

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

UNITED STATES OF AMERICA,
Plaintiff,

v.

NEW YORK COFFEE AND SUGAR
EXCHANGE, INC.,
Defendants.

1:20-mc- 475

(originally 77 Civ 5038)

DECLARATION OF MARY ANNE F. CARNIVAL

I, Mary Anne F. Carnival, 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. I have been a Trial Attorney in the New York Office of the Department of Justice Antitrust Division since February 1988.

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, librarians of the Antitrust Division were instructed to research and confirm the corporate status of the sole defendant, New York Coffee and Sugar Exchange, Inc. The librarians searched the following public sources to determine its corporate status.

- 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. Based on the information provided to me by the librarians, I believe that the New York Coffee and Sugar Exchange, Inc. was merged with another entity and ultimately acquired by the Intercontinental Exchange ("ICE"). I contacted Andrew Surdykowski, General Counsel and Corporate Secretary at ICE regarding this judgment. On November 3, 2020, Mr. Surdykowski confirmed that ICE does not object to the termination of the above-captioned

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

Dated: November 24, 2020
New York, New York

/s/Mary Anne F. Carnival
Mary Anne F. Carnival
Trial Attorney
United States Department of Justice, Antitrust Division