

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff

v.

No. 73 Civ. 2608 L.F.M.

TEXACO INC. AND COASTAL STATES
GAS PRODUCING COMPANY,

Defendants.

Filed: December 19, 1973

Entered: January 25, 1974

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on June 12, 1973; and all parties, by their attorneys, having severally consented to the making and entry of this Final Judgment, without admission by any party in respect to any issue and without this Final Judgment constituting evidence or an admission by any party with respect to any such issue;

NOW, THEREFORE, before any testimony has been taken herein, 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 of the subject matter herein and of the parties hereto. The Complaint states claims upon which relief may be granted against the defendants under Section 1 of the Act of Congress of July 2, 1890 (15 U.S.C. §1), commonly known as the Sherman Act, as amended, and under Section 7 of the Act of Congress of October 15, 1914 (15 U.S.C. §18), commonly known as the Clayton Act, as amended.

II

For purposes of this Final Judgment only:

(A) "Coastal" means Coastal States Gas Producing Company and its subsidiaries or any of them.

(B) "Coastal's Corpus Christi refinery" means the refinery which was the subject of, and fully described in, the Option to Purchase Refinery attached as Exhibit D to the Complaint herein.

(C) "Texaco" means Texaco Inc. and its subsidiaries or any of them (including Texaco Inc.).

III

The provisions of this Final Judgment applicable to any defendant shall also apply to its subsidiaries, successors, assigns, officers, directors, agents and employees, and to all persons in active concert or participation with such defendant who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Coastal and Texaco are enjoined and restrained from adhering to the agreements attached as Exhibits A through D to this Final Judgment, which agreements are hereby cancelled.

V

Texaco is enjoined and restrained from acquiring Coastal's Corpus Christi refinery for a period of ten years from the date of this Final Judgment without prior approval of the Department of Justice.

VI

Coastal and Texaco are enjoined and restrained from entering into crude oil processing agreements in respect to Coastal's Corpus Christi refinery for amounts exceeding 45,000 barrels a day or 25 percent of the refinery's capacity, whichever is the lesser.

VII

For the purpose of determining or securing compliance with this Final Judgment 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 the Defendants made to their principal offices, be permitted, subject to any legally recognized privilege, and subject to the right of Defendants, if they so desire, to have counsel present:

1. Access during their office hours to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession of or under the control of the Defendants relating to any matters contained in this Final Judgment; and
2. Subject to the reasonable convenience of the Defendants, and without restraint or interference from them, to interview directors, officers, agents or employees of the Defendants, which persons if they wish may have counsel of their choosing present, relating to any matters contained in this Final Judgment.

Upon such written request, the Defendants shall submit such reports in writing, under oath if so requested, to the Plaintiff, 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 VII 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 of America is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

VIII

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 or carrying out of this Final Judgment or for the modification of any of the provisions thereof, and for the purpose of the enforcement or compliance therewith; and the punishment of violations thereof.

Dated: January 25, 1974

/s/ LLOYD F. MacMAHON

United States District Judge