FILED DISTRICT COURT
Third Judicial District

MAY 18 2000

SALT LAKE COUNTY

By _____ Deputy Clerk

WAYNE KLEIN, #3819
Assistant Attorney General
JAN GRAHAM, #1231
Utah Attorney General
160 East 300 South, Fifth Floor
Box 140872
Salt Lake City, Utah 84114-0872
Telephone: (801) 366-0310
Attorneys for Plaintiff

ENTERED IN REGISTRY
OF JUDGMENTS
DATE 5/22/00

IMAGED

IN THE THIRD JUDICIAL DISTRICT COURT

SALT LAKE COUNTY, STATE OF UTAH

THE STATE OF UTAH,	:	
Plaintiff,	:	**FINAL JUDGMENT BY CONSENT**
vs.	:	
NUTTALL, INC. d.b.a. NUTTALL BERNINA, NORMAN D. NUTTALL, RHONDA LOPEZ, D&D INCORPORATED d.b.a. DAVE'S BERNINA,	:	Civil No. [redacted]
	:	Filed:
Defendants.	:	JUDGE: Frederick

WHEREAS, Plaintiff, the State of Utah, and Defendant D&D INCORPORATED, doing business as DAVE'S BERNINA, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and that this Final Judgment shall settle all claims made by Plaintiff in its Complaint filed on May 11, 2000;

Final Judgment by Consent @J

000903757 JD1324876 NUTTALL INC, JD

AND WHEREAS, Defendant, in its Stipulation for Final Judgment, has agreed to be bound by the provisions of this Final Judgment;

AND WHEREAS, the State of Utah believes that entry of this Final Judgment is in the public interest;

NOW, THEREFORE, this Court approves the entry of this Final Judgment. Accordingly, 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 hereto, it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

I. JURISDICTION

This Court has jurisdiction over each of the parties hereto and over the subject matter of this action. The Complaint states a claim upon which relief may be granted against Defendant under the Utah Antitrust Act, §76-10-918, Utah Code Ann.

II. APPLICABILITY

The provisions of this Final Judgment apply to Defendant DAVE'S BERNINA, its successors and assigns, subsidiaries, directors, officers, managers, agents, and employees, and 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.

III. INJUNCTION

That Defendant is permanently enjoined from any agreements, contracts, or conspiracies

in restraint of trade or commerce. In particular Defendant is permanently enjoined from, in any manner, directly or indirectly, continuing, maintaining, or renewing the agreements described in the Complaint, or from engaging in any other combination, conspiracy, agreement, understanding, plan, program, or arrangement having the same effect as the alleged violations, including:

A. Any agreements or understandings with other retail dealers of sewing machines, or any other product, regarding exclusive territories for any dealer;

B. Declining to sell any products or to submit bids for any products or submitting a non-competitive bid as a result of any understanding or agreement with competitors on territorial markets or customer allocation;

C. Participating in any meetings, telephone calls, or other discussions with competing sewing machine dealers relating to matters which are the subject of competition between the participants. Prohibited conduct includes any discussions of territories, prices to be offered, whether bids will be submitted or withdrawn, or similar type activities;

IV. FINE

Defendants shall pay a fine to the Utah Attorney General in the amount of one thousand dollars ($1,000). This fine shall be paid within three months of the date of this Final Judgment.

V. COMPLIANCE INSPECTIONS

For the purposes of determining or securing compliance with the Final Judgment and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the Utah Attorney General's office, upon written request, and on reasonable notice to Defendant DAVE'S BERNINA, made to its principal offices, shall be permitted:

(1) Access during office hours of DAVE'S BERNINA to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of DAVE'S BERNINA, who may have counsel present, relating to the matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of DAVE'S BERNINA and without restraint or interference from it, to interview, either informally or on the record, its officers, employees, and agents, who may have counsel present, regarding any such matters.

B. Upon the written request of the Utah Attorney General's office, DAVE'S BERNINA shall submit such written reports, under oath if requested, with respect to any matter contained in the Final Judgment.

VI. RETENTION OF JURISDICTION

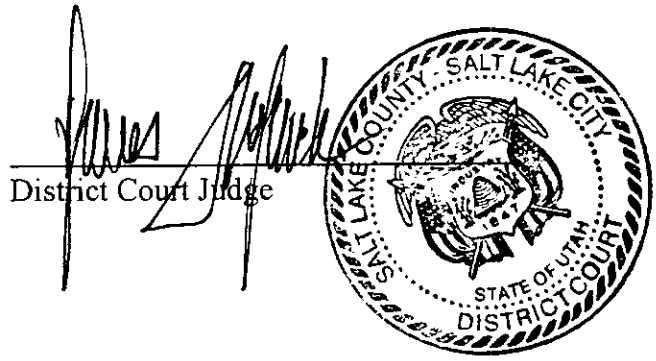
Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this

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 hereof, for the enforcement of compliance herewith, and for the punishment of any violations hereof.

VII. PUBLIC INTEREST

Entry of this Final Judgment is in the public interest.

DATED This 18th day of May, 2000.



District Court Judge