

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION
v.	)	
	)	NO. 72-C-1597
BALLY MANUFACTURING CORPORATION,	)	
	)	<u>Entered: October 2, 1972</u>
Defendant.	)	

FINAL JUDGMENT

The complaint having been filed herein on June 29, 1972, and plaintiff and 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 admission by either party with respect to any issue of fact or law herein:

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 of the subject matter of this action and of the parties hereto. The complaint states a claim upon which relief may be granted against defendant under Section 1 of the Act of Congress of July 2, 1890, as amended, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," (15 U.S.C. § 1), commonly known as the Sherman Act.

## II

For purposes of this Final Judgment:

(A) "Defendant" means Bally Manufacturing Corporation and each of its subsidiaries.

(B) "Amusement and gaming equipment" means all slot machines, pinball machines and arcade games, including, but not limited to, shuffle alleys, rifle games and bowling games, and the accessories and parts therefor, which are manufactured, sold or distributed by Bally.

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

(D) "Distributor" means any person engaged, in whole or in part, in the purchase from Bally of amusement and gaming equipment for resale or lease to others.

### III

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

This Final Judgment shall apply to the domestic and foreign commerce of the United States and of its territories and possessions, and to sales to the plaintiff or to any agency or instrumentality thereof, wherever located.

### IV

The defendant is enjoined and restrained from, directly or indirectly:

(A) Entering into, adhering to, continuing, maintaining, renewing, enforcing or claiming any rights under any contract, agreement, understanding, plan or program with any distributor or any other person to limit, allocate or restrict the persons to whom or the markets or territories in which any distributor or other person may sell or lease amusement and gaming equipment;

(B) Taking or threatening to take any disciplinary action against any distributor because of the persons to whom, or the markets or territories in which such distributor has sold or leased amusement and gaming equipment or intends to sell, distribute, or lease amusement and gaming equipment;

(C) Preventing or delaying the filling of any order for the purchase of any amusement and gaming equipment by any distributor, or the shipping thereof, because of the market or territory in which or the persons to whom any distributor has sold or leased or may sell or lease amusement and gaming equipment, or from designating to any person a particular distributor from which such person must buy amusement and gaming equipment; and

(D) Refusing to finance any sale of amusement and gaming equipment because of the market or territory in which or the persons to whom any distributor sells or leases, intends to sell or lease, or has sold or leased any amusement and gaming equipment.

Provided, however, that nothing contained in this Section IV shall prohibit defendant from acting in good faith to comply with any Federal, State or local law which restricts the territory in which or the persons to whom any person may sell, lease, or use amusement and gaming equipment.

V

(A) The defendant is ordered and directed, within ninety (90) days of the entry of this Final Judgment, to take all necessary action to effect the cancellation of each provision of every contract, agreement or understanding between and among the defendant and each distributor which is contrary to or inconsistent with any provision of this Final Judgment.

(B) The defendant is ordered and directed, within sixty (60) days of the entry of this Final Judgment, to mail a copy of this Final Judgment to each of its present distributors and to notify each such distributor that such distributor may sell amusement and gaming equipment to whomever and wherever such distributor chooses.

(C) The defendant is ordered and directed to file with this Court and serve upon the plaintiff, within one hundred and twenty (120) days from the date of entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with Sections (A) and (B) of this Section V.

(D) For a period of ten (10) years from the date of entry of this Final Judgment, the defendant is ordered to file with the plaintiff, on each anniversary date of this Final Judgment,

a report setting forth the steps which it has taken during the prior year to advise the defendant's appropriate officers, directors and employees of its and their obligations under this Final Judgment.

## VI

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

(A) Any authorized representative or representatives of the Department of Justice shall upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division and upon reasonable notice to defendant at its principal office be permitted:

- (1) Access during the office hours of defendant to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession of or under the control of defendant that relate to any matters contained in this Final Judgment; and
- (2) Subject to the reasonable convenience of defendant, and without restraint or interference from it, to interview officers or employees of defendant, who

may have counsel present, regarding any matters contained in this Final Judgment.

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

No information obtained by the means provided in this Section VI shall be divulged by any representative of the Department of Justice to any person other than duly authorized representatives of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

## VII

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 of or carrying out of this Final Judgment, for the amendment or

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

/s/ JULIUS J. HOFFMAN  
United States District Judge

Dated: October 2, 1972