

IN THE MATTER OF

DETROIT AUTO DEALERS ASSOCIATION, INC., ET AL.

Docket 9189. Interlocutory Order, Jan. 27, 1994

ORDER

Counsel for the Volkswagen Respondents filed "Respondents' Unopposed Motion to Reconsider Decision As To One Business Dealership Respondent and One Dealership Association Respondent," requesting that the Commission dismiss the Complaint against Autobahn Motors and the Southeastern Michigan Volkswagen Dealers Association, Inc. and remove their names from the order of February 22, 1989. Complaint counsel does not oppose the motion.

The sole shareholder of Autobahn Motors, Inc. sold the dealership assets to Mell Farr Imports in 1993. Autobahn Motors has ceased doing business, and its Volkswagen and Mazda franchises have been terminated.

According to an affidavit by counsel for the Southeastern Michigan Volkswagen Dealers Association, Inc., a motion was made to disband and dissolve the association at a meeting on August 5, 1993, and the motion carried. The affidavit recites that the association "has proceeded to wind down its affairs." A copy of a form titled "Certificate of Dissolution" is attached to the motion.

The Commission has considered the motion and determined to grant it as to Autobahn Motors, Inc.

It is ordered, That the complaint against Autobahn Motors, Inc. be and hereby is dismissed.

It is further ordered, That the order of February 22, 1989, of the Commission be and hereby is modified to delete the name of Autobahn Motors, Inc.

It is further ordered, That respondent Southeastern Michigan Volkswagen Dealers Association, Inc. be and hereby is directed to file further information concerning whether there is any successor or assign of the association within the meaning of the definition of "Association Respondent" in the order of February 22, 1989 and concerning the reasons for dissolution of the association. In particular, respondent should provide detailed information concerning whether any entity, formal or informal, has undertaken any of the activities formerly carried on by the Southeastern Michigan Volkswagen Dealers Association, Inc.

IN THE MATTER OF

PROMODES, S.A., ET AL.

Docket 9228. Consent Order, May 17, 1990--Modifying Order, Jan. 28, 1994

This order reopens the proceeding and modifies the Commission's consent order issued May 17, 1990 (113 FTC 372) by deleting paragraphs II.A.3 and II.A.6, thereby ending the respondents' obligation to divest two Red Food Supermarkets in Tennessee. The Commission determined that the respondents demonstrated that this action would be in the public interest.

ORDER GRANTING REQUEST TO REOPEN AND MODIFY

Promodes, S.A. ("Promodes") and The Red Food Stores, Inc. ("Red Food") filed a Motion Requesting Federal Trade Commission To Issue Order Reopening and Modifying Consent Order Issued May 17, 1990 ("Petition") in Docket No. 9228 on October 12, 1993,¹ pursuant to Section 5(b) of the Federal Trade Commission Act, 15 U.S.C. 45(b), and Section 2.51 of the Commission's Rules of Practice and Procedure, 16 CFR 2.51. Promodes and Red Food (collectively, "respondents") request that the Commission reopen and modify the consent order issued by the Commission on May 17, 1990 ("order"), which became final on May 29, 1990, to terminate the obligation to divest certain supermarkets in Chattanooga, Tennessee.

For the reasons discussed below, the Commission has determined that respondents have demonstrated that it is in the public interest to reopen and modify the order.

I. The Complaint and Order

The order, which became final on May 29, 1990, settled charges that respondents' April 22, 1989, acquisition of seven supermarkets in Chattanooga from The Kroger Company violated Section 7 of the Clayton Act, 15 U.S.C. 18, and Section 5 of the FTC Act, 15 U.S.C. 45. The order required respondents to divest, the stores listed in paragraph II.A. of the order (the "II(A) Properties") by March 1, 1991. Respondents failed to divest the stores by the deadline, however, and on January 6, 1992, the Commission appointed Neill A.

¹ Respondents filed a confidential version of the Petition on October 1, 1993, but did not file the public version until October 12.