

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

UNITED STATES OF AMERICA,
Plaintiff,

v.

LUXENE, INC.,
Defendant.

Civil Action No. 66-124

DECLARATION OF LAWRENCE REICHER

I, Lawrence A. Reicher, do hereby declare and state as follows:

1. I am an attorney admitted to practice in New York and in the Southern District of New York. Since February 2019, I have served as a Counsel to the Assistant Attorney General of the Antitrust Division of the Department of Justice.
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, I instructed the librarians of the Antitrust Division to research and confirm the corporate status of the sole defendant, Luxene, Inc. ("Luxene"). Based on the information provided to me by the librarians, I believe that Luxene is no longer in business and does not have a successor entity. This belief is based upon the following research by the librarians:

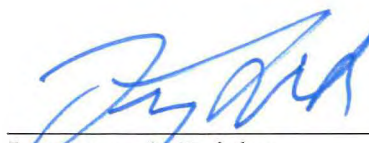
- a. A search of the New York Department of State Division of Corporations database. If the final judgment (as submitted to this Court) or other web search (see below) suggested incorporation information for a defendant in another state, the librarians also checked that state for corporate status.
- 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. After 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 Luxene, Inc. is still in business or has an active successor entity. Luxene was acquired by Howmet Corp. in 1969. Soon after, Howmet changed its name to Howmedica Inc. Pfizer, Inc. acquired

Howmedica for \$123M in 1972. The *Wall Street Journal* reported in 1984 that Pfizer sold the Howmedica subsidiary to that division's managers on undisclosed terms. New York State corporate records list the current entity status for Howmedia Inc. as "INACTIVE – Termination" as of 2004.

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

Dated: February 3, 2020
Washington, D.C.



Lawrence A. Reicher
Counsel to the Assistant Attorney General
United States Department of Justice, Antitrust Division