

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

UNITED STATES OF AMERICA,  
Plaintiff,

v.

WESTERN NEWSPAPER UNION, *et al.*,  
Defendants.

1:20-mc-793

(Originally Civil Action No. 87-60;  
Civil Action No. 60-Civ.-1803)

**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 on February 3, 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 Legacy Antitrust Judgments 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 judgments 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 judgments (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 defendants are no longer in business. After conducting their research, the librarians at the Antitrust Division conveyed to me and other attorneys working on this project that they found no records suggesting that Western Newspaper Union is still in business. In 1961, the company was purchased by Hammermill Paper Co., and its offices were moved from New York to Little Rock, Arkansas. The Tampa Tribune described the sale as a breakup of Western Newspaper Union.

Hammermill does not appear to be currently active in any of the industries contemplated by the judgments.

7. The librarians also conveyed to me and other attorneys working on this project that they found no information suggesting that E.C. Palmer & Co., Ltd., one of the defendants in the 1953 final judgment, is still in business. A search of incorporation records in Texas and Louisiana indicated that E.C. Palmer & Co., Ltd. is dissolved. A search of newspaper records also found a notice of dissolution of E.C. Palmer & Co., Ltd. published in a Louisiana newspaper in 1963.

8. The librarians also conveyed to me and other attorneys working on this project that they found no information suggesting that Harry W. Brintnall Company, the final defendant in the 1953 final judgment, is still in business. According to a search of newspaper records, Harry W. Brintnall Company was merged with other subsidiaries of Western Newspaper Union in a reorganization in 1958.

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

Dated: December 22, 2020  
New York, NY

/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