

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

v.

MILLINERY QUALITY GUILD, INC., *et*
al.,
Defendants.

1:20-mc-98

(Originally In Equity No. 75-99)

DECLARATION OF BARRY L. CREECH

I, Barry L. Creech, do hereby declare and state as follows:

1. I am an attorney admitted to practice in the District of Columbia. I have been a trial attorney with the Antitrust Division of the Department of Justice since 1990.
2. This Declaration is being submitted in support of the United States of America's Motion to Terminate A Legacy Antitrust Judgment in the above-captioned matter.
3. The statements made in this Declaration are based on the knowledge acquired by me in the performance of my official duties and in conjunction with factual research conducted by other attorneys and staff in the Antitrust Division.
4. In early 2018, the Department of Justice ("the Department") implemented a program to review and, when appropriate, seek termination of older antitrust judgments in which parties were subjected to some type of affirmative obligation or express prohibition that did not have an expiration date. As part of this process, the Division researched the corporate status of entities subject to these older, legacy antitrust judgments.
5. For the judgment in this case, the librarians of the Antitrust Division were instructed to research and confirm the corporate status of the corporate defendant entities. Based

on the information provided to me by the librarians, I believe that the defendants are no longer in business and do not have successor entities. This belief is based upon the following research by the librarians, which I have reviewed:

- a. A search of the New York Department of State Division of Corporations database. If the final judgment (as submitted to this Court) or other web search (see below) suggested incorporation information for a defendant in another state, the librarians also checked that state for corporate status.
- b. A search of the Encyclopedia of Associations and IRS Tax Exempt Organization Search, where such organizations or associations were subject to a judgment.
- c. A search of web-based resources for the existence (or succession) of the entity. In addition to general web-based searches, the search included research in one or more of the following resources:
 - i. Lexis and/or Westlaw (news, company, and/or litigation search);
 - ii. historical newspapers from Newsbank, ProQuest, and/or Newspapers.com; and
 - iii. historical company directories held by the Antitrust Division Library.

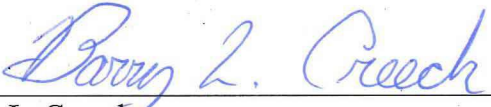
6. After their research, the librarians at the Antitrust Division conveyed to me and other attorneys working on this project that they found no records suggesting that any of the corporate defendants are still in business. The Millinery Quality Guild changed its name to Millinery Creators Guild, but that organization disappeared from newspapers before 1960. Two of the defendants, Bonhotal Co. and Vogel Hat Co., went out of business before the decree was issued. Three other defendants—Cooper-Russell, Farrington & Evans, and E.H. Scherman &

Co.—have no incorporation records and last appeared in newspapers during the late 1930s. Other defendants similarly have not appeared in public news reports for over 60 years. L.G. Meyerson, Inc. last appeared in a 1945 newspaper. Harry Solomons & Son last appeared in a newspaper in 1951. Dave Herstein Co. disappeared from newspaper records after 1953, and Vogue Hat Co. ceased New York advertising in 1948 and Chicago advertising in 1957. G. Howard Hodge, Inc. does not appear in a newspaper after the death of the company's founder in 1966. Serge was named as a d/b/a for Sergui F. Victor. There are no incorporation records for any company named Serge, and Mr. Victor passed away in 1969.

7. In addition to Sergui Victor, there were eight other individual defendants named in the judgment. Given that the judgment is almost 86 years old, it would be highly unlikely for any of the individual defendants to still be actively engaged in the relevant activities from the judgment.

Having reviewed this Declaration, I declare, under penalty of perjury that the foregoing is true and correct.

Dated: February 18, 2020
Washington, D.C.



Barry L. Creech
Trial Attorney
United States Department of Justice, Antitrust Division