

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

RENAULT, INC.; PEUGEOT, INC.; DOLPHIN  
MOTORS, INC.; EASTERN AUTO DISTRIBUTORS,  
INC.; and MAGNA MOTORS, INC.,

Defendants.

Civil Action No. 154-164

Filed: July 30, 1962

FINAL JUDGMENT

The plaintiff, United States of America, having filed its complaint herein on December 28, 1959, and each of the defendants, Renault, Inc., Peugeot, Inc., Dolphin Motors, Inc., Eastern Auto Distributors, Inc., and Magna Motors, Inc., having appeared and filed their several answers denying the substantive allegations thereof; and the Court having dismissed without prejudice, on motion of the plaintiff and without opposition from the defendants, so much of the complaint as alleged violations of Section 3 of the Act of Congress of October 15, 1914, entitled "An act to supplement existing laws against unlawful restraints and monopolies and for other purposes," commonly known as the Clayton Act, as amended, and violations other than price fixing of Section 1 of the Act of Congress of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," commonly known as the Sherman Act, as amended; and the parties hereto, 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 hereto with respect to any such issue;

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 hereof and of the parties hereto. The complaint states claims for relief against the defendants 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," commonly known as the Sherman Act, as amended.

II

As used in this Final Judgment:

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

(B) "Renault" shall mean the defendant Renault, Inc., a corporation organized and existing under the laws of the State of New York;

(C) "Peugeot" shall mean the defendant Peugeot, Inc., a corporation organized and existing under the laws of the State of New York;

(D) "Products" shall mean new motor vehicles manufactured in France by Regie Nationale des Usines Renault and Societe Anonyme des Automobiles Peugeot and each of them and shall include new parts manufactured in France by or for such companies and suitable for use in their automobiles;

(E) "Distributor" shall mean any person engaged in the purchase of any products in the United States from Renault and/or Peugeot for resale to dealers, and shall include defendants Renault and Peugeot insofar as either may sell directly to any dealer;

(F) "Dealer" shall mean any person who buys any products from a distributor for resale to consumers;

(G) "Subsidiary" shall mean any corporation fifty-one percent or more of whose voting stock is owned by the parent corporation.

III

The provisions of this Final Judgment applicable to any defendant shall apply to such defendant and to each of its subsidiaries, successors, assigns, directors, officers, employees and agents, and to

all persons in active concert or participation with such defendant who receive actual notice of this Final Judgment by personal service or otherwise. This Final Judgment shall not apply to transactions solely between a defendant and a subsidiary thereof.

#### IV

Defendants are jointly and severally enjoined from:

(A) Entering into, maintaining, adhering to, enforcing or claiming any rights under any combination, contract, agreement, understanding, plan or program with any distributor or dealer fixing or maintaining the prices at which any products are sold to any third person;

(B) Requiring or compelling any distributor or dealer to adhere to any fixed, suggested or specified price at which products are sold to third persons; provided, however, that nothing in this Section IV shall be deemed to prohibit the defendants from engaging in any practices which any present, or future, act of Congress makes lawful.

#### V

(A) Each distributor defendant is ordered and directed, within thirty (30) days after the date of entry of this Final Judgment, to serve by mail upon each dealer with which it regularly does business, a copy of this Final Judgment; and each distributor defendant is ordered and directed thereafter to serve by mail upon each new dealer with which it commences regular business relations, a copy of this Final Judgment, within thirty (30) days after commencing such business relations.

(B) Defendants Renault and Peugeot, and each of them, are ordered and directed to serve by mail upon any new distributor a copy of this Final Judgment within thirty (30) days after commencing business relations with such new distributor.

#### VI

For the purpose of securing compliance with this Final Judgment and for no other purpose, 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 any defendant made to its principal office, be permitted, subject to any legally recognized privilege:

(A) 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 the defendant which relate to any matters contained in this Final Judgment;

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

Upon written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, the defendant shall submit such reports in writing with respect to the matters contained in this Final Judgment as may from time to time be necessary to the enforcement of this Final Judgment.

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 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.

## 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 and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the amendment or modification of any of the provisions hereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

VIII

Neither the making, nor entry, of this Final Judgment shall be deemed to constitute any bar or estoppel to the institution and prosecution of any action under the antitrust laws, except a civil action based on the price-fixing allegations alleged in the Amended Complaint herein.

This judgment is without costs.

Dated: July 30, 1962

/s/ Wilfred Feinberg  
United States District Judge