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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ODOM COMPANY;
ANCHORAGE COLD STORAGE CO., INC.;
and ALASKA DISTRIBUTORS COMPANY,

Defendants.

Civil Action
No. A-13 72

Filed: Aug. 30, 1973
Entered: November 5, 1973

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on January 28, 1972, and the defendants, by their respective attorneys, having severally appeared and having filed their answers to such complaint denying the substantive allegations thereof; and the plaintiff and the defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of or finding on any issue of fact or law herein and without this Final Judgment constituting evidence or an admission by any of them in respect to any such issue;

NOW, THEREFORE, before any testimony has been taken and without trial or adjudication of or finding on any issue

1 of fact or law herein, and upon consent of the parties
2 hereto, it is hereby

3 ORDERED, ADJUDGED AND DECREED as follows:

4 I

5 This Court has jurisdiction of the subject matter hereof
6 and the parties hereto. The complaint states a claim against
7 the defendants upon which relief may be granted under Section
8 1 of the Act of Congress of July 2, 1890 (15 U.S.C. Sec. 1),
9 entitled "An Act to protect trade and commerce against
10 unlawful restraints and monopolies," as amended, commonly
11 known as the Sherman Act.

12 II

13 As used in this Final Judgment:

14 (a) "Defendants" means Odom Company, Anchorage Cold
15 Storage Co., Inc., and Alaska Distributors Company;

16 (b) "Free goods" means that quantity of alcoholic
17 beverages received without charge by a retailer in excess of
18 the quantity actually purchased by such retailer;

19 (c) "Liquor products" means all alcoholic beverages
20 s buted by defendants;

21 (d) "Wholesaler" means any person who distributes
22 and sells liquor products at wholesale to retailers; and

23 (e) ; any individual, partnership,
24 firm, association, corporation or other business or legal
25 entity.
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III

1 The provisions of this Final Judgment applicable to
2 any of the defendants shall also apply to its officers,
3 directors, agents, employees, subsidiaries, successors
4 and assigns, and to all other persons in active concert or
5 participation with any of them who receive notice of this
6 Final Judgment by personal service or otherwise; provided,
7 however, that the provisions of this Final Judgment shall
8 not apply to transactions between any defendant and any person
9 who is controlled by such defendant and provided further,
10 that for purposes of this Final Judgment, "control" shall
11 be defined as ownership of more than 50% of the outstanding
12 common stock of such person.
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IV

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15 Each defendant is enjoined and restrained from, directly
16 or indirectly, entering into, adhering to, maintaining or
17 furthering any contract, agreement, understanding, plan or
18 program with any other person:
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- 20 (a) To fix, maintain, adhere to or stabilize
21 prices, markups, or other terms and
22 conditions of sale at which liquor
23 products are sold to any third person; and
24
25 (b) To fix, establish, maintain or eliminate
26 the giving of discounts in connection
27 with the sale of liquor products, either
28 in the form of free goods or otherwise.
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V

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31 Each defendant is enjoined and restrained from
32 communicating to or exchanging with any other wholesaler any
actual or proposed prices, price changes, discounts either

1 in the form of free goods or otherwise, or other terms or
2 conditions of sale at or upon which any liquor product is
3 to be or has been sold to any third person prior to any
4 communication of such information to the public or customers
5 generally.

6 VI

7 Each defendant is ordered and directed:

8 (A) Within ninety (90) days after the entry of this
9 Final Judgment, to serve a conformed copy of this Final
10 Judgment upon each of its respective officers, directors,
11 and managing agents and upon each of its employees who have
12 any responsibility for the establishment of wholesale prices
13 of liquor products;

14 (B) Within ninety (90) days after entry of this Final
15 Judgment, advise and inform each such officer, director,
16 managing agent and employee upon whom this Final Judgment
17 is served as described in Subsection (A) above, that
18 violations by him of the terms of this Final Judgment could
19 result in conviction of contempt of court and could subject
20 him to a fine or imprisonment or to both fine and
21 imprisonment;

22 (C) Within one hundred and twenty (120) days after
23 the entry of this Final Judgment to serve upon plaintiff
24 affidavits concerning the fact and manner of compliance
25 with Subsections (A) and (B) of this Section VI.

26 VII

27 Each defendant is ordered and directed for a period of
28 ten (10) years after the entry of this Final Judgment to
29 serve a copy of this Final Judgment upon each successor to
30 each of those officers, directors, agents and employees of
31 defendant described in Subsection (A) of Section VI above,
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1 within thirty (30) days after each such successor is
2 employed by or becomes associated with such defendant, and
3 to advise him at the time of such service upon him that
4 violation by him of the terms of this Final Judgment could
5 result in conviction of contempt of court and could subject
6 him to a fine or imprisonment or to both fine and
7 imprisonment.

8 VIII

9 Each defendant is ordered and directed for a period of
10 ten (10) years from the date of the entry of this Final
11 Judgment to file with the plaintiff, on each anniversary
12 date of such entry, a report setting forth the steps which
13 it has taken during the prior year to advise its appropriate
14 officers, directors, managing agents and employees of its
15 and their obligations under this Final Judgment. Said report
16 shall also include a list showing the name, title and address
17 of each such officer, director, managing agent and employee
18 upon whom the Final Judgment has been served, as described
19 in Section VII above.

20 IX

21 For the purpose of determining or securing compliance
22 with this Final Judgment, and for no other purpose, duly
23 authorized representatives of the Department of Justice
24 shall upon written request of the Attorney General or the
25 Assistant Attorney General in charge of the Antitrust
26 Division upon reasonable notice to each defendant made to
27 each defendant's principal office be permitted, subject to
28 any legally recognized privilege:

- 29 (A) Access during the office hours of said
30 defendant to all books, ledgers, accounts,
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1 correspondence, memoranda, and other
2 records and documents in the possession
3 or control of defendant relating to any
4 of the matters contained in this Final
5 Judgment; and

6 (B) Subject to the reasonable convenience of
7 defendant and without restraint or
8 interference from it, to interview the
9 officers, agents and employees of
10 defendant who may have counsel present,
11 regarding any such matters.

12 Upon written request of the Attorney General, or the
13 Assistant Attorney General in charge of the Antitrust Division,
14 each defendant shall submit such reports in writing with
15 respect to the matters contained in this Final Judgment as
16 may from time to time be requested.

17 No information obtained by the means permitted in this
18 Section IX shall be divulged by any representatives of the
19 Department of Justice to any person other than a duly author-
20 ized representative of the Executive Branch of the plaintiff,
21 except in the course of legal proceedings to which the United
22 States is a party for the purpose of securing compliance with
23 this Final Judgment, or as otherwise required by law.

24 X

25 Jurisdiction is retained by this Court for the purpose of
26 enabling any party to this Final Judgment to apply to this
27 Court at any time for such further orders and directions as
28 may be necessary or appropriate for the construction or carry-
29 ing out of this Final Judgment, for the modification of any of
30 the provisions contained therein, for the enforcement of com-
31 pliance therewith and for the punishment of violations thereof.

32 Dated: November 5, 1973