

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

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UNITED STATES OF AMERICA,
Department of Justice
Washington, D. C. Plaintiff,

v.

GREATER WASHINGTON SERVICE
STATION ASSOCIATION, INC.,

Defendant.
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Civil Action

No. 2053-62

Filed: July 30, 1962

FINAL JUDGMENT

The plaintiff, United States of America, having filed its complaint herein on June 27, 1962, and the plaintiff and the defendant, by their respective attorneys, having severally consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without admission by any party with respect to any such issue, and the Court having considered the matter and being duly advised,

NOW, THEREFORE, upon consent of the parties hereto, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

I

This Court has jurisdiction of the subject matter hereof and the parties hereto. The complaint states claims upon which relief may be granted against the defendant under Sections 1 and 3 of the Act of Congress of July 2, 1890, as amended, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," commonly known as the Sherman Act.

II

As used in this Final Judgment:

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

(B) "Metropolitan Washington Area" shall mean the geographic area consisting of the District of Columbia, Montgomery and Prince Georges Counties in Maryland, Arlington and Fairfax Counties and the cities of Alexandria and Falls Church in Virginia;

(C) "Service Station" shall mean a person engaged primarily in the retail selling or furnishing of gasoline and related petroleum products, tires, batteries, automotive accessories and automotive services to owners and operators of motor vehicles, principally automobiles;

(D) "Automotive Services" shall include the following services: automobile washing, cleaning, polishing and waxing; battery charging (at station or road service); brake and clutch adjustments; checking of pressure systems and radiator flushing; installation of anti-freeze, thermostats, fan belts, battery cables, sealed beam lights, filter cartridges, shock absorbers, spare tires, tubes and tags; general lubrication of automobiles, including greasing ball joints, draining and refilling automatic transmissions, servicing speedometer cables and universal joints, repacking front wheel bearings and cleaning and refilling oil bath filters; cleaning and adjusting spark plugs; mounting and dismounting tire chains; mounting, rotating and repairing tires (at station or road service); and wheel balancing.

III

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

IV

The defendant is enjoined and restrained from entering into, adhering to, participating in, maintaining or furthering any contract,

combination, agreement, undertaking, by-law, rule, regulation, plan or program to fix, maintain, establish, stabilize or make uniform prices at which automotive services are offered to the public in the Metropolitan Washington Area.

V

The defendant is enjoined and restrained from publishing or distributing any schedules, lists, bulletins or charts containing or showing prices for the sale or furnishing of automotive services in the Metropolitan Washington Area.

VI

The defendant is ordered and directed:

(A) Within thirty (30) days after the entry of this Final Judgment to serve upon each of its present members notice of said entry with a verbatim copy of Sections III, IV and V of this Final Judgment and to file with this Court and to serve upon the attorneys for the plaintiff herein, proof by affidavit of such service:

(B) Within three (3) months after the entry of this Final Judgment to amend its charter or by-laws to incorporate therein the provisions of Sections III, IV and V of this Final Judgment and to require as a condition of membership or tenure of office that all present and future members and officers abide by and be bound thereby;

(C) To furnish to all its present and future members a copy of its charter or by-laws as amended in accordance with subsection (B) of this Section VI.

VII

For the purpose of securing compliance with this Final Judgment, duly authorized representatives of the Department of Justice shall, 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 at its principal office, be permitted, (A) access during the office hours of said defendant, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of said defendant, relating to any matters contained in this Final Judgment; (B) subject to the reasonable convenience of said defendant and without restraint or interference from it, to interview officers and employees of such defendant, who may have counsel present, regarding any such matters; and (C) upon such request, the defendant shall submit reports in writing in respect to any such matters as may from time to time be reasonably necessary to the enforcement of this Final Judgment. No information obtained by the means provided in this Section VII 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 for the purpose of securing compliance with this Final Judgment, or as otherwise provided by law.

