

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JACKSON'S ATLANTA READY MIX
CONCRETE COMPANY, INC.;
JACKSON'S EAST POINT READY MIX
CONCRETE COMPANY, INC.; and
CITIZENS BANK OF HAPEVILLE,

Defendants.

Civil Action No.16-139

Filed: January 28, 1972

Entered: March 1, 1972

FINAL JUDGMENT

PLAINTIFF, United States of America, having filed its complaint herein on **January 28**, 1972, and plaintiff and 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 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 trial or adjudication of any issue of fact or law herein, and upon the consent of the parties thereto, it is hereby,

ORDERED, ADJUDGED and DECREED, as follows:

I

This Court has jurisdiction over the subject matter herein and of the parties consenting thereto. The Complaint states claims upon which relief may be granted against the defendants under Section 1 of the Act of Congress of July 1, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," as amended (15 U.S.C. Section 1), commonly known as the Sherman Act.

II

The provisions of this Final Judgment shall apply to each defendant and their respective officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any defendant who shall have received actual notice of this Final Judgment by personal service or otherwise.

III

The defendants, and each of them, are hereby enjoined and restrained from:

(A) Purchasing products, goods or services from, or entering into or adhering to any contract, agreement or understanding with, any actual or potential supplier on the condition or understanding that purchases by any defendant from such supplier will be based or conditioned upon such supplier's utilizing any of the services offered by defendant Citizens Bank of Hapeville;

(B) Communicating to any supplier of any defendant that:

(1) in purchasing products, goods or services preference will be given to any supplier based or conditioned upon that supplier's utilizing any of the services offered by defendant Citizens Bank of Hapeville; or

(2) defendant Citizens Bank of Hapeville is entitled to participate in any supplier's use of services provided by commercial banks based or conditioned upon any defendant's purchases from such supplier;

(C) Engaging in the practice of discussing with any supplier or customer the relationship between purchases by any defendant from such supplier or customer and the utilization of any of the services of defendant Citizens Bank of Hapeville by such supplier or customer;

(D) Communicating, in its dealings with any of its suppliers or customers, the fact of purchases by it or by any business entity in which any defendant has an ownership interest, to promote the utilization of services provided by defendant Citizens Bank of Hapeville.

IV

The defendant Citizens Bank of Hapeville shall furnish, within sixty (60) days after the entry hereof, a copy of this Final Judgment to any customer who may have utilized any of the services of the defendant as a result of the combination and conspiracy alleged in the Complaint.

V

For the purpose of determining or securing compliance with this Final Judgment, and for no other purpose:

(A) Any duly authorized representative or 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 upon reasonable notice to any defendant, made to its principal office, be permitted subject to any legally recognized privilege and subject to the presence of counsel if so desired:

(1) access during the office hours of such defendant to all books, ledgers, accounts, correspondence, memoranda or other records or documents in the possession, custody, or under the control of such defendant relating to any matters contained in the Final Judgment; and

(2) subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, directors, agents or employees of such defendant regarding any such matters.

(B) Upon such written request by the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, a defendant shall submit such reports in writing with respect to the matters contained in this Final Judgment as from time to time may be requested.

No information obtained by the means provided for 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 except in the course of legal proceedings to which plaintiff is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

VI

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, for the modification of any of the provisions contained herein, for the enforcement of compliance therewith, and the punishment of the violation of any of the provisions contained herein.

VII

This Final Judgment shall terminate and cease to be effective ten (10) years from the date of the entry of this Final Judgment.

/s/ NEWELL EDENFIELD

United States District Judge

Dated: March 1, 1972