

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

UNITED STATES OF AMERICA,
Plaintiff,

v.

NATIONAL FOOD PRODUCTS
CORPORATION, *et al.*,
Defendants.

1:20-mc- 472

Originally In Equity No. 35-261

DECLARATION OF BARRY L. CREECH

I, Barry L. Creech, do hereby declare and state as follows:

1. I am an attorney admitted to practice in the District of Columbia. I have been a trail attorney with the Antitrust Division of the Department of Justice since 1990.
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 "the 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 sole corporate defendant entity,

National Food Products Corporation. Based on the information provided to me by the librarians, I believe that the National Food Products Corporation is no longer in business. This belief is based upon the following research by the librarians, which I have reviewed:

- 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 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 National Food Products Corporation is still in business. In 1929, Virginia-based National Food Products Corporation purchased Atlanta-based Southern Grocery Stores, Inc., which operated grocery stores under the D. Pender and Rogers brands. In 1940, the combined National Food Products Corporation and Southern Grocery became Colonial Stores, Inc. and operated grocery stores

under both the Colonial Stores and Big Star brands. Grand Union, a New Jersey-based grocery store chain, purchased Colonial Stores, Inc. in 1978. In 1982, Grand Union closed 35 stores and later, in 1983, sold three stores in North Carolina to Harris Teeter. In 1993, Grand Union sold its Big Star stores to A&P. Grand Union subsequently filed for bankruptcy three times, and it had sold off almost all its assets by 2001.

7. In addition to the corporate defendant, there were nine individual defendants to this judgment. Given that the judgment is 94 years old, it would be highly unlikely for any of the individual defendants to still be actively engaged in the relevant activities from the judgment.

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

Dated: November 23, 2020
Washington, D.C.



Barry L. Creech
Trial Attorney
United States Department of Justice
Antitrust Division