

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

UNITED STATES OF AMERICA,
Plaintiff,

v.

THE HOOVER COMPANY,
Defendant.

1:21-mc-20

(Originally Civil Action No. 131-68)

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, I believe that Techtronic Industries Co. Ltd. is the successor of the Defendant, The Hoover Company. I contacted Mark Rowe, General Counsel of Techtronic Industries Co. Ltd., regarding this judgment, and I understand that Mr. Rowe referred the matter to Josh Grissom, General Counsel of Techtronic Industries Floor Care North America, of which Techtronic Industries Co. Ltd. is the parent company. On December 22, 2020, I was contacted by Mr. Grissom's colleague,

Kristine Zenkewicz, Assistant General Counsel of Techtronic Industries North America, Inc., of which Techtronic Industries Co. Ltd. is also the parent company. Ms. Zenkewicz stated that Techtronic Industries North America handles United States-based litigation for the parent company, which is based in Hong Kong, and that neither she nor Mr. Grissom objects to termination of the above-captioned judgment.

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

Dated: January 14, 2021
New York, New York

/s/ Kathryn Kushner
Kathryn Kushner
Trial Attorney
Antitrust Division
United States Department of Justice
26 Federal Plaza, Room 3630
New York, NY 10278
Telephone: 917-208-5402
Email: kathryn.kushner@usdoj.gov