

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

BANKERS TRUST OF SOUTH CAROLINA,)
and THE PEOPLES NATIONAL BANK,)

Defendants.)

Civil Action No. 72-830

Filed: Sept. 11, 1973

Entered: Oct. 12, 1973

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on July 11, 1972, and the defendants having filed their joint answer thereto denying the material allegations of the complaint, and the motion of the Comptroller of the Currency for leave to withdraw as an intervenor in this case having been made and granted, and plaintiff and defendants, by their respective attorneys, having each 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 any evidence or admission by any party hereto 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 without this Final Judgment constituting any evidence or admission by any party herewith with respect to any such issue, and upon consent of the parties hereto, the Court being advised and having considered the matter, it is hereby

ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

I

This Court has jurisdiction of the subject matter hereof and the parties hereto. The complaint states a claim upon which relief may be granted against the 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) "Person" shall mean an individual, partnership, corporation or any other legal entity;

(B) "Defendant Banks" shall mean defendant Bankers Trust of South Carolina and defendant Peoples National Bank.

III

The provisions of this Final Judgment applicable to each of the Defendant Banks shall apply to each of its respective directors, officers, agents, employees, parents, affiliates, subsidiaries, successors and assigns, and to all persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

Defendant Banks are enjoined and restrained for a period of ten (10) years from the date of entry of this Final Judgment from acquiring control of or merging or consolidating with, or acquiring the assets of or assuming liability to pay any deposits made in, without the prior approval of the Assistant Attorney General, Antitrust Division, United States Department of Justice, which approval may be withheld in his sole discretion, any commercial bank situated in the same county in which either or both Defendant Banks currently have a commercial banking office, or in any county contiguous thereto, to-wit: the counties of Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Berkeley, Calhoun, Charleston, Cherokee, Clarendon, Colleton, Dorchester, Edgefield, Fairfield, Georgetown, Greenville, Greenwood, Kershaw, Laurens, Lexington, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter and Union; provided, however, that nothing contained herein shall prohibit Defendant Banks from consolidating with each other.

V

(A) For the purpose of determining or securing compliance with this Final Judgment, and for no other purpose, and subject to any legally recognized privilege, duly authorized representatives of the Department of Justice, upon written request of the Attorney General or of the Assistant Attorney General in charge of the

Antitrust Division and on reasonable notice to Defendant Banks at their principal offices, shall be permitted:

(1) Access, during office hours of Defendant Banks, to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of Defendant Banks relating to any matters contained in this Final Judgment, provided that said Defendant Banks may have counsel present during such access; and

(2) Subject to the reasonable convenience of Defendant Banks and without restraint or interference from them, to interview officers or employees thereof any of whom may have counsel present, regarding such matters.

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

(C) No information obtained by the means provided in this Section V of this Final Judgment shall be divulged by a 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 to which the United States is a party for the purpose of determining or securing compliance with this Final Judgment or as otherwise required by law.

VI

Jurisdiction is retained by this Court for the purpose of enabling 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 hereof, for the enforcement of compliance herewith and for the punishment of violations hereof.

VII

Upon entry of this Final Judgment, the statutory stay provided in Public Law 89-356, 80 Stat. 7 (12 U.S.C. §1828(c) as amended) is dissolved and lifted and Defendant Banks are permitted to consolidate free of suit by plaintiff.

ENTERED this 12th day of October, 1973.

/s/ ROBERT W. HEMPHILL
Robert W. Hemphill
United States District Judge