

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

UNITED STATES OF AMERICA,
Plaintiff,

v.

NEW YORK PICKLE & CONDIMENT
DEALERS ASSOCIATION, INC.,
Defendant.

Case No. 1:20-mc-00093

DECLARATION OF MILOSZ GUDZOWSKI

I, Milosz Gudzowski, do hereby declare and state as follows:

1. I am an attorney admitted to practice in New York. Since 2011, I have been a Trial Attorney at the Department of Justice, Antitrust Division.

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, the librarians of the Antitrust Division were instructed to research and confirm the corporate status of the sole defendant, the New York

Pickle & Condiment Dealers Association, Inc. Based on the information provided to me by the librarians, I believe that the New York Pickle & Condiment Dealers Association 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 the New York Pickle & Condiment Dealers Association is still in business. The Association has no contact or registered agent listed in the New York Department of State Division of Corporations database and has no record in the Encyclopedia of Associations or the IRS Tax Exempt Organization

Search. The librarians at the Antitrust Division found that the Greater New York Pickle & Condiment Dealers Association has an active New York State incorporation record according to the New York Department of State Division of Corporations database. Given all of the information gathered about the defendant, the librarians at the Antitrust Division suggest that the New York Pickle & Condiment Dealers Association's active incorporation status in this one source may simply reflect an oversight by the New York Department of State in updating its database to reflect inactive status of this corporation.

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

Dated: February 14, 2020
New York, NY

/s/ *Milosz Gudzowski*
Milosz Gudzowski
Trial Attorney
United States Department of Justice, Antitrust Division