

**UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,
Plaintiff,

v.

OSCAR KERN, *et al.*,
Defendants.

In Equity No. 20-403

DECLARATION OF LAWRENCE REICHER

I, Lawrence Reicher, do hereby declare and state as follows:

1. I am an attorney admitted to practice in New York and in the Southern District of New York. Since February 2019, I have served as a Counsel to the Assistant Attorney General of the Antitrust Division of the Department of Justice.

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 as well as individually named defendants.

5. For the judgment in this case, there are no corporate defendants. The Retail Music Roll Dealers Association of Philadelphia was dissolved as part of the judgment but was not a named defendant. There are six individual defendants. I instructed the librarians of the Antitrust Division to research and confirm the status of the individual defendants, if possible. Based on the information provided to me by the librarians, I believe that none of the individual defendants are still living.

6. After their research, the librarians at the Antitrust Division conveyed to me and other attorneys working on this project that they found obituaries for Morris Silnutzer and Louis Morsback. Both were born in 1890. Mr. Silnutzer passed away in 1962 at age 72. Mr. Morsback passed in 1936 at age 46. Given that all the individuals would have been working adults 100 years ago, it is almost certain the other four defendants have passed away as well. Moreover, given the age of the judgment and the passage of time, it would be highly unlikely for any of the individual defendants to still be actively engaged in the relevant activities regarding music rolls from the judgment.

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

Dated: January 24, 2020
Washington, D.C.



Lawrence Reicher
Counsel to the Assistant Attorney General
United States Department of Justice, Antitrust Division