

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Civil No. 79-1257 Mc
v.)	
)	Filed: October 20, 1980
WARREN FIVE CENTS SAVINGS)	Entered: January 23, 1981
BANK,)	
)	
Defendant.)	

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on June 29, 1979, and the plaintiff and the defendant, 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 an 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 consent of the parties hereto, it is hereby

ORDERED, ADJUDGED AND DECREED, as follows:

I.

This Court has jurisdiction over the subject matter of this action and of the parties hereto. The complaint states a claim upon which relief may be granted against the defendant under Section 1 of the Sherman Act (15 U.S.C. Sec. 1), as amended.

II.

For purposes of this Final Judgment:

- (A) "Defendant" shall mean Warren Five Cents Savings Bank.
- (B) "Financial institution" shall mean any institution which accepts deposits or grants loans.

(C) "Person" shall mean any individual, corporation, partnership, association, firm, or any other business or legal entity.

(D) "Northshore Shopping Center" shall mean a tract or parcel of land located in Peabody, Massachusetts, at the intersection of Routes 114 and 128, on which is constructed one or more buildings primarily designed to provide space for the operation of multiple retail and service establishments.

III.

The provisions of this Final Judgment applicable to the defendant shall also apply to each of its officers, trustees, agents, and employees and to its 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.

IV.

(A) Defendant is enjoined and restrained from entering into, adhering to, enforcing, maintaining or claiming any rights under any provision of any contract, agreement, arrangement or understanding with any person which limits or restricts the number, location or use of offices or facilities of any financial institution at the Northshore Shopping Center.

(B) Defendant is enjoined from entering into any contract, agreement, arrangement or understanding with any person which limits or restricts the number, location or use of offices or facilities by any other financial institution.

V.

(A) For the purpose of determining or securing compliance with this Final Judgment, duly authorized representatives of the Department of Justice, upon written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to the defendant, made to its principal office, shall be permitted, subject to any

legally recognized claim of privilege, (a) access during the office hours of said defendant to inspect and copy such books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession, custody or control of said defendant which relate to any matters contained in this Final Judgment, and (b) subject to the reasonable convenience of said defendant and without restraint or interference from it, to interview officers or employees of said defendant, who may have counsel present, regarding such matters.

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

(C) No information obtained by the means provided in this Paragraph 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 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 any time, information or documents are furnished by defendant to plaintiff, defendant represents and identifies in writing the material in any such information or documents of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure, and 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," then 10 days' notice shall be given by plaintiff to defendant prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which defendant is not a party.

VI.

Jurisdiction is retained for the purpose of enabling either 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, and for the enforcement of compliance therewith.

VII.

This Final Judgment shall terminate ten (10) years from the date of its entry by this Court.

VIII.

Entry of this Final Judgment is in the public interest.

Judge John McNaught
UNITED STATES DISTRICT JUDGE

Dated: January 23, 1981