

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

UNITED STATES OF AMERICA,  
Plaintiff,

v.

HAMILTON COSCO, INC.  
Defendant.

1:20-mc-786  
(originally Civil Action No. 147-345)

**DECLARATION OF KATHRYN KUSHNER**

I, Kathryn Kushner, do hereby declare and state as follows:

1. I am an attorney admitted to practice in New York. I have been employed as a Trial Attorney at the United States Department of Justice Antitrust Division for approximately four years.

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 (and Legal Counsel at Dorel Industries Inc.) I believe that, due to a series of acquisitions, the defendant company Hamilton Cosco, Inc. (“Hamilton Cosco”) no longer exists, and if there were a successor or assign to Hamilton Cosco, Inc., it would be Dorel Industries Inc. (“Dorel”).

7. I contacted Yoann Gauthier, Legal Counsel at Dorel, regarding this judgment. Mr. Gauthier provided the following information on March 12, 2020:

- Hamilton Cosco, Inc. was incorporated as Hamilton Manufacturing Corporation. It changed its name to Hamilton Cosco, Inc. in 1959, and to Cosco, Inc. in 1975.
- Some or all of the assets of Cosco, Inc. were transferred to WGG & Company in 1983.
- WGG & Company changed its name to Cosco, Inc. in 1983.
- Dorel acquired Cosco, Inc. in or around 1988.

8. Mr. Gauthier stated that he believed, based on the information in Dorel's files, that Hamilton Cosco no longer exists. He could not confirm whether Dorel was the successor or assign of Hamilton Cosco. Mr. Gauthier further stated that, to the extent Dorel is the successor or assign of Hamilton Cosco, Dorel 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: December 22, 2020  
New York, New York

/s/ Kathryn Kushner

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