

IN THE MATTER OF

DETROIT AUTO DEALERS ASSOCIATION, INC.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT*Docket 9189. Complaint,* Dec. 20, 1984--Decision, June 3, 1997*

This consent order prohibits each dealer, among other things, from agreeing with any other Detroit area dealer or dealer association to establish, maintain or adhere to any hours of operation, or requesting or encouraging any dealer or dealer association to maintain any hours of operation; prohibits each from exchanging information with any dealer or dealer association concerning hours of operation except in certain circumstances; and limits a minimum weekly hours-of-operation requirement to the time during which the dealers were already in compliance.

Appearances

For the Commission: *Ernest Nagata, Willard Tom and William Baer.*

For the respondents: *Lawrence Raniszeski, Colombo & Colombo, Bloomfield Hills, MI. John Youngblood, Abbott, Nicholson, Quilter, Esshaki & Youngblood, Detroit, MI. and Kenneth Wilson, Stringari, Fritz, Kreger, Ahearn, Goodnow, Bennett & Hunsinger, Detroit, MI.*

DECISION AND ORDER

The Federal Trade Commission having issued its two count complaint charging the respondents named in the complaint issued in this matter on December 20, 1984, with violation of Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45; and the respondents having been served with a copy of that complaint, together with a notice of contemplated relief; and

Respondents identified in Attachment A to this order, their attorneys, and counsel for the Commission having thereafter executed an agreement containing a consent order for Count I of the complaint, an admission by the identified respondents of all the jurisdictional facts set forth in the complaint, a statement that the signing of said agreement is for settlement purposes only, and waivers and other provisions as required by the Commission's Rules; and

* Complaint previously published at 108 FTC 193.

The Secretary of the Commission having thereafter withdrawn Count I of the of the complaint from adjudication in accordance with Section 3.25(c) of its Rules; and

The Commission having thereafter considered the matter and thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of sixty (60) days, now in further conformity with the procedure prescribed in Section 3.25(f) of its Rules, the Commission hereby makes the following jurisdictional findings and enters the following order:

1. Respondent dealers identified in Attachment A are all corporations with their principal places of business located at the addresses shown in Attachment A.

2. Individual respondents identified in Attachment A are officers of various dealers, as shown in Attachment A, and as such they formulate, direct and control the acts and practices of the dealers for which they are officers.

3. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding as it relates to Count I of the complaint and of the identified respondents, and the proceeding is in the public interest.

ORDER

It is ordered, That for the purposes of this order, the following definitions shall apply:

1. "*Person*" means any natural person, corporation, partnership, association, joint venture, trust, or other organization or entity, but not governmental entities.

2. "*Dealer*" means any person who receives on consignment or purchases motor vehicles for sale or lease to the public, and any director, officer, employee, representative or agent of any such person.

3. "*Dealer association*" means any trade, civic, service, or social association whose membership is composed primarily of dealers.

4. "*Detroit area*" means the Detroit, Michigan metropolitan area, comprising Macomb County, Wayne County and Oakland County in the State of Michigan.

5. "*Hours of operation*" means the times during which a dealer is open for business to sell or lease motor vehicles.

6. "*Weekday hours*" means the hours of 9:00 a.m. to 6:00 p.m. Monday through Friday.

7. "*Non-weekday hours*" means hours other than 9:00 a.m. to 6:00 p.m. Monday through Friday.

8. "*Respondent*" means any dealership, individual, or association respondent.

9. "*Commission*" means Federal Trade Commission.

I.

It is further ordered, That the order issued in this matter by the Commission on February 22, 1989, as modified by the order issued by the Commission on June 20, 1995, shall be and hereby is incorporated as part of this order except as provided below:

A. Respondents' compliance to date with Part III of said orders shall constitute full compliance with Part III.

B. The period for which compliance reports are required under Part X of the order of February 22, 1989, shall run for five (5) years from the effective date of the order of June 20, 1995. Any reports filed pursuant to said orders to date shall be construed to have been filed in compliance with said orders as modified herein.

C. All other obligations under said orders shall be construed to have commenced on the effective date of the order of June 20, 1995, and shall run for the periods specified in said orders.

