VIII

Jurisdiction is retained 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 or for the modification of any of the provisions herein, and for the enforcement or compliance therewith and punishment of any violations of any of the provisions contained herein.

Dated this 15th day of September, 1973.

/s/ BEN KRENTZMAN

United States District Judge