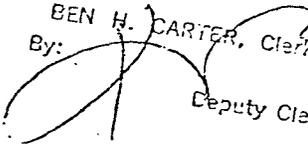


REC-
DEC 17 1976
CLERK'S OFFICE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
(ATLANTA DIVISION)

5 Encl
FILED IN CLERK'S OFFICE

MAY 26 1977

BEN H. CARTER, Clerk
By:  Deputy Clerk

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
ATLANTA NEWS AGENCY, INC.; and)
FAMILY READING SERVICE, INC.,)
)
Defendants.)

Civil No.: C76-435A
Filed: 12/17/76
Entered: 5/26/77

FINAL JUDGMENT AS TO DEFENDANT
FAMILY READING SERVICE, INC.

Plaintiff, United States of America, having filed its complaint herein on March 8, 1976, and defendant, Family Reading Service, Inc. ("FRS"), having appeared by its attorneys, and the plaintiff by its attorneys and the defendant by its president, having 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 either party in 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 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 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

As used in this Final Judgment:

(A) "Paperback books" mean mass media market paperback books;

(B) "Periodicals" mean mass media market paper cover magazines; it excludes daily newspapers but includes tabloids and comic books;

(C) "Person" means any natural person, association, cooperative, partnership, corporation, or other form of legal entity; and

(D) "ID wholesaler" means any person engaged in the business of purchasing periodicals and paperback books from the principal national distributors for resale at wholesale rates to retailers, and who itself delivers said merchandise, stocks its customers' display fixtures, bills its customers, credits and removes out-of-date merchandise and accounts for all sales and returns to its national distributor clients.

III

The provisions of this Final Judgment applicable to defendant FRS shall also apply to each of its officers, directors, agents, employees, subsidiaries, affiliates, successors, and assigns, and in addition, to all other persons in active concert or participation with any of them who shall receive actual notice of this Final Judgment by personal service or otherwise.

IV

Defendant FRS is enjoined and restrained from:

(A) Entering into, continuing, maintaining or renewing any contract, combination, conspiracy, agreement, understanding or concert of action with any ID wholesaler or other person to induce or coerce, or attempt to induce or

coerce, any other ID wholesaler or any other third person to refrain from soliciting or doing business with any person or in any territory.

(B) Adopting, continuing, maintaining or renewing any practice, plan, program, or device to coerce, or attempt to coerce, any ID wholesaler or any other person from soliciting or doing business with any person or in any territory.

(C) Entering into, continuing, maintaining or renewing any combination, conspiracy, agreement, understanding, concert of action, or contract, including the contract defendant FRS entered into with Town and Country News Co., Inc., dated October 19, 1973, to limit or restrict the territory within which or the customers to which any ID wholesaler, or any other person including defendant FRS, may do business. Subject to the provisions of Sections IV(A) and (B), nothing in this Section shall be deemed to prohibit defendant FRS from entering into a contract for the bona fide purchase or sale of an entire business, which contract contains an ancillary covenant not to compete on the part of the seller; provided, however, that said covenant not to compete must be confined geographically to an area no larger than that in which the business sold was then doing business and be not longer than two years in duration.

V

Within sixty (60) days after date of entry of the Final Judgment, defendant FRS is ordered and directed to furnish a copy thereof to each of its officers, directors, and employees, and to file with this Court and to serve upon the plaintiff an affidavit as to the fact and manner of its compliance with this Section V.

VI

(A) For the purpose of determining or securing compliance with this Final Judgment, and for no other purpose, any duly authorized representative 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 defendant FRS made to the principal office, be permitted, subject to any legally recognized privilege:

(1) Access during the 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 officers, directors, agents, partners or employees of such defendant, who may have counsel present, regarding any such matters.

(B) Defendant FRS, upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports in writing with respect 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 VI 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.

VII

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 or 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 thereof and for the enforcement of compliance therewith and the punishment of violations thereof.

VIII

Entry of this Final Judgment is in the public interest.

Dated: May 26, 1977

James C. Hill

JAMES C. HILL
UNITED STATES CIRCUIT JUDGE
SITTING BY DESIGNATION