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10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA  
12

13 UNITED STATES OF AMERICA,  
14 Plaintiff,  
15 v.  
16 PHILLIPS PETROL. CO., *et al.*,  
17 Defendants.  
18

Misc. No. 2:19-MC-00080

**DECLARATION OF ALBERT B.  
SAMBAT IN SUPPORT OF UNITED  
STATES' MOTION TO  
TERMINATE LEGACY ANTITRUST  
JUDGMENT**

19  
20 I, Albert B. Sambat, do hereby declare and state as follows:

- 21 1. I am an attorney admitted to practice in the Central District of California. Since  
22 2004, I have been employed as a Trial Attorney by the Antitrust Division of the United  
23 States Department of Justice.
- 24 2. This Declaration is being submitted in support of the United States' Motion to  
25 Terminate Legacy Antitrust Judgment in the above-captioned matter.
- 26 3. The statements made in this Declaration are based on the knowledge acquired by  
27 me in the performance of my official duties and in conjunction with factual and legal  
28 research conducted by other attorneys and staff in the Antitrust Division.

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

7 5. On April 25, 2018, the Antitrust Division issued a press release announcing its  
8 efforts to review and terminate legacy antitrust judgments and noting that it would begin  
9 its efforts by proposing to terminate judgments entered by the federal district courts in  
10 Washington, D.C., and Alexandria, Virginia. *See* Press Release, Department of Justice,  
11 Department of Justice Announces Initiative to Terminate “Legacy” Antitrust Judgments,  
12 (April 25, 2018), [https://www.justice.gov/opa/pr/department-justice-announces-initiative-  
13 terminate-legacy-antitrust-judgments](https://www.justice.gov/opa/pr/department-justice-announces-initiative-terminate-legacy-antitrust-judgments).

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

- 16 • The Antitrust Division reviewed its perpetual judgments entered by this Court and  
17 other federal district courts to identify those judgments that no longer serve to  
18 protect competition such that termination would be appropriate.
- 19 • When the Antitrust Division identified a judgment it believed suitable for  
20 termination, it posted the name of the case and a link to the judgment on its public  
21 Judgment Termination Initiative website,  
22 <https://www.justice.gov/atr/JudgmentTermination>.
- 23 • On March 22, 2019, the Antitrust Division listed the judgment in the above-  
24 captioned case on its public website, describing its intent to move to terminate the  
25 judgment. The notice identified each case, linked to the judgment, and invited  
26 public comment. *See* [https://www.justice.gov/atr/judgment-termination-initiative-  
27 california-central-district](https://www.justice.gov/atr/judgment-termination-initiative-california-central-district).

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- 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 were posted to the public website. For the judgment 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 case at issue in this motion.

8. The initial judgment in *Phillips Petrol. Co., et al.* was entered on September 3, 1975. The court later issued an order on February 17, 1976, that modified the language regarding the management of the Avon refinery, allowing for it to be leased and encumbered by certain oil companies. A subsequent order was issued on August 27, 1976, that further allowed an asset of the Avon refinery to be leased to another oil company. A final order in the matter was issued on March 12, 1979, that added Ashland Oil, Inc. as a party to the order of divestiture. Based on research conducted by myself and my colleagues, all requirements of the judgment have been met.

9. Copies of the initial judgment and judgment modifications at issue in this motion are attached to the Motion and Memorandum in Support as Appendices A through D, respectively. The versions attached are identical to the versions that were made available on the Antitrust Division's Judgment Termination Initiative public website for the Central District of California. *See* <https://www.justice.gov/atr/judgment-termination-initiative-california-central-district>.

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

DATE: 6/5/2019

Respectfully submitted,

/s/

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ALBERT B. SAMBAT

Trial Attorney

San Francisco Office

Antitrust Division

United States Department of Justice