

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
AT OWENSBORO

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
) v.)
) CIVIL ACTION NO. 2529
)
) THE OWENSBORO NATIONAL BANK,)
) M. JACKSON MITCHELL,)
) RAYMOND A. ALEXANDER,) Entered: Feb. 9, 1972
) and EDWARD E. CURTIS,)
)
) Defendants.)

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on November 18, 1970; and the individual defendants, having filed their answers denying the substantive allegations thereof; the Court having entered its Order of June 23, 1971 authorizing the individual defendants to sell all their right, title and interest in Central Bank & Trust Company to Messrs. D.C. Andrews, Peter B. Curlin, William F. Thompson and Joseph A. Mermis, III; and said defendants having sold all such interest to said persons in accordance with said Order

NOW, THEREFORE, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein regarding the individual defendants and the plaintiff, and without this Final Judgment constituting evidence or admission by either the plaintiff or the individual defendants with respect to any such issue; and the Court having considered the matter and being duly advised it is hereby

ORDERED as follows:

I

This Court has jurisdiction of the subject matter of this action and of the parties hereto. The complaint states claims upon which relief may be granted against the defendants under Sections 1 and 2 of the Act of Congress of July 2, 1890

(15 U.S.C. §§1 and 2), commonly known as the Sherman Act, as amended.

II

As used in this Final Judgment:

(A) "ONB" means defendant The Owensboro National Bank, a banking institution organized and existing under the laws of the United States of America, which has its principal place of business in Owensboro, Kentucky;

(B) "Central" means Central Bank & Trust Company, a banking institution organized and existing under the laws of the State of Kentucky, which has its principal place of business in Owensboro, Kentucky;

(C) "Owensboro area" means the city of Owensboro, Kentucky and shall also include Daviess County, Kentucky;

(D) "Individual defendants" means defendant M. Jackson Mitchell, defendant Raymond A. Alexander, and defendant Edward E. Curtis and each of them;

(E) "Person" shall mean any individual, partnership, trustee, corporation, firm, association or any other legal or business entity.

III

The provisions of this Final Judgment applicable to any individual defendant shall also apply to each of his agents, employees, successors and assigns, and to all those persons in active concert or participation with any of them who receive notice of this Final Judgment by personal service or otherwise.

IV

(A) For so long as he may own or control the power to vote any stock or other financial interest in ONB, each of the individual defendants is enjoined and restrained from:

- (1) Acquiring, owning, controlling or voting any stock or other financial interest in any other bank in the Owensboro area;
- (2) Being an officer, director or otherwise accepting employment or acting as an agent for any other bank in the Owensboro area.

(B) Each of the individual defendants is enjoined and restrained for a period of two (2) years from the date of entry of this Final Judgment, from soliciting the banking business of any person who, at any time during the period of two years immediately prior to such date of entry, was a customer of Central.

V

For the purpose of determining or 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, and on reasonable notice to any individual defendant, made to his principal residence, be permitted, subject to any legally recognized privilege:

- (A) Access during reasonable office hours to all books, ledger

accounts, correspondence, memoranda, and other records and documents in the possession of or under the control of the defendant relating to any matters contained in this Final Judgment; and

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

Upon such written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, each individual defendant shall submit such reports in writing, under oath if so requested, to the Department of Justice with respect to any of the matters contained in the Final Judgment as from time to time may 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 legal proceedings to which the United States is a party for the purpose of determining or 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 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, for the modification of any of the provisions hereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

/s/ JAMES F. GORDON
UNITED STATES DISTRICT JUDGE

Dated: February 9, 1972