

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

Plaintiff, :

v. : CIVIL ACTION

HAMBRO AUTOMOTIVE CORPORATION; :

S. H. ARNOLT, INC.; BRITISH MOTOR CAR :

DISTRIBUTORS, LTD.; CONTINENTAL CARS :

DISTRIBUTORS, INC.; CRANDALL-HICKS :

COMPANY; FALVEY MOTOR SALES COMPANY; :

GOUGH INDUSTRIES, INC.; J. S. ENSKIP, :

INC.; OVERSEAS MOTORS CORPORATION; :

PALM BEACH CHRIS-CRAFT SALES, INC. :

doing business as SHIP AND SHORE MOTORS; :

ROYSTON DISTRIBUTORS, INC.; and FRANKIE :

WATTS doing business as WACO MOTORS, :

Defendants. :

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FINAL JUDGMENT

The plaintiff, United States of America, having filed its complaint herein on February 19, 1960, and the parties hereto, by their respective attorneys, having consented to the entering 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) "Hambro" means the defendant Hambro Automotive Corporation, a corporation organized and existing under the laws of the State of New York, with its present principal place of business in New York City.

(B) "BMC products" means new motor vehicles and parts suitable therefor manufactured in the United Kingdom by or for British Motors Corporation.

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

(D) "Distributor" means any person (other than subsidiaries) engaged in the purchase of BMC products for resale.

(E) "Dealer" means any person (other than subsidiaries and other than distributors) engaged in the purchase of BMC products from distributors or from Hambro for resale.

III

The provisions of this Final Judgment applicable to any defendant shall apply to such defendant and to each of its subsidiaries or affiliates, 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.

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, or plan or program, with any distributor or dealer (1) to fix or specify the price at which any BMC products are sold to any third person; or (2) limiting or restricting the distributors or dealers or other persons to whom or the territory within which Hambro or any distributor or dealer may sell BMC products;

(3) Requiring or compelling any distributor or dealer to adhere to any fixed, suggested or specified price at which any BMC products are sold to third persons.

V

Subject to the provisions of Section IV of this Final Judgment, each of the defendants may exercise its rights to choose and select its distributors and dealers and its customers.

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 Anti-trust 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 modification or termination of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

Dated: New York, New York
February 19th, 1960

/s/ JOHN F. X. McGOHEY
United States District Judge

Judgment Entered 2/19/60
/s/ Herbert A. Charlson
Clerk

We hereby consent to the making and entering of the foregoing
Final Judgment:

For the Plaintiff:

/s/ Robert A. Bicks
ROBERT A. BICKS
Acting Assistant Attorney General

/s/ George D. Reycraft
GEORGE D. REYCRAFT

/s/ Richard B. O'Donnell
RICHARD B. O'DONNELL

/s/ William D. Kilgore, Jr.
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Attorneys, Department of Justice

/s/ John D. Swartz
JOHN D. SWARTZ

/s/ Morton H. Steinberg
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/s/ John H. Clark III
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For the Defendants:

CRAVATH, SWAINE & MOORE

by /s/ Ralph L. McAfee
A Member of the Firm
Attorneys for Hambro Automotive Corporation.

TOWNLEY, UPDIKE, CARTER & RODGERS

by /s/ John R. Schoemer, Jr.
A Member of the Firm

Attorneys for S. N. Arnolt, Inc.;
British Motor Car Distributors, Ltd.;
Continental Car Distributors, Inc.;
Crandall-Hicks Company; Falvey Motor
Sales Company; Gough Industries, Inc.;
S. F. S. Inskip, Inc.; Overseas Motors
S. Corporation; Palm Beach Chris-Craft
9/60 Sales, Inc. doing business as Ship and
Shore Motors; Frankie Watts doing business
as Waco Motors.

F.X. McGohey
2/19/60

A TRUE COPY
Herbert A. Charlson, Clerk

by /s/ Catherine B. Salamone
Deputy Clerk