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State of Colorado

EXECUTIVE CHAMBERS

DENVER

EXECUTIVE ORDER

RICHARD D. LAMM
GOVERNOR

AUTHORIZATION OF ATTORNEY GENERAL TO BRING STATE CIVIL ANTITRUST DAMAGE AND RECOUPMENT OF PAYMENT ACTIONS AND FEDERAL CIVIL ANTITRUST DAMAGE AND INJUNCTIVE ACTIONS

WHEREAS, violations of the Colorado and federal antitrust laws have a pernicious effect on the state and national policy of competition on which our economic system is based, resulting in an undermining of the economic welfare of the state, the nation and their citizens; and

WHEREAS, the Attorney General has expressed statutory authority to engage in certain types of state and federal antitrust litigation, to wit:

1. C.R.S. 6-4-104, as amended, expressly provides that the Attorney General shall prosecute all criminal proceedings for violation of the state antitrust statute, C.R.S. 6-4-101 et seq.; and
2. C.R.S. 6-4-105, as amended, expressly authorizes the Attorney General to institute actions or proceedings in state court to prevent or restrain violations of C.R.S. 6-4-101 et seq.; and
3. Section 4c of the federal Clayton Act, 15 U.S.C. section 15c, as amended, expressly authorizes State Attorneys General to institute in the name of their respective states, as parens patriae on behalf of natural persons residing in each such state, civil actions in federal court to recover treble damages for injuries caused by violation of the federal antitrust laws; and

WHEREAS, under Colorado and federal antitrust case law the State of Colorado is a person entitled to pursue certain state and federal antitrust remedies on its own behalf where it is an aggrieved party, to wit:

1. C.R.S. 6-4-106 provides for the recovery, by the party making payment, of all payments made to or for the benefit of an antitrust violator relative to a

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contract or agreement founded upon, resulting from, growing out of or connected with any violation of C.R.S. 6-4-101 et seq.; and

2. C.R.S. 6-4-108 provides that a party injured by a violation of C.R.S. 6-4-101 et seq. may recover damages therefor from the antitrust violator; and
3. Sections 4 and 16 of the federal Clayton Act, 15 U.S.C. sections 15 and 26, as amended, respectively provide that any person injured in business or property and any person threatened with the loss or damage may institute actions in federal court to, respectively, recover treble damages or obtain injunctive relief, and for costs and attorneys' fees; and

WHEREAS, the Attorney General, through his Antitrust Unit, since 1975 has gained extensive experience and developed special expertise in civil, criminal and administrative state and federal antitrust matters as the direct and proximate result, inter alia, of filing, pursuing, participating in and/or successfully completing numerous such antitrust cases under the foregoing and other state and federal statutes; and

WHEREAS, Under C.R.S. 24-31-101 (1) (a), as amended, the Attorney General, as chief legal officer of the State of Colorado, is also required to appear for the State and to prosecute and defend all civil and criminal actions and proceedings in which the State of Colorado is a party or is interested when required to do so by the Governor;

NOW, THEREFORE, in order to ensure that the Attorney General has the broadest possible power and authority to pursue state and federal civil, criminal and administrative antitrust actions and proceedings, under and pursuant to authority vested in me by C.R.S. 24-31-101 (1) (a), as amended, I, Richard D. Lamm, Governor of the State of Colorado, hereby:

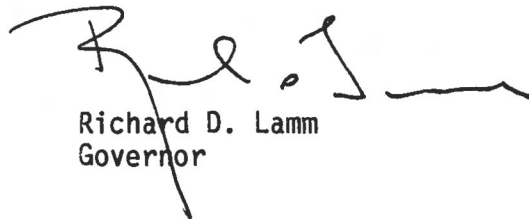
- A. Ratify and approve the actions of the Attorney General since January 1, 1984 in filing and pursuant antitrust cases in state or federal court, and require the Attorney General to pursue to completion all such cases which currently are on file; and
- B. Require the Attorney General to investigate, initiate

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litigation concerning and pursue to completion under state and/or federal antitrust statutes, as appropriate, any and all civil and administrative actions and proceedings to recover damages, to recoup payments made and to obtain injunctive or other equitable relief for any injuries incurred or threatened under such statutes (i) by the State of Colorado, its agencies, boards, commissions, departments, divisions and the like, and (ii) with the concurrence thereof, by any of its political subdivisions or local governmental entities.

GIVEN under my hand and the
Executive Seal of the State of
Colorado this 23rd day of July,
A.D. 1984.



Richard D. Lamm
Governor

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JUL 27 1984

CLERK OF THE COURT
OF THE STATE OF COLORADO