

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.74-1781 (TAF)
)	
MORGAN DRIVE AWAY, INC.;)	
NATIONAL TRAILER CONVOY, INC.;)	
and TRANSIT HOMES, INC.,)	
)	
Defendants.)	
)	

U.S. v. Morgan Drive Away, Inc., et al., Civ. Action No. 74--1781 (TAF) (D.D.C. 1976)

Notice is hereby given that Morgan Drive Away, Inc. (“Morgan”), the only remaining defendant in the captioned matter, has moved to terminate the Final Judgment entered by the United States District Court for the District of Columbia on June 30, 1976. In a stipulation also filed with the Court, the Department of Justice (“Department”) has tentatively consented to termination of the Judgment, but has reserved the right to withdraw its consent pending receipt of public comments.

On December 5, 1974, the United States filed its complaint in this case. The complaint charged the defendants with conspiracy in restraint of trade, conspiracy to monopolize and monopolization of the for-hire transportation of mobile homes in the United States in violation of

Sections 1 and 2 of the Sherman Act. Among the violations alleged in the complaint were that the defendants deprived applicants to state and federal regulatory agencies for mobile home transportation authority of meaningful access to and fair hearings before those agencies. This was done by various means including (1) protesting virtually all applications regardless of the merits, (2) inducing others to protest such applications, (3) jointly financing the protests and providing personnel to aid in the protests, (4) using tactics to deter, delay and increase the costs of the applications, and (5) providing, procuring, and relying on testimony in agency application proceedings that they knew to be false and misleading. The suit also charged that the companies conspired to coerce competitors to charge the same rates as they charged and to fix rates without authorization of federal or state law.

The Final Judgment, filed January 21, 1976 and entered by the Court on June 30, 1976 after a Tunney Act review, prohibited the defendants from using litigation before administrative agencies to exclude competition in the interstate transportation of mobile homes. The Judgment also enjoined the defendants from joint activities in connection with regulatory applications, from fixing interstate, intrastate, or military rates without proper legal authorization, from mutual stabilization of driver compensation, and from agreements to refrain from hiring one another's personnel.

In the period between 1976 and 1999 substantial changes have been made in the regulation of motor carriers, including transporters of mobile homes, effectively eliminating the opportunity for firms to manipulate the regulatory process to exclude competitors, to limit their growth, or to fix rates.

The Department and Morgan have filed memoranda with the Court setting forth the reasons they believe termination of the Final Judgment would serve the public interest. Copies

of Morgan's motion to terminate, the stipulation containing the Department's consent, the supporting memoranda, and all additional papers filed with the Court in connection with this motion will be available for inspection at the Antitrust Documents Group of the Antitrust Division, U.S. Department of Justice, Room 215, North, Liberty Place Building, 325 Seventh Street, N.W., Washington, D.C. 20004, and at the Office of the Clerk of the United States District Court for the District of Columbia. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the duplicating fee set out in Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination to the Department. Such comments must be received by the Antitrust Division within sixty (60) days and will be filed with the Court by the Department. Comments should be addressed to Roger W. Fones, Chief, Transportation, Energy and Agriculture Section, Antitrust Division, U.S. Department of Justice, 325 Seventh St. N.W., Suite 500, Washington, D. C. 20530, telephone: 202-307-6456.

"/s/"

Rebecca P. Dick
Director of Civil Non-Merger Enforcement