IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF THE DISTRICT OF COLUMBIA

) HOGAN, J. IFH

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

) Plaintiff,) 91 0008

v.) Civil Action No.

) GENERAL CINEMA CORPORATION,)
27 Boylston Street)
Chestnut Hill, Massachusetts 02167)

) Defendant.)
----------------------------------)
COMPLAINT FOR CIVIL PENALTY FOR VIOLATION
OF PREMERGER REQUIREMENTS OF HART-SCOTT-RODINO ACT
The United States of America, plaintiff, by its attorneys, acting under the direction of the Attorney General of the United States and at the request of the Federal Trade Commission, brings this civil action to obtain monetary relief in the form of a civil penalty against the defendant named herein, and alleges as follows:

I.
JURISDICTION AND VENUE

1. This Complaint is filed and these proceedings are instituted under Section 7A of the Clayton Act, 15 U.S.C. S 18a, commonly known as the Hart-Scott-Rodino Antitrust Improvements

Act of 1976 (tlHart-Scott-Rodino Act"), to recover a civil penalty for violation of the Hart-Scott-Rodino Act.
2. This Court has jurisdiction over the defendant and over
the subject matter of this action pursuant to 15 U.S.C.
S 18a(g) and 28 U.S.C. §§ 1331, 1337, 1345, and 1355.
3. Venue is properly based in this District under 28
U.S.C. §§ 1391(b), 1391(c), and 1395(a); and 15 U.S.C.
S 22.

II.
THE DEFENDANT GENERAL CINEMA CORPORATION

4. General Cinema Corporation ("General Cinema") is made a
defendant herein. General 3.

1391(c),

relevant period of this Complaint was, in the confectionery and carbonated soft drink industries.

IV.
VIOLATIONS ALLEGED

6. The Hart-Scott-Rodino Act, 15 U.S.C. S 18a, prohibits
certain acquisitions of voting securities or assets until after a notification and report form has been filed with the Department of Justice and the Federal Trade Commission, and a waiting period has expired.
7. Defendant General Cinema and non-party Cadbury
Schweppes at all times pertinent to this proceeding have been engaged in commerce, or in activities affecting commerce, within the meaning of Section (a)(l) of the Hart-Scott-Rodino Act, 15 U.S.C. § 18a(a)(1).
8. Defendant General Cinema and non-party Cadbury
Schweppes at all times l8855 0ll

tims

l88ceeding

10. On or about September 11, 1986, the aggregate total
amount of the value of defendant's holdings of voting securities of Cadbury Schweppes exceeded $15 million.
11. During the ensuing period from about September 12,
1986, through about January 26, 1987, defendant acquired additional voting securities of Cadbury Schweppes.

15. Defendant was in violation of the Hart-Scott-Rodino Act each day during the period beginning on or about September 11, 1986, and ending on or about February 25, 1987, a total of 168

days. , 16. Section (g)(1) of the Hart-Scott-Rodino Act, 15 U.S.C.
S 18a(g)(1), provides that any person who fails to comply with the Hart-Scott-Rodino Act shall be liable to the United States

for a civil penalty of not more than $10,000 for each day during which such person is in violation of the Hart-Scott-Rodino Act.

v.
PRAYER

WHEREFORE, plaintiff prays:
1. That the Court adjudge and decree that defendant's
purchases of voting securities of Cadbury Schweppes during the period beginning on or about September 11, 1986, and ending on or about January 26, 1987, without having filed a notification and report form and observed a waiting period, were in violation of the Hart-Scott-Rodino Act, 15 U.S.C. S 18a, and that defendant was in violation of the Hart-Scott-Rodino Act each day during the period beginning on or about September 11, 1986, and ending on or about February 25, 1987, a total of 168 days;
2. That defendant be

A.4950t9 T32 15 U.S.C.

3. That the plaintiff have such other and further relief
as the Court shall deem just and proper; and
4. That the Court award plaintiff its costs of this suit.

Dated: ~j./r7/
FOR PLAINTIFF UNITED STATES
OF AMERICA

James F. Rill
Assistant Attorney General

?itL~ zI Ci2~ t L

Jo n W. Clark

慷慲搠