VIII

Jurisdiction of this cause is retained for the purpose of enabling any of the parties to this Final Judgment to apply to the 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 or termination of any provision thereof, for the enforcement of compliance therewith, and for punishment of violations thereof.

Dated: July 30, 1962

Edward A. Tamm
United States District Judge

U.S. v. AMERICAN INSTITUTE OF ARCHITECTS

Civil No.: 992-72

Year Judgment Entered: 1972

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amended (15 U.S.C. § 1), commonly known as the Sherman Act.

II

The provisions of this Final Judgment shall apply to the defendant and to the defendant's state organizations and chapters in the United States and territories thereof; to the defendant's officers, directors, agents, employees, successors and assigns, and to all other persons in active concert or participation with any of them who receive notice of this Final Judgment by personal service or otherwise.

III

The defendant is enjoined and restrained from adopting any plan, program or course of action which prohibits members of the defendant from at any time submitting price quotations for architectural services.

IV

The defendant is ordered and directed, within 60 days from the date of entry of this Final Judgment, to amend its Standards of Ethical Practice, rules, bylaws, resolutions, and any other policy statements to eliminate therefrom any provision which prohibits or limits the submission of price quotations for architectural services by members of the defendant or which states or implies that the submission of price quotations for architectural services by members of the defendant is unethical, unprofessional, or contrary to any policy of the defendant.

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V

The defendant is enjoined and restrained from adopting or disseminating, in any of its publications or otherwise, any Standard of Ethical Practice, rule, bylaw, resolution or policy statement which prohibits or limits the submission of price quotations for architectural services by members of the defendant or which states or implies that the submission of price quotations for architectural services by members of the defendant is unethical, unprofessional, or contrary to any policy of the defendant.

VI

The defendant is ordered and directed, within 60 days from the entry of this Final Judgment, to send a copy of this Final Judgment to each member, state organization and chapter in the United States and territories thereof, and to cause the publication of this Final Judgment in the AIA Journal. The defendant is further ordered and directed, for a period of five years following the date of entry of this decree, to send a copy of this Final Judgment to each new member and to cause the publication in its Standards of Ethical Practice of a statement that the submission of price quotations for architectural services is not considered an unethical practice. The text of such statement shall be first approved by plaintiff, or, failing such approval, by the Court.

VII

Defendant is ordered to file with the Plaintiff, on the anniversary date of the entry of this Final Judgment for a

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period of five years, a report setting forth the steps it has taken during the prior year to comply with the provisions of this Final Judgment.

VIII

For the purpose of securing compliance with this Final Judgment, and for no other purpose, duly authorized representatives of the Department of Justice shall upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division upon reasonable notice to defendant made to its principal office be permitted, subject to any legally recognized privilege:

- (A) access during the office hours of said defendant to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or control of defendant relating to any of the matters contained in this Final Judgment; and
- (B) subject to the reasonable convenience of defendant and without restraint or interference from it, to interview the officers and employees of defendant who may have counsel present, regarding any such matters.

For the purpose of securing compliance with this Final Judgment, defendant upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such written reports relating to any of the matters contained in this Final Judgment as may

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from time to time be requested. No information obtained by the means provided in this Section 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 for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

IX

Jurisdiction is retained 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 or carrying out of this Final Judgment, or the modification or termination of any of the provisions thereof or for the enforcement of compliance therewith, and for the punishment of violations of any of the provisions contained herein.

Dated: June 19, 1972/s/ CHARLES RICHEY
United States District Judge

U.S. v. AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS

Civil No.: 1091-72

Year Judgment Entered: 1972

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMERICAN INSTITUTE OF CERTIFIED
PUBLIC ACCOUNTANTS, INC.,

Defendant.

Civil No. 1091-72

Filed: June 1, 1972

Entered: July 6, 1972

FINAL JUDGMENT

Plaintiff, the United States of America, having filed its complaint herein on June 1, 1972, the defendant having filed its answer and plaintiff and defendant, by their respective attorneys, having each 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 any 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 the defendant under Section 1 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. § 1), commonly known as the Sherman Act.

