

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

UNITED STATES OF AMERICA,
Plaintiff,

v.

M. KLAHR, INC., *et al.*,
Defendants.

Case No.: 1:20-mc-544
(originally Civil Action No. 62 Civ. 1576)

DECLARATION OF CARRIE A. SYME

I, Carrie A. Syme, 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 November 2011, I have served as a Trial Attorney in the Antitrust Division of the Department of Justice, and, as of February 2020, I have served as Assistant Chief of the New York Office of the Antitrust Division.

2. I submit this Declaration 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 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 Antitrust Division researched the corporate status of entities subject to these older, legacy antitrust judgments.

5. For the judgment relevant to this case (the Final Judgment dated December 22, 1964 in the above-captioned case, hereinafter “Final Judgment”), Antitrust Division staff instructed the librarians of the Antitrust Division to research and confirm the corporate status of the sole corporate defendant entity, M. Klahr, Inc. Based on the information provided to me by the librarians, I believe that M. Klahr, 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 conveyed to me and other attorneys working on this project that they found no records suggesting that M. Klahr, Inc. is still in business. The

company last appeared in a newspaper in 1966 and there is no incorporation record in New York or any other state.

7. Because the library's research indicated that a company called "S. Klahr, Inc." still existed in the New York region in the relevant industry (window treatments), I took additional steps to ensure that there was no successor entity to M. Klahr, Inc. who may be subject to the terms of the Final Judgment:

- a. I spoke by phone to Alison Dym, who is the niece of defendants Jerome Klahr and Solomon Klahr. She confirmed that M. Klahr, Inc. (a company founded by her grandfather, Moses Klahr) went out of business shortly after the Final Judgment was issued. Ms. Dym further explained that S. Klahr, Inc. was an unrelated entity founded by her father (Sheldon Klahr, who was not a defendant in the above-referenced action) that did not purchase or succeed to any assets, liabilities, or property from M. Klahr, Inc. She referred me to her cousin, Lisa Klahr Barbash, for further information on the winding up of the M. Klahr, Inc. business.
- b. I spoke by phone to Ms. Barbash, the daughter of defendant Solomon Klahr. She recalled that when M. Klahr, Inc. went out of business in the 1970s, some of its property may have been purchased by Verticals, Inc., Bronx, New York. She had no reason to believe that this transaction was anything more than a sale of real estate.
- c. At my request, the library researched Verticals, Inc. in public records, including the New York Department of State records, and found that it ceased conducting business in 1996.

8. The Antitrust Division's research also indicates that all individuals who were parties to the Final Judgment are deceased:

- a. Ms. Dym confirmed that Jerome Klahr died in the 1980s and Solomon Klahr died approximately six years ago.
- b. John E. Pessalano died in 1990, according to the library's search of public death records.

9. In sum, after research into public records and individuals with relevant knowledge, I believe that none of the corporate or individual parties to the Final Judgment still exist, nor are there any apparent successor entities that remain in existence.

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

Dated: November 24, 2020
New York, NY



Carrie A. Syme
Assistant Chief
United States Department of Justice
Antitrust Division, New York Office