

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA,
Plaintiff,

v.

WACHOVIA BANK AND TRUST
COMPANY, N.A.,
Defendant.

Civil No. C-135-WS-71
Entered: September 5, 1972

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on June 22, 1971 and the plaintiff and the defendant, 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 evidence or an 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 consent of the parties as aforesaid, it is hereby;

ORDERED, ADJUDGED and DECREED, as follows:

I

This Court has jurisdiction of the subject matter of this action and of the parties hereto under Section 4 of the Act of Congress of July 2, 1890, c. 647, 26 Stat. 209, as amended (15 U.S.C. Sec. 4), commonly known as the Sherman Act, and the Complaint states a claim upon which relief may be granted against the defendant under Section 1 of said Act (15 U.S.C. Sec. 1), as amended.

II

For purposes of this Final Judgment:

(A) Defendant shall mean Wachovia Bank and Trust Company, N.A.;

(B) Shopping center shall mean a tract or parcel of land on which is constructed one or more buildings primarily designed to provide space for the operation of multiple retail and service establishments and which also contains an enclosed mall providing convenient access to customers of some or all such establishments;

(C) Holly Hill Realty shall mean the real estate developer of Holly Hill Mall Shopping Center, Alamance County, North Carolina;

(D) Night depository shall mean an assemblage usually consisting of a metal dropbox and a vault used by banks for collecting customer deposits;

(E) Person shall mean any individual, corporation, partnership, association, firm, or any other business or legal entity.

III

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

IV

(A) Defendant is enjoined and restrained from entering into, adhering to, enforcing, maintaining or claiming any rights under any provision of any contract, agreement, arrangement or understanding with any person which limits or restricts the number, location or use of night depositories, branch banking offices or other banking facilities in a shopping center by any third person.

(B) Defendant has heretofore by letter of July 8, 1971, fully released Holly Hill Realty from those terms and provisions of its lease agreement which limited or restricted the number of commercial banks which may establish branch banking offices, night depositories, or other banking facilities in Holly Hill Shopping Center, and Defendant is ordered and directed within thirty (30) days from the date of entry of this Final Judgment similarly to release in writing any other person with whom Wachovia has a similar agreement relating to a shopping center, and to notify the plaintiff as to the fact and manner of compliance herewith.

V

For the purpose of determining or securing compliance with this Final Judgment, duly authorized representatives of the Department of Justice, upon written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to the defendant, made to its principal office, shall be permitted, subject to

any legally recognized claim of privilege, (a) access during the office hours of said defendant to such books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession, custody or control of said defendant which relate to any matters contained in this Final Judgment, and (b) subject to the reasonable convenience of said defendant and without restraint or interference from it, to interview officers or employees of said defendant, who may have counsel present, regarding such matters.

Upon the 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 to the Department of Justice with respect to any of the matters contained in this Final Judgment as from time to time may be requested.

No information obtained by the means provided in this Paragraph V 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.

VI

Jurisdiction is retained for the purpose of enabling either 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 of any of the provisions contained herein, for the enforcement of compliance therewith, and the punishment of any violation of any of the provisions contained herein.

DATED: September 5, 1972.

/s/ HIRAM H. WARD
United States District Judge