

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

UNITED STATES OF AMERICA,
Plaintiff,

v.

ASSOCIATED AVIATION
UNDERWRITERS, *et al.*,
Defendants.

1:20-mc-787

(Originally Case No. 65-Civ.-2400)

DECLARATION OF PHILIP ANDRIOLE

I, Philip Andriole, do hereby declare and state as follows:

1. I am an attorney admitted to practice in New York State. I have served as a Trial Attorney in the Antitrust Division of the Department of Justice since my admission in February 2020. Prior to my admission, since September 9, 2019, I served as a law clerk in the Antitrust Division in substantially the same capacity.

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 corporate defendants. The librarians searched the following public sources to determine 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 three defendants are still in business or have been acquired by a successor entity, as described below.

7. Defendant Associated Aviation Underwriters, at the time of the judgment, operated as a subsidiary of Continental Insurance Company. In 2000, Continental Insurance Company merged with British Aviation Insurance Group to create Global Aerospace. On November 23, 2020, I contacted Mr. Michael Dobson, the Group General Counsel of Global

Aerospace, regarding this judgment. Mr. Dobson relayed the matter to a colleague, Mr. Kerry Roach. On December 1, 2020, Mr. Roach confirmed via email that Global Aerospace does not object to the Division's motion to terminate the judgment.

8. Defendant Chubb & Son Inc., now known as Chubb, is a property and casualty insurer. On November 23, 2020, I contacted Mr. Joseph Wayland, Executive Vice President and General counsel of Chubb, regarding this judgment. On December 3, 2020, Mr. Wayland confirmed that Chubb does not object to the Division's motion to terminate the judgment.

9. Defendant Marine Office of America, at the time of the judgment, was a unit of Continental Corporation. Shortly after the judgment, Marine Office of America began operating under the name "MOAC." In 1995, CNA Financial purchased Continental Corporation. It is unclear if MOAC is still an active subsidiary of CNA Financial: MOAC is not on CNA's list of subsidiaries, and its New York State incorporation was dissolved in 2005. I contacted Mr. Jose Ramon Gonzalez, Executive Vice President and General Counsel of CNA Financial, regarding this judgment. On December 15, 2020, Mr. Gonzalez's colleague, Mr. Kyle Hartman, Assistant Vice President and Assistant General Counsel of CNA Financial, confirmed that CNA Financial does not object to the Division's motion to terminate the judgment.

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

Dated: December 22, 2020
New York, New York

/s/ Philip D. Andriole
Philip D. Andriole (NY Reg. No. 5762414)
Trial Attorney
Antitrust Division
United States Department of Justice
26 Federal Plaza, Suite 3630
New York, NY 10278
Telephone: (212) 824-1238
Facsimile: (917) 286-0892
Email: philip.andriole@usdoj.gov