

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE DISTRICT OF COLUMBIA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

TENGELMANN
WARENHANDELSGESELLSCHAFT

and

THE GREAT ATLANTIC & PACIFIC
TEA COMPANY, INC.

Defendants.
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Civil Action No. 89-1621

FILED ✓

JUN 7 1989

Clerk, U.S. District Court
District of Columbia

FINAL JUDGMENT

Plaintiff, United States of America, having commenced this action by filing its Complaint herein for violation of Section 7A of the Clayton Act, commonly known as the Hart-Scott-Rodino Antitrust Improvements Act of 1976, 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 any evidence against or an admission by the defendants with respect to any allegation of the Complaint;

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:

1. This court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against the defendants under Section 7A of the Clayton Act, 15 U.S.C. § 18a;

2. This Final Judgment applies to the defendants and their successors and assigns;

3. Judgment hereby is entered in favor of the plaintiff, United States of America, and against defendants Tengelmann Warenhandelsgesellschaft and The Great Atlantic & Pacific Tea Company, Inc., and The Great Atlantic & Pacific Tea Company, Inc. shall pay to the United States, pursuant to Section 7A(g)(1) of the Clayton Act, 15 U.S.C. § 18a(g)(1), a civil penalty in the amount of Three Million Dollars (\$3,000,000), due and payable within 15 days from the date of the entry of this Final Judgment. Payment shall be made by wire transfer of the funds to the United States Treasury through the Treasury Financial Communications System.

4. In the event of a default in payment that continues for 10 days beyond the due date of the payment, interest at the rate of 10 percent per annum shall accrue thereon from the date of default to the date of payment; and

5. Entry of this Final Judgment is in the public interest.

Dated: June 7, 1989

Richard A. Geseel
United States District Judge