

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

UNITED STATES OF AMERICA,  
Plaintiff,

v.

CLOAK AND SUIT TRUCKING  
ASSOCIATION, INC., *et al.*,  
Defendants.

Case No.: 1:20-mc-103  
(originally Civil Action No. 66-141)

**DECLARATION OF PHILIP ANDRIOLE**

I, Philip Andriole, do hereby declare and state as follows:

1. I am an attorney admitted to practice in New York state. Since my admission on February 3, 2020, I have served as a Trial Attorney in the New York office of the Department of Justice Antitrust Division. Since September 9, 2020, I have served in substantially the same capacity as a law clerk in the Antitrust Division.

2. This Declaration is being submitted in support of the United States' 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 Antitrust Division 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 two named defendants: Cloak and Suit Trucking Association, Inc. and Garment Center Truck Owners Association, Inc. Based on the information provided to me by the librarians, I believe that neither of the two defendants is still in business or operating through a successor entity. This belief is based upon the following research by the librarians:

- 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 conducting 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 the Cloak and Suit Trucking Association, Inc. is still in business. There is an active New York incorporation record dating to 1940 under the name; however, the entity has no registered agent or place of business in the record. The Cloak and Suit Trucking Association, Inc. also has a profile on GuideStar.org, an information service specializing in reporting on U.S. nonprofit companies. This profile indicates that the Association's tax-exempt status was revoked by the IRS for failing to file returns for three consecutive years. A review of newspaper articles found that the Association was last mentioned in the present tense in 1961.

7. Likewise, the librarians conveyed to me and other attorneys working on this project that they found no records suggesting that the Garment Center Truck Owners Association, Inc. is still in business. The Garment Center Truck Owners Association, Inc. has no record of incorporation in New York and web and news searches for the Association returned no results following the judgment.

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

Dated: February 19, 2020  
New York, New York



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Philip Andriole  
Trial Attorney  
United States Department of Justice, Antitrust Division