

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, :  
 :  
 Plaintiff, : 77 Civ. 3149 (EW)  
 v. :  
 :  
 CULBRO CORPORATION, :  
 HAVATAMPA CORPORATION, :  
 HAVATAMPA HOLDING CO., and :  
 HAV CORPORATION, :  
 Defendants. :

ORDER MODIFYING FINAL JUDGMENT

Defendants Culbro Corporation and The Eli Witt Company (formerly Havatampa Corporation, now a wholly owned subsidiary of Culbro Corporation) having moved this Court for an order modifying the Final Judgment herein, and notice of the motion having been published in the United States Tobacco and Candy Journal and the Wall Street Journal, and all interested persons having been given an opportunity to submit comments concerning the proposed modification of the Final Judgment, and plaintiff the United States of America having consented to said motion, and the Court having considered all the papers that have been filed in connection with the motion, and the Court finding that it is in the public interest to so modify the Final Judgment,

*including no comment dated November 21, 1984 submitted on behalf of Jno. H. Swisher & Sons, Inc. which withdrew its preliminary objection to the proposed modification.*

IT IS ORDERED that Section IX(A) of the Final Judgment is hereby modified, effective January 1, 1984: by the deletion of the

words "For a period of twenty years from the date of entry of this Final Judgment" and the substitution therefor of the words "For a period expiring December 31, 1988"; and, by the deletion of Section IX(A)(1) and the substitution therefor of the following paragraph:

(1) In any calendar year Havatampa may purchase Culbro cigars having a dollar value not to exceed the greater of (i) 17.8% of the dollar amount of Havatampa's total purchases of cigars from all sources in the preceding calendar year or, (ii) beginning with the calendar year 1985, 17.8% of the dollar amount of Havatampa's total purchases of cigars from all sources during 1983, such dollar amount to be adjusted for the aggregate change in the Consumer Price Index for All Urban Consumers - All Items, the South Region, as maintained by the United States Department of Labor, Bureau of Labor Statistics for the calendar years since 1983.

Dated: *1.21.88*

*[Signature]*  
UNITED STATES DISTRICT JUDGE