

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

UNITED STATES OF AMERICA,
Plaintiff,

v.

ERNEST LOWENSTEIN, INC., *et al.*,
Defendants.

Case No.: 1:20-mc-0010

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 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, I instructed the librarians of the Antitrust Division to research and confirm the corporate status of the sole corporate defendant, Ernest Lowenstein, Inc. Based on the information provided to me by the librarians, I believe that Ernest Lowenstein, Inc. is no longer in business and does not have 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 Ernest Lowenstein, Inc. is still in business. There is no incorporation record for the company in New York or other states and the last newspaper reference to the company occurred in 1968. In

addition to Ernest Lowenstein, Inc., there was one individual defendant bound by the judgement, Ernest Lowenstein. Given the age of the judgement and passage of time, Mr. Lowenstein is highly unlikely to be actively engaged in the relevant activities from the judgement.

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

Dated: February 3, 2020
Washington, D.C.



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