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NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT FOR  
9 THE NORTHERN DISTRICT OF CALIFORNIA

10 CV 19 80 147 MISC

TSH

11 IN RE: TERMINATION OF LEGACY  
12 ANTITRUST JUDGMENTS IN THE  
13 NORTHERN DISTRICT OF CALIFORNIA

Misc. No.

DECLARATION OF KATRINA ROUSE  
IN SUPPORT OF UNITED STATES'  
MOTION TO TERMINATE LEGACY  
ANTITRUST JUDGMENTS AND  
MEMORANDUM IN SUPPORT  
THEREOF

16 UNITED STATES OF AMERICA,  
17 Plaintiff,

18 v.

19 COAL DEALERS ASS'N OF CAL., *et al.*,  
20 Defendants;

Civil No. 12539

21 UNITED STATES OF AMERICA,  
22 Plaintiff,

23 v.

24 OTIS ELEVATOR CO., *et al.*,  
25 Defendants;

Civil No. 13884

26 UNITED STATES OF AMERICA,  
27 Plaintiff,

28 v.

FEDERAL SALT CO., *et al.*,  
Defendants;

Civil No. 13303

1 UNITED STATES OF AMERICA,  
2 Plaintiff,

3 v.

4 CALIFORNIA RETAIL HARDWARE &  
5 IMPLEMENT ASS'N, *et al.*,  
6 Defendants;

Civil No. 1835

7 UNITED STATES OF AMERICA,  
8 Plaintiff,

9 v.

10 FERNALD CO., *et al.*,  
11 Defendants;

Civil No. 1944

12 UNITED STATES OF AMERICA,  
13 Plaintiff,

14 v.

15 STANDARD OIL CO. OF CAL., *et al.*,  
16 Defendants;

Civil No. 2542-S

17 UNITED STATES OF AMERICA,  
18 Plaintiff,

19 v.

20 ASSOCIATED MARBLE COS., *et al.*,  
21 Defendants;

Civil No. 21848-L

22 UNITED STATES OF AMERICA,  
23 Plaintiff,

24 v.

25 CALIFORNIA RICE INDUS., *et al.*,  
26 Defendants;

Civil No. 21990-S

27 UNITED STATES OF AMERICA,  
28 Plaintiff,

v.

MONTEREY SARDINE INDUS.,  
Defendant;

Civil No. 21991-W

1 UNITED STATES OF AMERICA,  
2 Plaintiff,

3 v.

4 FREIGHTWAYS, *et al.*,  
5 Defendants;

Civil No. 22075-R

6 UNITED STATES OF AMERICA,  
7 Plaintiff,

8 v.

9 PAC. GREYHOUND LINES, *et al.*,  
10 Defendants;

Civil No. 25267-S

11 UNITED STATES OF AMERICA,  
12 Plaintiff,

13 v.

14 N. CAL. PLUMBING & HEATING  
15 WHOLESALERS ASS'N, *et al.*,  
16 Defendants;

Civil No. 29170

17 UNITED STATES OF AMERICA,  
18 Plaintiff,

19 v.

20 SWITZER BROS., *et al.*,  
21 Defendants;

Civil No. 29860

22 UNITED STATES OF AMERICA,  
23 Plaintiff,

24 v.

25 GOLDEN GATE CHAPTER, NAT'L  
26 ELECS. DISTRIBS. ASS'N, *et al.*,  
27 Defendants;

Civil No. 31567

28 UNITED STATES OF AMERICA,  
Plaintiff,

v.

NAT'L ASS'N OF VERTICAL TURBINE PUMP  
MFRS., *et al.*,  
Defendants;

Civil No. 29446

1 UNITED STATES OF AMERICA,  
2 Plaintiff,

3 v.

4 R.P. OLDHAM CO., *et al.*,  
5 Defendants;

Civil No. 36385

6 UNITED STATES OF AMERICA,  
7 Plaintiff,

8 v.

9 BLUE DIAMOND CORP., *et al.*,  
10 Defendants;

Civil No. 38703

11 UNITED STATES OF AMERICA,  
12 Plaintiff,

13 v.

14 WILSON & GEO. MEYER & CO., *et al.*,  
15 Defendants;

Civil No. 38606

16 UNITED STATES OF AMERICA,  
17 Plaintiff,

18 v.

19 W. WINTER SPORTS REPRESENTATIVES  
20 ASS'N,  
21 Defendant;

Civil No. 40567

22 UNITED STATES OF AMERICA,  
23 Plaintiff,

24 v.

25 N. CAL. PHARM. ASS'N,  
26 Defendant;

Civil No. 39629

27 UNITED STATES OF AMERICA,  
28 Plaintiff,

v.

JOS. SCHLITZ BREWING CO., *et al.*,  
Defendants;

Civil No. 42127

1 UNITED STATES OF AMERICA,  
2 Plaintiff,

3 v.