II

The provisions of this Final Judgment shall apply to the defendant, to the defendant's officers, directors,

agents, employees, successors and assigns, and to all other persons in active concert or participation with any of them who receive notice of this Final Judgment by personal service or otherwise.

III

The defendant is enjoined and restrained from adopting any plan, program or course of action which prohibits members of the defendant from submitting price quotations for accounting services to any person seeking accounting services.

IV

Rule 3.03 of the Code of Professional Ethics of the defendant which provides: "A member or associate shall not make a competitive bid for a professional engagement. Competitive bidding for public accounting services is not in the public interest, is a form of solicitation, and is unprofessional." is hereby declared null and void, and the defendant is ordered and directed, within 60 days from the entry of this Final Judgment, to delete the foregoing provision from its Code of Professional Ethics, and also to delete from its Code of Professional Ethics, rules, bylaws, resolutions, and any other policy statements any other provision which prohibits or limits the submission of price quotations for accounting services by members of the defendant to any person seeking accounting services or which states or implies that such submission of price quotations for accounting services is unethical, unprofessional, or contrary to any policy of the defendant.

V

The defendant is enjoined and restrained from adopting or disseminating, in any of its publications or otherwise, any Code of Ethics, rule, bylaw, resolution or policy statement which prohibits or limits the submission of price

quotations for accounting services by members of the defendant to persons seeking accounting services or which states or implies that such submission of price quotations for accounting services is unethical, unprofessional, or contrary to any policy of the defendant.

VI

The defendant is ordered and directed, within 60 days from the entry of this Final Judgment, to send a copy of this Final Judgment to each state society and each State Board of Accountancy in the United States and territories thereof, and to cause the publication of this Final Judgment in The CPA and send a copy thereof to each member of the defendant. The defendant is further ordered and directed, for a period of five years following the date of entry of this decree, to send a copy of this Final Judgment to each new member and to state in any publication of its Code of Ethics that the submission of price quotations for accounting services to persons seeking such services is not considered an unethical practice. The text of such statement shall be first approved by plaintiff, or, failing such approval, by the Court.

VII

Defendant is ordered to file with the Plaintiff on the anniversary date of the entry of this Final Judgment for a period of five years, a report setting forth the steps it has taken during the prior year to comply with the provisions of this Final Judgment.

VIII

For the purpose of securing compliance with this Final Judgment, and for no other purpose, duly authorized representatives of the Department of Justice shall upon written

request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division upon reasonable notice to defendant made to its principal office be permitted, subject to any legally recognized privilege:

- (A) access during the office hours of said defendant to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or control of defendant relating to any of the matters contained in this Final Judgment; and
- (B) subject to the reasonable convenience of defendant and without restraint or interference from it, to interview the officers and employees of defendant who may have counsel present, regarding any such matters.

For the purpose of securing compliance with this Final Judgment, defendant upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such written reports relating to any of the matters contained in this Final Judgment as may from time to time be requested. No information obtained by the means provided in this Section 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 for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

IX

Jurisdiction is retained 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 or carrying out of this Final Judgment, or the modification or termination of any of the provisions thereof or for the enforcement of compliance therewith, and for the punishment of violations of any of the provisions contained herein.

/s/ John Lewis Smith, Jr.
United States District Judge

Date: July 6, 1972

U.S. v. PAN AMERICAN WORLD AIRWAYS, INC., ET AL.

Civil No.: 77-197

Year Judgment Entered: 1978

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAN AMERICAN WORLD AIRWAYS,
INC.; TRANS WORLD AIRLINES,
INC.; and LUFTHANSA GERMAN
AIRLINES (Deutsche Lufthansa
Aktiengesellschaft),

Defendants.

