

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

UNITED STATES OF AMERICA,
Plaintiff,

v.

DIAMOND DEALERS CLUB, INC. and
DIAMOND CENTER, INC.,
Defendants.

1:20-mc-483

(Original Civil Action No. 1136)

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 trial 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 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 corporate defendants named in the decree – Diamond Dealers Club, Inc. and Diamond Center, Inc. Based on the information provided to me by the librarians, I believe that Diamond Center, Inc. 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.

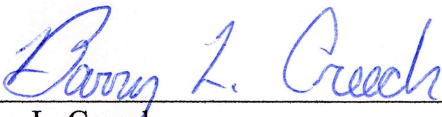
6. After their research, the librarians at the Antitrust Division conveyed to me and other attorneys working on this project that they found that Diamond Center, Inc. subsequently changed its name to Diamond Trade Association of America, Inc. In 1988 the name Diamond

Trade Association of America, Inc. was changed to Diamond Trade and Precious Stones Association of America, Inc., which was dissolved in 2001.

7. The Antitrust Division contacted Diamond Dealers Club, Inc. The company, through its general counsel, had no objection to this motion.

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

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



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