

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MEMPHIS RETAIL PACKAGE STORES
ASSOCIATION, INC., ET AL,

Defendants.

Civil Action No. 2672

Filed: July 12, 1956

DEFAULT JUDGMENT

The plaintiff, United States of America, filed its complaint herein on June 30, 1955 against two trade associations, two corporations and twelve individuals. All defendants other than the defendant Memphis Wholesale Liquor Dealers Association have filed their several answers to said complaint denying the substantive allegations thereof and any violation of law. The defendant Memphis Wholesale Liquor Dealers Association failed to file any responsive pleading to the complaint herein within the time required by law or within the further extended time approved by this Court, and on the 20th day of June, 1956 the plaintiff, United States of America, moved this Court for a judgment by default against the defendant Memphis Wholesale Liquor Dealers Association on the ground that said defendant had failed to plead or otherwise defend as required by the Federal Rules of Civil Procedure.

The motion for judgment by default came on for hearing before this Court on July 5, 1956 and it appearing that the summons and complaint in this action were duly served on the defendant Memphis Wholesale Liquor Dealers Association on July 21, 1955, that the

time of the said defendant to plead or otherwise defend expired on October 10, 1955 and that the defendant has failed to plead or otherwise defend as provided for by the Federal Rules of Civil Procedure, it is hereby

ORDERED, ADJUDGED AND DECREED, as follows:

I

This Court has jurisdiction of the subject matter hereof and of the plaintiff and of the defendant Memphis Wholesale Liquor Dealers Association. The complaint states a claim upon which relief may be granted against the defendant Memphis Wholesale Liquor Dealers Association 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." commonly known as the Sherman Act, as amended.

II

The provisions of this Default Judgment applicable to defendant Memphis Wholesale Liquor Dealers Association shall apply to such defendant, its officers, agents, servants, employees and attorneys, and to those persons in active concert or participation with them who receive actual notice of this Default Judgment by personal service or otherwise.

III

Defendant Memphis Wholesale Liquor Dealers Association is ordered and directed to cause, within thirty (30) days after the date of entry of this Default Judgment, the dissolution of the Association and, within sixty (60) days after the date of entry of this Default Judgment its secretary or members shall file an affidavit with this Court, and send a copy thereof to the plaintiff herein, setting forth the steps taken to comply with the terms of this section.

IV

Until such time as the defendant Memphis Wholesale Liquor Dealers Association has fully complied with the provisions of Section III of this Default Judgment, and for the purpose of securing compliance with this Default Judgment and for no other purpose, 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 Memphis Wholesale Liquor Dealers Association, made to the principal offices of its secretary or members, be permitted:

(A) Access during reasonable hours to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of said defendant or its members relating to any matters contained in this Default Judgment, and

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

Upon request said defendant shall submit such reports in writing to the Department of Justice with respect to matters contained in this Default Judgment as may from time to time be necessary to the enforcement of said Judgment. No information obtained by the means provided in this Section IV shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of such Department, except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Default Judgment or as otherwise required by law.

V

Until such time as the defendant Memphis Wholesale Liquor Dealers Association has fully complied with the provisions of Section III of this Default Judgment, jurisdiction is retained for the purpose of enabling any of the parties to this Default Judgment to apply to this Court for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Default Judgment, for the modification of any of the provisions thereof, for the enforcement of compliance therewith and for the punishment of violations thereof.

Dated: July 12, 1956

/s/ MARION S. BOYD
United States District Judge