

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CIVIL NO. 79-846-CIV-J-B
)	
v.)	Filed: June 24, 1983
)	
CARGO GASOLINE CO.;)	
CARGO SERVICE STATIONS, INC.;)	Entered: October 12, 1983
CARSE OIL COMPANY, INC.;)	
COLONIAL SERVICE STATIONS, INC.;)	
EASTERN OIL COMPANY;)	
GATE PETROLEUM COMPANY;)	
THE IMPERIAL FLORIDA OIL COMPANY;)	
KEY PETROLEUM, INC.;)	
STAR SERVICE & PETROLEUM COMPANY;)	
SUPER TEST OIL & GAS COMPANY;)	
TAMPA WHOLESALE COMPANY;)	
T. D. McRAE, INCORPORATED; and)	
UNITED PETROLEUM, INC..)	
)	
Defendants.)	

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on September 27, 1979, and the defendants having appeared and filed their answers to the Complaint denying the violations alleged therein, and the plaintiff and the 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 any evidence against or any admission by any party with respect to any such issue, and this Court, pursuant to Rule 54(b) of the Federal Rules of Civil

Procedure, having determined there is no just reason for delay in entering a Final Judgment as to all of plaintiff's claims asserted in and arising out of the matters alleged in the Complaint against the defendants and having directed the entry of such a Final Judgment;

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 over the subject matter herein and the parties hereto. The Complaint states claims upon which relief may be granted against the defendants under Section 1 of the Sherman Act (15 U.S.C. §1).

II

As used in this Final Judgment:

A. "Retailer" means any person who is engaged in the retail sale of gasoline for use in motor vehicles in the State of Florida; and

B. "Person" means any individual, association, cooperative, partnership, corporation or other business or legal entity.

III

The provisions of this Final Judgment apply in the State of Florida to the defendants and to their officers, directors, agents, employees, subsidiaries, successors and assigns, and to

all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise; provided, however, that this Final Judgment shall not apply to transactions or communications solely between a defendant and its officers, directors, employees or agents, or to transactions or communications between or among such defendant and its subsidiaries, affiliated companies or its parent, if any.

IV

A. Each defendant is enjoined and restrained from adhering to, maintaining, furthering, enforcing or entering into, directly or indirectly, any agreement, understanding, plan or program with any other person to raise, fix, stabilize or maintain the prices at which gasoline is offered for retail sale in the State of Florida.

B. Each defendant is enjoined and restrained from acting, either unilaterally or in concert with any other person, directly or indirectly, to induce, coerce or attempt to influence any other person to adhere to any suggested retail price for the sale of gasoline in the State of Florida.

C. Each defendant is enjoined and restrained from in any way communicating to a retailer, any future, suggested, prospective or proposed retail price for the sale of gasoline in the State of Florida.

Each defendant is directed to:

A. Furnish within thirty days after the date of entry of this Final Judgment a copy thereof to each of its officers and directors and to each of its employees and agents who has authority over the establishment of retail prices at which gasoline is to be sold in the State of Florida;

B. Furnish within thirty days after employment or association with that defendant a copy of this Final Judgment to each successor of those officers, directors, agents and employees described in Paragraph (A) of this Section, except that directors who have no direct authority over the establishment of retail gasoline prices in the State of Florida must be furnished a copy of this Final Judgment within ninety days after becoming associated with that defendant;

C. File with this Court and with the plaintiff within sixty days after the date of entry of this Final Judgment an affidavit as to the fact and manner of its compliance with Paragraph (A) of this Section;

D. Advise each person described in Paragraphs (A) and (B) of this Section at the time that a copy of this Final Judgment is furnished to him or her that corporate counsel is available at all reasonable times to answer questions about compliance with this Final Judgment;

E. Obtain from each person described in Paragraphs (A) and (B) of this Section a written receipt evidencing delivery to such person of a copy of this Final Judgment and retain such receipts in its files; and

F. Require as a condition of the sale or other disposition of all, or substantially all, of its total assets of its retail gasoline business in the State of Florida, that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the Court, and serve upon the plaintiff, its consent to be bound by this Final Judgment.

VI

Once each year each defendant shall advise in writing each of its directors, officers, agents and employees who have been furnished a copy of this Final Judgment in compliance with Paragraphs (A) and (B) of Section V hereof, of that defendant's policy to abide by the Antitrust Laws of the United States and of the terms of Section IV hereof, verbatim, and shall file with the Court and serve upon the plaintiff an affidavit as to the fact and manner of its compliance with this Section, attaching a copy of such written advice as was so distributed.

VII

For the purpose of determining or securing compliance with this Final Judgment and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the Department of Justice shall, upon written request by the Attorney General or by the Assistant Attorney General in charge of the Antitrust Division, and on reasonable written notice to a defendant made to its principal office, be permitted:

1. Access during the office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of that defendant, which may have counsel present, relating to any of the 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, employees and agents of such defendant, any of whom, together with such defendant, may have counsel present, regarding any such matters.

