

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

UNITED STATES OF AMERICA,  
Plaintiff,

v.

NEW YORK TRAP ROCK  
CORPORATION, *et al.*,  
Defendants.

Case No. 1:21-mc-00008  
(Originally Civil Action No. 48-170)

**DECLARATION OF EYITAYO ST. MATTHEW-DANIEL**

I, Eytayo St. Matthew-Daniel, do hereby declare and state as follows:

1. I am an attorney admitted to practice in New York. Since June 2015, 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 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 sole corporate defendant entity, New York Trap Rock Corporation (“Trap Rock”). Based on the information provided to me by the librarians, I believe that Trap Rock is no longer in business and its successor entity is Oldcastle, Inc. In 1965, Lonestar Industries acquired Trap Rock, which at the time was a family-owned company. In 1997, Irish building materials group, CRH plc, acquired Trap Rock’s assets from Lonestar through Oldcastle, which is the holding company for CRH’s North American operations. 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.
- 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. In addition to Trap Rock, there were two individual defendants bound by this final judgment: Wilson P. Foss, Jr. and Wilson P. Foss, III. Mr. W.P. Foss, Jr. passed away in 1957 at the age of 66 according to newspaper reports. Mr. W.P. Foss, III sold the New York Trap Rock

company to Lonestar in 1965. According to newspaper reports, he passed away in 1983 at the age of 68.

7. On December 17, 2020, I contacted CRH Americas, Inc.'s Vice President and General Counsel, Mr. William Miller regarding this judgment. On January 7, 2021, Mr. Miller confirmed through his Assistant General Counsel, Ms. Sarah Brooks that CRH did 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:

/s/ Eytayo St. Matthew-Daniel  
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