4 COAST MFG. & SUPPLY CO.,  
5 Defendant;

Civil No. 43028

6 UNITED STATES OF AMERICA,  
7 Plaintiff,

8 v.

9 KIMBERLY-CLARK CORP.,  
10 Defendant;

Civil No. 40529

11 UNITED STATES OF AMERICA,  
12 Plaintiff,

13 v.

14 DYMO INDUS.,  
15 Defendant;

Civil No. 42672

16 UNITED STATES OF AMERICA,  
17 Plaintiff,

18 v.

19 SWIFT INSTRUMENTS, INC.,  
20 Defendant;

Civil No. C-73-0300 CBR

21 UNITED STATES OF AMERICA,  
22 Plaintiff,

23 v.

24 UNITED SCI. CO.,  
25 Defendant;

Civil No. C-73-0299 ACW

26 UNITED STATES OF AMERICA,  
27 Plaintiff,

28 v.

H.S. CROCKER CO., *et al.*,  
Defendants;

Civil No. C-74-0560 CBR

1 UNITED STATES OF AMERICA,  
2 Plaintiff,

3 v.

4 ALAMEDA CTY. VETERINARY MED. ASS'N,  
5 Defendant;

Civil No. 75-2398 CBR

6 UNITED STATES OF AMERICA,  
7 Plaintiff,

8 v.

9 FEDERATED DEP'T STORES, INC., *et al.*,  
10 Defendants;

Civil No. 76-858 RHS

11 UNITED STATES OF AMERICA,  
12 Plaintiff,

13 v.

14 GREAT W. SUGAR CO., *et al.*,  
15 Defendants;

Civil No. 74-2674 SW

16 UNITED STATES OF AMERICA,  
17 Plaintiff,

18 v.

19 UTAH-IDAHO SUGAR CO., *et al.*,  
20 Defendants;

Civil No. 74-2676 SC

21 UNITED STATES OF AMERICA,  
22 Plaintiff,

23 v.

24 CALIFORNIA & HAWAIIAN. SUGAR CO., *et al.*,  
25 Defendants;

Civil No. 74-2675 RHP

26 UNITED STATES OF AMERICA,  
27 Plaintiff,

28 v.

ENDERLE METAL PRODS. CO., *et al.*,  
Defendants;

Civil No. C-77-1579 CFP

1 UNITED STATES OF AMERICA,  
2 Plaintiff,

3 v.

4 GOLDEN GATE SPORTFISHERS, INC.,  
5 Defendant;

Civil No. C-78-1608 WWS

6 UNITED STATES OF AMERICA,  
7 Plaintiff,

8 v.

9 SPECTRA-PHYSICS, INC., *et al.*,  
10 Defendants;

Civil No. C-78-1879 TEH

11 UNITED STATES OF AMERICA,  
12 Plaintiff,

13 v.

14 ACORN ENG'G CO.,  
15 Defendant;

Civil No. C-80-3388 TEH

16 UNITED STATES OF AMERICA,  
17 Plaintiff,

18 v.

19 DOMTAR INC., *et al.*,  
20 Defendants.

Civil No. C-87-0689 RFP

1 I, Katrina Rouse, do hereby declare and state as follows:

2 1. I am an attorney admitted to practice in the Northern District of California. Since 2011, I have  
3 been employed as an attorney by the Antitrust Division of the United States Department of Justice.

4 2. This Declaration is being submitted in support of the United States' Motion to Terminate Legacy  
5 Antitrust Judgments in the above-captioned matter.

6 3. The statements made in this Declaration are based on the knowledge acquired by me in the  
7 performance of my official duties and in conjunction with factual and legal research conducted by other  
8 attorneys and staff in the Antitrust Division.

9 4. In early 2018, the Department of Justice ("the Department") implemented a program to review  
10 and, when appropriate, seek termination of older antitrust judgments in which parties were subjected to  
11 some type of affirmative obligation or express prohibition that did not have an expiration date. These  
12 perpetual judgments were standard practice until 1979, when the Antitrust Division adopted the practice  
13 of including a term limit of ten years in nearly all of its antitrust judgments.

14 5. On April 25, 2018, the Antitrust Division issued a press release announcing its efforts to review  
15 and terminate legacy antitrust judgments, and noting that it would begin its efforts by proposing to  
16 terminate judgments entered by the federal district courts in Washington, D.C., and Alexandria,  
17 Virginia. *See* Press Release, Department of Justice, Department of Justice Announces Initiative to  
18 Terminate "Legacy" Antitrust Judgments, (April 25, 2018), [https://www.justice.gov/opa/pr/departments-](https://www.justice.gov/opa/pr/departments-justice-announces-initiative-terminate-legacy-antitrust-judgments)  
19 [justice-announces-initiative-terminate-legacy-antitrust-judgments](https://www.justice.gov/opa/pr/departments-justice-announces-initiative-terminate-legacy-antitrust-judgments).