Civil Action No. 77-197

FINAL JUDGMENT

Filed: December 9, 1977

Entered: March 9, 1978

Re: DEFENDANT LUFTHANSA GERMAN AIRLINES

Plaintiff, United States of America, having filed its complaint herein on February 3, 1977, and the Plaintiff and the Defendant Lufthansa German Airlines (Deutsche Lufthansa Aktiengesellschaft) by their respective attorneys, having consented to the entry of this Final Judgment, prior to the taking of any testimony, without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or admission by either party with respect to any issue of fact or law herein:

NOW, THEREFORE, prior to the taking of any testimony, without trial or adjudication of any issue of fact or law herein, and upon consent of both parties hereto, it is hereby

ORDERED, ADJUDGED and DECREED, as follows:

I.

This Court has jurisdiction of the subject matter herein and the parties consenting 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. §1).

II.

As used in this Final Judgment:

(a) "CAB" means the Civil Aeronautics Board.

(b) "Domestic air carrier" means any person directly engaged in international air transportation who is a citizen of or is created or organized under the laws of the United States or of any state, territory, or possession thereof.

(c) "Foreign air carrier" means any person directly engaged in international air transportation who is a citizen of or is created or organized under the laws of any country other than the United States or any state, territory, or possession thereof.

(d) "International air transportation" means the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft, in commerce between a place in the United States and any place outside thereof; whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

(e) "Person" means any natural person, firm, partnership, association, corporation, or any other business or legal entity.

III.

The provisions of this Final Judgment are applicable to the Defendant herein and shall also apply to each of

Defendant's officers, directors, agents, employees, successors, and assigns, and to all other persons in active concert or participation with them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV.

The Defendant is enjoined and restrained from directly or indirectly engaging or participating in, entering into, adhering to, implementing, maintaining, enforcing, or claiming any right under any contract or agreement with any domestic or foreign air carrier to raise, fix, determine, maintain, stabilize, or adhere to any fare level or tariff condition for international air transportation:

Provided, however, that this Section IV shall not apply to any person affected by any order made by the CAB pursuant to Sections 408, 409 or 412 of the Federal Aviation Act (49 U.S.C. §§ 1378, 1379, 1382) insofar as may be necessary to enable such person to do anything authorized, approved, or required by such order.

V.

The Defendant is ordered and directed:

(a) To establish a reasonable program for dissemination of, education as to, and compliance with this Final Judgment, involving each corporate officer, director, employee and agent having responsibilities in connection with or authority over the establishment of international air transportation fare levels or tariff conditions, advising them of its and their obligations under this Final Judgment. This program

shall include, but is not necessarily limited to, the inclusion, in an appropriate company manual or internal memorandum, of this Final Judgment in whole or in part or an explanation thereof, and a statement of corporate compliance policy thereunder;

(b) To undertake a good faith effort to cause to be established a reasonable program for dissemination of and education as to this Final Judgment, involving each corporate officer, director, employee and agent of its subsidiary Condor Flugdienst G.m.b.H. having responsibilities in connection with or authority over the establishment of international air transportation fare levels or tariff conditions; and

(c) To furnish to Plaintiff within one hundred and twenty (120) days of the entry of this Final Judgment, and thereafter upon request by Plaintiff, on or about the anniversary date of this Final Judgment for a period of five (5) consecutive years from the date of its entry, an account of all steps Defendant has taken during the preceding year to discharge its obligations under subparagraphs (a) and (b) of this Section V and to include with said account copies of all written directives issued during the prior year with respect to compliance with the terms of this Final Judgment.

VI.

The Defendant is ordered and directed within sixty (60) days after the entry of this Final Judgment to send by certified mail a copy of this Final Judgment to the Condor Flugdienst G.m.b.H. agent designated by appointment or in law

to receive service of process, and within ten (10) days thereafter to furnish Plaintiff with the certified mail receipt which represents compliance with this provision.

VII.

