

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 CUSTOMS BROKERS AND )  
 FORWARDERS ASSOCIATION )  
 OF MIAMI, INC., )  
 )  
 Defendant.)

Civil No. 75-3087 Civ.-PF

Filed: December 29, 1975

Entered: March 12, 1976

STIPULATION


It is stipulated, by and between the undersigned parties, Plaintiff, United States of America, and Defendant, Customs Brokers and Forwarders Association of Miami, Inc., by their respective attorneys, that:

(1) The parties consent that the Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party, or upon the Court's own motion, at any time after compliance with requirements of the Antitrust Procedures and Penalties Act, Pub. L. No. 93-528 (December 21, 1974), and without further notice to either party or other proceedings, provided that Plaintiff has not withdrawn its consent.

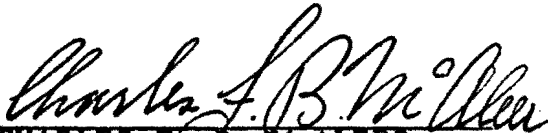
(2) The Plaintiff may withdraw its consent hereto at any time before entry of the proposed Final Judgment by serving notice thereof upon the Defendant and by filing a notice with the Court.

(3) In the event Plaintiff withdraws its consent hereto, the Stipulation shall be of no affect whatever in this or any other proceedings and the making of this Stipulation shall not in any manner prejudice any consenting party in any subsequent proceedings.

FOR THE PLAINTIFF:

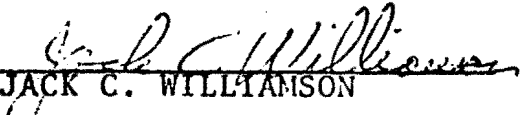
  
THOMAS E. KAUPER  
Assistant Attorney General

  
BADDID J. RASHID

  
CHARLES F. B. MCALEER

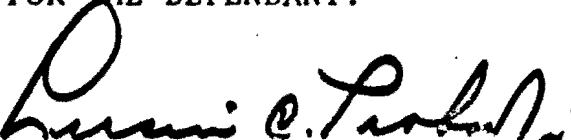
  
DONALD A. KINKAID

Attorneys, United States  
Department of Justice

  
JACK C. WILLIAMSON  
Attorney, United States  
Department of Justice

Antitrust Division  
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Atlanta, Georgia 30309  
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FOR THE DEFENDANT:

  
COUNSEL FOR CUSTOMS BROKERS  
AND FORWARDERS ASSOCIATION  
OF MIAMI, INC.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CUSTOMS BROKERS AND  
FORWARDERS ASSOCIATION  
OF MIAMI, INC.,

Defendant.

Civil No. 75-3087 Civ.-PF

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FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on December 29, 1975 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 any 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) "Person" means any individual, association, cooperative, partnership, corporation, or other business or legal entity.

(B) "Forwarder/Broker" means a person conducting business in one or more of the following capacities:

- (1) independent freight forwarder;
- (2) international air freight forwarder; or
- (3) customs broker.

## III

The provisions of this Final Judgment applicable to the Defendant shall also apply to each of its officers, directors, members, 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 ordered and directed:

(A) To forthwith adopt a by-law requiring the expulsion of any member who engages in activities prohibited in any of the paragraphs of Section V of this Final Judgment.

(B) To give to each new member a copy of this Final Judgment, and to specifically instruct each existing, and each new member that continuation of membership in Defendant is dependent upon compliance with the terms of this Final Judgment.

V

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 fees charged for services performed by forwarder/brokers.

(B) Discussing, advocating, suggesting, urging, inducing, threatening, coercing, intimidating, or compelling any forwarder/broker to adopt, use, or adhere to any uniform or specific fee to be charged for the performance of any service.

VI

Defendant is ordered and directed to furnish, within ninety (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 to serve upon the Plaintiff an affidavit as to the fact and manner of its compliance with this Section VI.

VII

For the purpose of determining or securing compliance with this Final Judgment, duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to the 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 the 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 violation of any of the provisions contained herein.

IX

The entry of this Final Judgment is in the public interest.

Dated this 12th day  
of March, 1976.

/s/ PETER T. FAY  
UNITED STATES DISTRICT JUDGE