20 6. The procedure for reviewing and seeking to terminate such perpetual judgments was as follows:

- 21 • The Antitrust Division reviewed its perpetual judgments entered by this Court and other federal  
22 district courts to identify those judgments that no longer serve to protect competition such that  
23 termination would be appropriate.
- 24 • When the Antitrust Division identified a judgment it believed suitable for termination, it posted  
25 the name of the case and a link to the judgment on its public Judgment Termination Initiative  
26 website, <https://www.justice.gov/atr/JudgmentTermination>.

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- On March 22, 2019, the Antitrust Division listed the judgments in the above-captioned case on its public website, describing its intent to move to terminate the judgments. The notice identified each case, linked to the judgment, and invited public comment. *See* <https://www.justice.gov/atr/judgment-termination-initiative-california-central-district>.
- The public had the opportunity to submit comments regarding each proposed termination to the Antitrust Division within thirty days of the date the case name and judgment link was posted to the public website. For the judgments at issue in this motion, the deadline for such comments was April 19, 2019.

7. The Antitrust Division did not receive any public comments relating to the judgments at issue in this motion opposing termination.

8. The judgment in *California Retail Hardware & Implement Ass'n, et al.* was entered in 1927. Based on research conducted by myself and my colleagues, most of the 26 individual defendant members of the California Retail Hardware and Implement Association enjoined by the judgment are likely no longer in business.

9. The judgment in *Fernald Co., et al.*, was entered in 1927. Based on online research conducted by myself and my colleagues, the two defendants likely no longer exist.

10. The judgment in *Associated Marble Cos., et al.*, was entered in 1941. Based on online research conducted by myself and my colleagues, most of the defendants likely no longer exist.

11. The judgment in *California Rice Indus., et al.*, was entered in 1941. Based on research conducted by myself and my colleagues, most of the defendants likely no longer exist.

12. The judgment in *Monterey Sardine Indus., Inc., et al.*, was entered in 1941. Based on online research conducted by myself and my colleagues, the defendant trade association appears to no longer be in business and the individual defendants appear to be deceased.

13. The judgment in *Freightways, et al.*, was entered in 1943. Based on online research conducted by myself and my colleagues, many of the defendants likely no longer exist. Additionally, the dissolution requirements of the judgment have been met and the market conditions have likely changed such that the judgment no longer protects competition

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1 14. The judgment in *Wilson & Geo. Meyer & Co., et al.*, was entered in 1961. Based on online  
2 research conducted by myself and my colleagues of the California Secretary of State Business  
3 registration records, the two defendants bound by the decree appear to no longer be in business.

4 15. The judgment in *Northern Cal. Pharmaceutical Ass'n*, was entered in 1963. The defendant is no  
5 longer in an active status, according to a search of the California Secretary of State Business registration  
6 records website.

7 16. The judgment in *Enderle Metal Prods. Co., et al.*, was entered in 1941. Based on online research  
8 conducted by myself and my colleagues, three of the four corporate defendants bound by the decree  
9 appear to no longer be in business.

10 17. The judgment in *Golden Gate Chapter, National Electronic Dist. Ass'n*, was entered in 1941.  
11 Based on research conducted by myself and my colleagues, market conditions in electronic and radio  
12 parts and equipment wholesaling have changed significantly with the decline of retailers that sell such  
13 products.

14 18. The judgment in *Switzer Bros., et al.*, was entered in 1953. Based on research conducted by  
15 myself and my colleagues, the patents at issue in the judgments have expired.

16 19. The judgment in *Jos. Schlitz Brewing Co., et al.*, was entered in 1966. Based on research  
17 conducted by myself and my colleagues, all material requirements of the judgment have been met.

18 20. The judgment in *Kimberly-Clark Corp.*, was entered in 1967. Based on research conducted by  
19 myself and my colleagues, all requirements of the judgment have been met.

20 21. The judgment in *Spectra-Physics, Inc.*, was entered in 1981. Based on research conducted by  
21 myself and my colleagues, all requirements of the judgment have been met.

22 22. The judgment in *Acorn Eng'g Co.*, was entered in 1982. Based on research conducted by myself  
23 and my colleagues, all requirements of the judgment have been met.

24 23. The judgment in *Domtar Inc., et al.*, was entered in 1987. Based on research conducted by  
25 myself and my colleagues, all requirements of the judgment have been met.

26 24. A copy of the judgments at issue in this motion are attached to this Declaration as Appendix A.  
27 The versions attached here are identical to the versions that were made available on the Antitrust  
28 Division's Judgment Termination Initiative public website for the Northern District of

1 California, See <https://www.justice.gov/atr/judgment-termination-initiative-california-northern-district>.

2 Having reviewed this Declaration, I declare, under penalty of perjury and pursuant to 28 U.S.C.  
3 § 1746, that the foregoing is true and correct.

4  
5 Respectfully submitted,

6 DATE: 6/5/2019

7 /S/

8 KATRINA ROUSE

9 Assistant Chief

10 San Francisco Office

11 Antitrust Division

12 United States Department of Justice