

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

GEORGIA AUTOMATIC MERCHANDISING
COUNCIL, INC.;
ARA SERVICES, INC.;
CENTRAL VENDING SERVICE;
OLD FASHION FOODS, INC.;
SANDS AND COMPANY, INCORPORATED;
SERVOMATION OF ATLANTA, INC.;
THE MACKE COMPANY OF GEORGIA; and
SHAMROCK SYSTEM, INC.,
Defendants.

Civil No. 18756

Filed: August 21, 1974

Entered: Sept. 23, 1974

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on August 8, 1973, and Plaintiff and the Defendants, 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 admission by any party with respect to any such issue, and without this Final Judgment constituting evidence or admission by any party with respect to any such issue, and this Court having determined pursuant to Rule 54(b) of the Federal Rules of Civil Procedure that there is no just reason for delay in entering a Final Judgment as to all the Plaintiff's claims asserted in such Complaint against Defendants Georgia Automatic Merchandising Council, Inc., Central Vending Service, Old Fashion Foods, Inc., Servomation of Atlanta, Inc., The Macke Company of Georgia, and Shamrock System, Inc.;

NOW, THEREFORE, before the taking of any testimony and without 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 over the subject matter herein and the parties hereto. The Complaint states a claim against the Defendants upon which relief may be granted under Section 1 of the Act of Congress of July 2, 1890, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," as amended, commonly known as the Sherman Act. (15 U.S.C. Section 1)

II

As used in this Final Judgment:

(A) "Vending Machine" means any machine or device which, when appropriate coins are inserted therein, automatically dispenses merchandise;

(B) "Operator" means any person owning vending machines which are in operation in locations other than the operator's place of business;

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

(D) "Control" means at least a fifty percent ownership interest in the controlled person by the controlling person;
and

(E) "Defendants" shall mean Georgia Automatic Merchandising Council, Inc., Central Vending Service, Old Fashion Foods, Inc., Servomation of Atlanta, Inc., The Macke Company of Georgia, and Shamrock System, Inc.

III

The provisions of this Final Judgment applicable to the Defendants shall also apply to each of their officers, directors, agents, employees, subsidiaries, successors and assigns, and to 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

Each Defendant is enjoined and restrained from directly or indirectly:

(A) Entering into, adhering to, maintaining or furthering any contract, agreement, understanding, plan or program with any other operator to fix, determine, maintain, stabilize or adhere to the prices of merchandise sold through vending machines to any third person; and

(B) Discussing, advocating, suggesting, urging, inducing, threatening, coercing, intimidating, or compelling the adoption of or adherence to uniform or specific prices of merchandise sold through vending machines by any other operator.

V

Each Defendant operator is enjoined and restrained from organizing, joining, furthering, supporting, or participating

in any activities of a trade association with knowledge that the purpose, conduct or activities of the same are inconsistent with the prohibitions contained in Section IV of this Final Judgment.

VI

(A) Each Defendant is ordered and directed to furnish within ninety (90) days after the date of the entry of this Final Judgment a copy thereof to each of its officers, directors and members and to each of its agents and employees having sales and/or pricing responsibility for merchandise sold through vending machines.

(B) Each Defendant is ordered and directed to furnish for a period of ten (10) years after the date of the entry of this Final Judgment, a copy thereof upon each successor to those officers, directors, members, agents and employees described in Subsection (A) of this Section VI, within thirty (30) days after each such successor is employed by or becomes associated with each Defendant.

(C) Each 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 Subsection (A) of this Section VI.

VII

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

report setting forth the steps it has taken during the prior year to advise the appropriate officers, directors and members, and agents and employees having sales and/or pricing responsibilities for merchandise sold through vending machines, of its and their obligation under this Final Judgment.

VIII

The injunctions contained in Section IV of this Final Judgment shall not apply to relations between a Defendant and a parent or subsidiary of, or corporation under common control with, such Defendant.

IX

For the purpose of determining or securing compliance with this Final Judgment, duly authorized representatives of the Department of Justice shall, on written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Defendant made to its principal office, be permitted, subject to any legally recognized privileges:

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

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

For the purpose of determining or securing compliance with this Final Judgment, upon written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, Defendants shall submit such reports in writing with respect to matters contained in this Final Judgment as may from time to time be requested.

No information obtained by the means permitted in this Section IX 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 in which the United States is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

X

~~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 of or carrying out of this Final Judgment or for the modification of any of the provisions herein and for the enforcement of compliance therewith and the punishment of the violation of any of the provisions contained herein.

/s/ ALBERT J. HENDERSON
UNITED STATES DISTRICT JUDGE

DATED: Sept. 23, 1974