

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,
c/o Department of Justice
Antitrust Division
Washington, D.C. 20530,

Plaintiff,

v.

Foodmaker, Inc.
9330 Balboa Avenue
San Diego, CA 92123,

Defendant.

Civil Action No. 96 1879

Entered: August 26, 1996

FILED

AUG 26 1996

Clerk, U.S. District Court
District of Columbia

FINAL JUDGMENT

Plaintiff, the United States of America, having commenced this action by filing its Complaint for violation of Section 7A of the Clayton Act, 15 U.S.C. § 18a, commonly known as the Hart-Scott-Rodino Antitrust Improvements Act of 1976, and Plaintiff and Defendant Foodmaker, Inc., 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 this Final Judgment constituting any evidence against or an admission by any party 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.

The Court has jurisdiction of the subject matter herein and of the Plaintiff United States of America and Defendant Foodmaker, Inc. The Complaint states a claim upon which relief can be granted against Defendant Foodmaker, Inc., under Section 7A of the Clayton Act, 15 U.S.C. § 18a.

II.

Judgment is hereby entered in favor of Plaintiff United States of America and against Defendant Foodmaker, Inc., and Defendant Foodmaker, Inc., shall pay, pursuant to Section 7A(g)(1) of the Clayton Act, 15 U.S.C. § 18a(g)(1), a civil penalty in the amount of one million four hundred fifty thousand United States dollars (\$1,450,000.00) within thirty (30) days of entry of this Final Judgment. In the event of a default in payment, interest at the rate of eighteen (18) percent per annum shall accrue thereon from the date of default to the date of payment. Payment shall be made by wire transfer of funds to the

United States Treasury through the Treasury Financial Communications System or by cashier's check payable to the Treasurer of the United States and delivered to Chief, FOIA Unit, Antitrust Division, United States Department of Justice, Liberty Place, 325 7th Street, N.W., Suite 200, Washington, D.C., 20530.

III.

Each party shall bear its own costs of the within action.

IV.

Entry of this Final Judgment is in the public interest.

Dated: ~~Washington, D.C.~~, August 20, 1996

Louis J. Berdick

United States District Judge

United States District Court
for the District of Columbia
A TRUE COPY

NANCY DAYER-WHITEHORN, Clerk

By: [Signature]
Clerk