

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 FIRST AT ORLANDO CORPORATION,)
 COMMERCIAL BANK AT DAYTONA)
 BEACH, PENINSULA STATE BANK)
 AT DAYTONA BEACH SHORES, and)
 EXCHANGE BANK AT HOLLY HILL,)
)
 Defendants.)

Civ. No. 69-281 Orl. Div.

Entered: August 27, 1970

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on December 23, 1969, seeking to enjoin an alleged violation of Section 7 of the Clayton Act (15 U.S.C. §18); and defendants, First at Orlando Corporation, Commercial Bank at Daytona Beach, Peninsula State Bank at Daytona Beach Shores and Exchange Bank at Holly Hill, having filed their respective Answers, and the plaintiff and the defendants by their respective attorneys having each consented to the making and entry of this Final Judgment;

NOW, THEREFORE, before any testimony has been taken and without trial or adjudication of any issue of law or fact herein, and without any admission by any party with respect to any such issue and upon the consent of plaintiff and defendants, 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 of this action and of 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), as amended, commonly known as the Clayton Act.

II

As used in this Final Judgment, "First at Orlando" means defendant First at Orlando Corporation, "Commercial Bank" means defendant Commercial Bank at Daytona Beach, "Peninsula Bank" means defendant Peninsula State Bank at Daytona Beach Shores and "Exchange Bank" means defendant Exchange Bank at Holly Hill.

III

The provisions of this Final Judgment applicable to any defendant shall be binding upon such defendant and upon its officers, directors, agents, servants, employees, subsidiaries, successors and assigns and upon 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

First at Orlando is enjoined and restrained for a period of eight (8) years from the date of entry of this Final Judgment, either directly or through a subsidiary, from acquiring, or acquiring control over, legally or equitably, any commercial bank in the counties of Volusia, Orange, Lake and Brevard, Florida, other than defendants Commercial Bank, Peninsula Bank and Exchange Bank, unless permission is first obtained from the Attorney General. Such injunction and restraint shall not apply to the acquisition of control of any new banks organized after the entry of this Final Judgment and doing business for less than twelve (12) months at the time of such acquisition, nor to the acquisition of control of any bank organized after the entry of this Final Judgment, in which First at Orlando acquired at least a twenty-five (25%) percent interest within twelve (12) months of the date of such organization.

(A) For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, duly authorized 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 on reasonable notice to any defendant at its principal office, be permitted:

(1) Access, during office hours of such defendant, to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview its officers or employees, who may have counsel present, regarding any such matters.

(B) Upon such written request, said defendant shall submit such reports in writing to the Department of Justice with respect to any matters contained in this Final Judgment as may, from time to time, be requested. No information obtained by the means provided in this Section 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 plaintiff except in the course of proceedings to which the United States of America is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

VI

Jurisdiction is retained by this Court for the purpose of enabling any party 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, the modification of any provision thereof, for the enforcement of compliance herewith, and for the punishment of violations hereof. Jurisdiction over the defendants Commercial Bank, Peninsula Bank and Exchange Bank is retained by this Court until such time as the exchange offer by First at Orlando to acquire not less than eighty (80%) percent of the outstanding shares of said defendants has become effective or has been abandoned. Following such acquisition the status of any such defendant under this Final Judgment shall be the same as that of any other subsidiary of First at Orlando.

VII

Upon entry of this Final Judgment, the statutory stay provided in Public Law 89-485 §11, 80 Stat. 240 (12 U.S.C. §1849(b)) is dissolved and lifted.

DONE AND ORDERED in Chambers at Orlando, Florida, this the 27th day of August, 1970.

/s/ GEORGE C. YOUNG
United States District Judge