

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
 :
 Plaintiff, :

v. :

65 CIV. 3963

FIRST NATIONAL CITY BANK, :
 FNCB SERVICES CORPORATION, HILTON :
 CREDIT CORPORATION, HILTON HOTELS :
 CORPORATION, and CARTE BLANCHE :
 CORPORATION, :

ENTERED: May 10, 1968

Defendants. :

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FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on December 30, 1965, and each of the defendants having appeared and filed answers denying the substantive allegations thereof; and plaintiff and defendants, by their respective attorneys, having each consented to the making and entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting any evidence or an admission by any party hereto with respect to any such issue, and the Court having considered the matter and being duly advised,

NOW, THEREFORE, before the taking of any testimony and without trial or 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 of the subject matter of this action and of the parties hereto. The amended complaint herein states a claim upon which relief can be granted against defendants under Section 7 of the Act of Congress of October 15, 1914 (15 U.S.C. §18), commonly known as the Clayton Act, as amended.

II

As used in this Final Judgment:

- (A) "FNCB" means defendant First National City Bank, a banking association organized under the laws of the United States;
- (B) "FNCB Services" means defendant FNCB Services Corporation, a New York corporation;
- (C) "Carte Blanche" means Carte Blanche Corporation, a Delaware corporation;
- (D) "Person" means an individual, partnership, firm, corporation, association, trustee or other business or legal entity.

III

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

IV

Defendants FNCB and FNCB Services are hereby enjoined from re-acquiring the stock of Carte Blanche, or by any other means acquiring control over the business of Carte Blanche.

V

For the purpose of securing compliance with this Final 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 any defendant made to its principal office, be permitted, subject to any legally recognized privilege:

- (A) access during the office hours of such defendant to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession, custody or control of such defendant related to any matters contained in this Final Judgment; and
- (B) subject to the reasonable convenience of such defendant, but without restraint or interference from it, to interview officers, directors, agents or employees of such 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, any 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; provided, however, that no information obtained by the means provided in this Section V 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 United States of America, except in the course of legal proceedings to 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.

VI

Jurisdiction is retained by this Court 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 effectuation of this Final Judgment, for the modification or termination of any of the provisions hereof, for the enforcement of compliance herewith and for the punishment of violations thereof.

/s/ SYLVESTER J. RYAN
United States District Judge

Dated: May 10, 1968