

22 JUN 1981

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Civil Action No. 79-Z-1012

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 19 1981

JAMES R. MANSPEAKER
CLERK

ASPEN HIGHLANDS SKIING CORPORATION,)
a Colorado corporation,)
)
Plaintiff,)
)
v.)
)
ASPEN SKIING CORPORATION, a)
Delaware corporation, BUTTERMILK)
MOUNTAIN SKIING CORPORATION,)
a Colorado corporation; and)
SNOWMASS SKIING CORPORATION; a)
Colorado corporation,)
)
Defendants.)

J U D G M E N T

THIS ACTION came on for trial on the 1st day of June, 1981, before the Court and a jury of six duly sworn to try the issues herein, the Honorable Zita L. Weinshienk, Judge, presiding.

The trial proceeded to conclusion and the jury duly rendered its special verdict in the form of interrogatories. The summary of the verdict was that the jury found the issues herein joined in favor of the plaintiff and assessed its damages in the sum of \$2,500,000.

The jury found by a preponderance of the evidence that the relevant product market was downhill skiing at destination ski resorts, that the relevant sub-market was downhill skiing services in Aspen including multi-area, multi-day lift tickets, that the relevant geographic market was North America, and that the relevant geographic sub-market was the Aspen area. The jury further found by a preponderance of the evidence that during the years 1977 through 1981 the defendants possessed monopoly power, and that the defendants willfully acquired, maintained or used monopoly power by anticompetitive or exclusionary means or for anticompetitive or exclusionary purposes, rather than primarily as a consequence of a superior product, superior business sense, or historic accident. The jury further found that the plaintiff suffered injury in its business as a direct result of the defendants' willfull acquisition, maintenance or use of monopoly power.

The Court finds that federal law, 15 U.S.C. §15, requires that the plaintiff recover threefold the damages. It is therefore

ORDERED that Judgment enter for the plaintiff, Aspen Highlands Skiing Corporation and against the defendants Aspen Skiing Corporation, Buttermilk Mountain Skiing Corporation and Snowmass Skiing Corporation in the sum of \$7,500,000.00, plus attorneys' fees and costs.

IT IS FURTHER ORDERED that there be a twenty (20) day stay of execution, during which time motions, briefs and affidavits may be filed.


The Court will rule on injunctive relief and attorneys' fees within thirty (30) days.

FOR THE COURT:

JAMES R. MANSPEAKER, Clerk


By: 
Stephen P. Ehrlich
Chief Deputy Clerk

Approved:


ZITA L. WEINSHENK, Judge
United States District Court

FILED
ON THE DOCKET

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CLERK
BY: 

Records in the National Archives & Records
Administration, Rocky Mountain Region
Archival Operations

21 Records Office

U.S. District Court
District of Colorado
Civil Case Files, 1970-92
RM-DV-021-12-026
Case # 79-1012