

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE STATE OF NEW YORK, :
by and through its Attorney :
General Eliot Spitzer :

Plaintiff, :

-against- :

97 Civ. 0897 (AKH)

Asian American Tourist Inc., Chi-Am :
Tours, Inc., Five Star Tours :
International Inc., Jonathan Travel & :
Tours Inc., New Golden Horse Tours, :
Inc., Safeway Tours International :
(U.S.A.) Inc., Kwok Ho Chu, Jonathan :
Wong, Tony Wong, and Tie Min Zhuang :

Defendants. :
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Consent Decree and
FINAL JUDGMENT

AKH

The Complaint having alleged that Defendants Asian American Tourist, Inc., Chi-Am Tours, Inc., Five Star Tours International Inc., Jonathan Travel & Tours, Inc., New Golden Horse Tours, Inc., Kwok Ho Chu, Jonathan Wong, Tony Wong, and Tie Min Zhuang, engaged in the following acts:

1. Beginning as early as May 1995, entered into a conspiracy to raise the prices of Chinese-language bus tours originating in, and returning to, New York City, and traveling to destinations both within and without New York State.

2. Attended meetings in New York City at which the prices of Chinese-language bus tours were discussed and in which an agreement was reached with regard to the prices to be charged for these tours, which prices were substantially higher than the prices that were then being charged by the Defendants.

3. Implemented this agreement by publishing advertisements in Chinese-language newspapers which reflected the uniform, high prices agreed to by the Defendants for these Chinese-language bus tours.

4. Vigorously policed this agreement by, for example, attempting to disadvantage others who withdrew from the conspiracy.

5. As a result of this agreement, prices paid by consumers for Chinese-language bus tours increased and were maintained at substantially higher levels than would have been in a free and competitive market.

After the commencement of trial, the impaneling of a jury, and the taking of some evidence, the parties agree to the following disposition:

1. The Defendants shall pay Civil Penalties of \$150,000 to the State of New York, pursuant to Section 342-a of the Donnelly Act, in lieu of any criminal penalties, the State agreeing that it will not criminally prosecute the Defendants or their agents for the acts alleged in the complaint, payable as follows:

Asian American Tourist, Inc.	\$22,000
Chi-Am Tours, Inc.	\$22,000
Five Star Tours International Inc.	\$22,000
Jonathan Travel & Tours, Inc.	\$22,000
New Golden Horse Tours, Inc.	\$22,000
Kwok Ho Chu	\$10,000
Jonathan Wong	\$10,000
Tony Wong	\$10,000
Tie Min Zhuang	\$10,000

2. The individual Defendants shall pay the sums stated above by July 30, 1999. The corporate Defendants shall pay the sums stated above in two installments, \$12,000 each, by August 4, 1999 and \$10,000 each by September 4, 1999. All payments recited above shall be

paid by bank ^{or} ~~the~~ certified ^{check,} funds, to be received on or before 5:00 p.m. on the dates above at the offices of the Attorney General of the State of New York, Antitrust Bureau, 120 Broadway, Suite 2601, New York, New York.

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3. The Defendants are permanently enjoined from engaging in any contract, combination, or conspiracy whose purpose or effect is to fix, peg, raise, or stabilize price.

4. The Corporate Defendants agree to institute the following reporting and compliance program.

a. To certify annually to the Antitrust Bureau that each officer and director, and any employee with sales responsibility, has been informed about the requirements of the federal and state antitrust laws.

b. To secure annually from each employee covered by ¶ 4(a), *supra*, a signed statement, in the affiant's native language, that he or she has not engaged in any conduct in violation of either federal or state antitrust law, which statement shall be furnished to the Antitrust Bureau, accompanied by a certified translation.

c. To maintain in a file copies of all advertising material, including newspaper advertisements and circulars, that the corporation has published or distributed.

d. To permit the Antitrust Bureau on two business days' notice to audit the advertising and promotional materials maintained by the corporate Defendants, and to make copies of said material at the Antitrust Bureau's direction.

e. The record retention and auditing obligations of each corporate Defendant shall expire on December 31, 2002, unless the defendant has not complied substantially with its obligations under this Consent Decree and Judgment, in which case the Court shall have

discretion to extend the requirements for an additional three years.

f. The certification obligation required by this Consent Decree and Judgment shall conclude on December 31, 2004.

g. The obligations imposed under this Consent Decree and Judgment shall apply to the successor corporations of the corporate Defendants.

5. This Consent Decree and Judgment does not discharge or waive any claims under federal or state antitrust law by any person injured as a result of the acts alleged in the Complaint.

6. The Court shall retain jurisdiction of this matter until March 31, 2005, subject to extension as provided in ¶ 4(e) above.

Dated: July 27, 1999
New York, New York


HONORABLE ALVIN K. HELLERSTEIN
UNITED STATES DISTRICT JUDGE

Dated: July 29, 1999
New York, New York

FOR PLAINTIFF STATE OF
NEW YORK:

ELIOT SPITZER
Attorney General of the
State of New York


By: HARRY FIRST

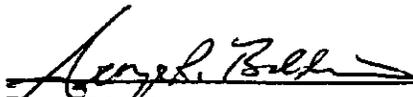
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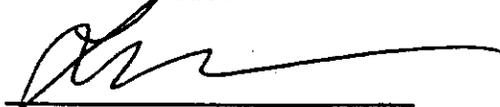
FOR DEFENDANTS JONATHAN TRAVEL &
TOWNS, INC. AND JONATHAN WONG:


By: FRANCOIS AU, ESQ.
291 Broadway
New York, New York 10007

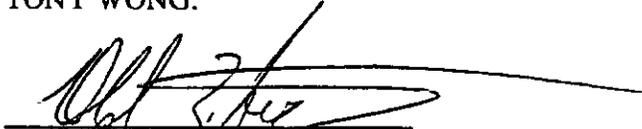
FOR DEFENDANTS ASIAN AMERICAN
TOURIST, INC. AND TIE MIN ZHUANG:


By: GEORGE R. BALDWIN, ESQ.
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New York, New York 10013

FOR DEFENDANTS NEW GOLDEN
HORSE TOURS, INC., FIVE STAR
TOURS INTERNATIONAL, INC. AND
KWOK HO CHU:


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FOR DEFENDANTS CHI-AND TOURS
AM TOURS, INC. AND
TONY WONG:


By: HAROLD FRECHTER, ESQ.
Smith & Shapiro
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