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

(a) 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 Defendant made to its principal office, be permitted:

(1) Access during office hours of Defendant, which may have counsel present, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of Defendant relating to any of the matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of Defendant, and without restraint or interference from it, to interview its officers, directors, employees and agents, each of whom may have counsel present, regarding any such matters:

Provided, however, that subparagraph (a) of this Section VII shall not apply when:

(1) The sources of information described in this subparagraph (a) are located within the Federal Republic of Germany;

(2) Compliance with this subparagraph (a) is prohibited by the laws of the Federal Republic of Germany; and

(3) Defendant has exercised good faith efforts to obtain permission of the appropriate authorities but such permission has not been secured.

(b) Upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to the Defendant's principal United States office, Defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section VII 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 United States, 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.

If at the time information or documents are furnished to Plaintiff, Defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under 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 the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by Plaintiff to Defendant prior to divulging such material in any legal proceeding

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

PAN AMERICAN WORLD AIRWAYS,
INC.; TRANS WORLD AIRLINES,
INC.; and LUFTHANSA GERMAN
AIRLINES (Deutsche Lufthansa
Aktiengesellschaft),

Defendants.

Civil Action No. 77-197

FINAL JUDGMENT

Filed: December 9, 1977

Entered: March 9, 1978

Re: Defendants Pan American World
Airways, Inc. and Trans World
Airlines, Inc.

Plaintiff, United States of America, having filed its complaint herein on February 3, 1977, and the Plaintiff and the Defendants Pan American World Airways, Inc., and Trans World Airlines, Inc., by their respective attorneys, having consented to the entry of this Final Judgment, prior to the taking of any testimony, without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or admission by any party with respect to any issue of fact or law herein:

NOW, THEREFORE, prior to the taking of any testimony, without trial or adjudication of any issue of fact or law herein, and upon consent of all parties hereto, it is hereby

ORDERED, ADJUDGED and DECREED, as follows:

I.

This Court has jurisdiction of the subject matter herein and the parties consenting hereto. The complaint states a claim upon which relief may be granted against the Defendants under Section 1 of the Sherman Act (15 U.S.C. §1).

II.

As used in this Final Judgment:

(a) "CAB" means the Civil Aeronautics Board.

(b) "Domestic air carrier" means any person directly engaged in international air transportation who is a citizen of or is created or organized under the laws of the United States or of any state, territory, or possession thereof.

(c) "Foreign air carrier" means any person directly engaged in international air transportation who is a citizen of or is created or organized under the laws of any country other than the United States or any state, territory, or possession thereof.

(d) "International air transportation" means the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft, in commerce between a place in the United States and any place outside thereof; whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

(e) "Person" means any natural person, firm, partnership, association, corporation, or any other business or legal entity.

III.

The provisions of this Final Judgment are applicable to both Defendants herein and shall also apply to each of said Defendant's officers, directors, agents, employees, subsidiaries, successors, and assigns, and to all other persons in active concert or participation with them who

shall have received actual notice of this Final Judgment by personal service or otherwise.

IV.

Each Defendant is enjoined and restrained from directly or indirectly engaging or participating in, entering into, adhering to, implementing, maintaining, enforcing, or claiming any right under any contract or agreement with any domestic or foreign air carrier to raise, fix, determine, maintain, stabilize, or adhere to any fare level or tariff condition for international air transportation:

Provided, however, that this Section IV shall not apply to any person affected by any order made by the CAB pursuant to Sections 408, 409 or 412 of the Federal Aviation Act (49 U.S.C. §§ 1378, 1379, 1382) insofar as may be necessary to enable such person to do anything authorized, approved, or required by such order.

V.

Each Defendant is ordered and directed:

(a) To establish a reasonable program for dissemination of, education as to, and compliance with this Final Judgment, involving each corporate officer, director, employee and agent having responsibilities in connection with or authority over the establishment of international air transportation fare levels or tariff conditions, advising them of its and their obligations under this Final Judgment. This program shall include, but is not necessarily limited to, the inclusion, in an appropriate company manual or internal memorandum, of this Final Judgment in whole or in part or an explanation thereof, and a statement of corporate compliance policy thereunder; and