

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION

UNITED STATES OF AMERICA )

Plaintiff, )

v. )

Civil No. 771

HEYWARD ALLEN MOTOR COMPANY, INC., )  
J. SWANTON IVY, INC., )  
TRUSSELL FORD, INC., )  
PATTON BROTHERS, INC., )  
DAVIDSON PONTIAC-BUICK, INC. )  
CLARKE COUNTY MOTORS, INC., )  
SILVEY MOTOR COMPANY, INC. )  
PHILLIPS BODY AND PAINT SHOP, INC., )  
CARNEY'S BODY & PAINT SHOP, INC., )  
ATHENS AUTOMOBILE DEALERS ASSOCIATION )  
and INDEPENDENT GARAGE OWNERS OF ATHENS, )  
Defendants. )

Entered: June 26, 1971

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on April 8, 1971 and plaintiff and the defendants, by their respective attorneys, having consented to the 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 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 of the parties hereto. The Complaint states a claim against the defendants 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 labor to damaged 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 damaged automobiles.

## III

The provisions of this Final Judgment applicable to any of the defendants shall also apply to 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; provided, however, that the provisions of this Final Judgment shall not apply to transactions between defendants which are controlled by the same person and provided further, that for purposes of this Final Judgment, "control" shall be defined as ownership of more than 50% of the outstanding common stock of any defendant.

IV

Each defendant is enjoined and restrained from, directly or indirectly:

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

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

b. The rates charged third parties for the labor involved in performing automobile repairs;

c. The prices charged or deposits required to estimate the cost of performing automobile repairs.

(B) Advocating, suggesting, urging, inducing, threatening, coercing, intimidating, or compelling any repair shop to adopt, use or adhere to:

a. Uniform or specific prices, discounts, markups or other terms and conditions at which parts are sold by repair shops to third parties;

b. Uniform or specific rates charged third parties for the labor involved in performing automobile repairs.

V

Each of the defendants is ordered and directed, not later than ninety (90) days following the date of entry of this Final Judgment, independently and individually to review and redetermine, based upon its own costs, business judgments and other lawful considerations: (1) the prices, discounts, markups or other terms and conditions at which

it sells parts for automobile repairs; (2) the rates it charges for labor involved in performing automobile repairs; and, (3) the prices charged or deposits required to estimate the cost of automobile repairs.

#### VI

Each corporate defendant is enjoined and restrained from organizing, joining, furthering, supporting, or participating in any activities of, a trade association with knowledge that the purpose, conduct, or activities of the same are inconsistent with the prohibitions contained in Paragraph IV of this Final Judgment.

#### VII

For a period of 10 years from the date of entry of this Final Judgment each 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 defendants' appropriate officers, directors, employees and members of its and their obligation under this Final Judgment.

#### VIII

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 made to its principal office, 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.

Under 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 Paragraph VIII 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 is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

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 of compliance therewith and the punishment of the violation of any of the provisions contained herein.

Dated: June 26, 1971

/s/ WILBUR OWENS  
UNITED STATES DISTRICT JUDGE