ATTACHMENT A

Dealer Respondents

Crestwood Dodge, Inc.
32850 Ford Road
Gardner City, MI 48135

Bob Borst Lincoln-Mercury, Inc.
a/k/a Bob Borst Lincoln-Mercury Sales Inc.
1950 W. Maple Road
Troy, MI 48084

Bob Dusseau, Inc.
a/k/a Bob Dusseau Lincoln-Mercury
31625 Grant River Avenue
Farmington, MI 48024

Individual Respondents

Robert C. Borst
c/o Bob Borst Lincoln-Mercury, Inc.,
1950 W. Maple Road
Troy, MI 48084

Robert Dusseau, a/k/a/ Robert F. Dusseau
c/o Bob Dusseau Lincoln-Mercury
31625 Grant River Avenue
Farmington, MI 48024

Robert Maxey
c/o Bob Maxey Lincoln-Mercury Sales Inc.
16901 Mack Avenue
Detroit, MI 48224

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Bob Maxey Lincoln-Mercury Sales, Inc.
16901 Mack Avenue
Detroit, MI 48224

Crest Lincoln-Mercury Sales, Inc.
36200 Van Dyke Avenue
Sterling Heights, MI 48077

Stewart Chevrolet, Inc.
23755 Allen Road
Woodhaven, MI 48183

Woody Pontiac Sales, Inc.
12140 Joseph Campau
Hamtramck, MI 48212

Jack Demmer Ford, Inc.
a/k/a/ Jack Demmer Ford
37300 Michigan Avenue
Wayne, MI 48184

Al Long Ford, Inc.
13711 E. Eight Mile Road
Warren, MI 48089

Ed Schmid Ford, Inc.
21600 Woodward Avenue
Ferndale, MI 48220

Ray Whitfield Ford
a/k/a/ Ray Whitfield Ford, Inc.
10725 S. Telegraph Road
Taylor, MI 48180

William Ritchie, a/k/a/ William R. Ritchie
c/o Crest Lincoln-Mercury Sales, Inc.
36200 Van Dyke Avenue
Sterling Heights, MI 48077

Gordon L. Stewart, a/k/a/ Gordon Stewart
c/o Stewart Chevrolet, Inc.
23755 Allen Road
Woodhaven, MI 48183

Woodrow W. Woody
c/o Woody Pontiac Sales, Inc.
12140 Joseph Campau
Hamtramck, MI 48212

John E. Demmer, a/k/a/ Jack E. Demmer
c/o Jack Demmer Ford, Inc.
37300 Michigan Avenue
Wayne, MI 48184

Edward F. Schmid, a/k/a/ Edward Schmid
c/o Ed Schmid Ford, Inc.
21600 Woodward Avenue
Ferndale, MI 48220

Raymond J. Whitfield
a/k/a/ Raymond Whitfield
c/o Ray Whitfield Ford
10725 S. Telegraph Road
Taylor, MI 48180

IN THE MATTER OF
MAHLE GMBH, ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 7 OF THE CLAYTON ACT AND SEC. 5 OF THE
FEDERAL TRADE COMMISSION ACT

Docket C-3746. Complaint, June 4, 1997--Decision, June 4, 1997

This consent order requires Mahle, among other things, to divest, within 10 days, Metal Leve's U.S. piston business, which includes plants in Orangeburg and Sumter, South Carolina, and a research and development center in Ann Arbor, Michigan, as well as technology outside the United States which supports the business of manufacturing and selling pistons in the United States.

Appearances

For the Commission: *Howard Morse, Morris Bloom and William Baer.*

For the respondents: *Michael Sohn, Arnold & Porter, Washington, D.C. and Jay Herbst, Driggers, Schultz, Herbst & Patterson, Troy, MI.*

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and the Clayton Act, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that Mahle GmbH, the parent company of Mahle, Inc., has acquired more than 50 percent of the voting securities of Metal Leve, S.A., the parent company of Metal Leve, Inc., in violation of Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, and in violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and it appearing to the Commission that a proceeding in respect thereof would be in the public interest, hereby issues its complaint stating its charges as follows:

I. THE RESPONDENTS

Mahle GmbH and Mahle, Inc.

1. Respondent Mahle GmbH is a corporation organized, existing and doing business under and by virtue of the laws of Germany, with its office and principal place of business located at Pragstrasse 26-46,