B. Upon written request by the Attorney General or the Assistant Attorney General in charge of the Antitrust Division made to defendant's principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment, as may be requested.

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

D. If at the time information or documents are furnished by any defendant to the United States, such defendant represents and identifies in writing the material in any such information or documents to be that to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure or as otherwise provided by statute, and the defendant marks each pertinent page of such material, "Subject to Claim of Protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure", or as otherwise provided by statute, then ten-days notice shall be given by the United States to such defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which the defendant is not a party.

VIII

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 modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of violations hereof.

IX

This Final Judgment will expire on the tenth anniversary of its date of entry.

X

Entry of this Final Judgment is in the public interest.

/s/ Judge Susan H. Black
UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF FLORIDA

Dated: October 12, 1983

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 T. D. McRAE, INCORPORATED; and)
 UNITED PETROLEUM, INC.,)
)
 Defendants.)

STIPULATION CONCERNING FINAL JUDGMENT
RELATING TO TAMPA WHOLESALE COMPANY

Plaintiff, United States of America, and defendant,
Tampa Wholesale Company, hereby stipulate that Sections V and
VI of the Final Judgment shall not apply to Tampa Wholesale
Company, including its officers, directors, agents,
representatives, employees, subsidiaries, successors and
assigns, so long as Tampa Wholesale Company does not engage in
the retail sale of gasoline in the State of Florida. It is
additionally stipulated that Section VII of the Final Judgment
shall not be construed to affirmatively require Tampa Wholesale
Company, including its officers, directors, agents,
representatives, employees, subsidiaries, successors and

assigns, to maintain an office or otherwise hold themselves ready to comply with any aspect of Section VII so long as Tampa

Florida Oil Company (in liquidation), including its officers, directors, agents, representatives, employees, subsidiaries, successors and assigns, to maintain an office or otherwise hold themselves ready to comply with any aspect of Section VII so long as The Imperial Florida Oil Company (in liquidation) is not engaged in the retail sale of gasoline in the State of Florida.

/s/ John T. Orr
Counsel for the United States

/s/ Thomas F. Ryan
Counsel for The Imperial Florida
Oil Company (in liquidation)

Dated:

/s/ Judge Susan H. Black
UNITED STATES DISTRICT JUDGE

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T. D. McRAE, INCORPORATED; and)
UNITED PETROLEUM, INC.,)
)
Defendants.)

STIPULATION CONCERNING FINAL JUDGMENT
RELATING TO THE IMPERIAL FLORIDA OIL
COMPANY (IN LIQUIDATION)

Plaintiff, United States of America, and defendant, The Imperial Florida Oil Company (in liquidation), hereby stipulate that Sections V and VI of the Final Judgment shall not apply to The Imperial Florida Oil Company (in liquidation), including its officers, directors, agents, representatives, employees, subsidiaries, successors and assigns, so long as The Imperial Florida Oil Company (in liquidation) does not engage in the retail sale of gasoline in the State of Florida. It is additionally stipulated that Section VII of the Final Judgment shall not be construed to affirmatively require The Imperial

Florida Oil Company (in liquidation), including its officers, directors, agents, representatives, employees, subsidiaries, successors and assigns, to maintain an office or otherwise hold themselves ready to comply with any aspect of Section VII so long as The Imperial Florida Oil Company (in liquidation) is not engaged in the retail sale of gasoline in the State of Florida.

/s/ John T. Orr
Counsel for the United States

/s/ Thomas F. Ryan
Counsel for The Imperial Florida
Oil Company (in liquidation)

Dated:

/s/ Judge Susan H. Black
UNITED STATES DISTRICT JUDGE

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)
UNITED PETROLEUM, INC.,)
)
Defendants.)

STIPULATION CONCERNING FINAL JUDGMENT
RELATING TO COLONIAL SERVICE STATIONS, INC.

Plaintiff, United States of America, and defendant,
Colonial Service Stations, Inc., hereby stipulate that Sections
V and VI of the Final Judgment shall not apply to Colonial
Service Stations, Inc., including its officers, directors,
agents, representatives, employees, subsidiaries, successors
and assigns, so long as Colonial Service Stations, Inc. does
not engage in the retail sale of gasoline in the State of
Florida. It is additionally stipulated that Section VII of the
Final Judgment shall not be construed to affirmatively require
Colonial Service Stations, Inc., including its officers,
directors, agents, representatives, employees, subsidiaries,

successors and assigns, to maintain an office or otherwise hold themselves ready to comply with any aspect of Section VII so long as Colonial Service Stations, Inc. is not engaged in the retail sale of gasoline in the State of Florida.

/s/ John T. Orr
Counsel for the United States

/s/ Samuel S. Jacobson
Counsel for Colonial Service Stations, Inc.

Dated:

/s/ Judge Susan H. Black
UNITED STATES DISTRICT JUDGE