

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

UNITED STATES OF AMERICA,
Plaintiff,

v.

THE DAVIS COMPANY, *et al.*,
Defendants.

Civil Action No. 54-357

DECLARATION OF MARY ANNE F. CARNIVAL

I, Mary Anne F. Carnival, 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. I have been a Trial Attorney in the New York Office of the Department of Justice Antitrust Division since February 1988.

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 corporate defendant entities. Based on the information provided by the librarians, I believe that the companies are no longer in business and do not have successor entities. This belief is based upon the following research by the librarians, which I have reviewed:

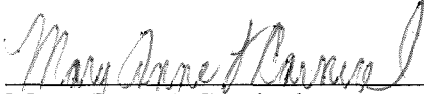
- a. A search of the New York Department of State Division of Corporations database. If the final judgment (as submitted to this Court) or other web search (see below) suggested incorporation information for a defendant in another state, the librarians also checked that state for corporate status.
- 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 defendants are still in business. The Davis Company was ordered dissolved by the Final Judgment upon expiration of its last patent. The incorporation record for W.B. Davis & Son shows that company

was dissolved in 1948. Another defendant, Scott & Williams, was purchased in 1966 by White Consolidated Industries. But Scott & Williams was sold in 1981 and its goods liquidated at public auction. The Interwoven Stocking Company was acquired by Kayser-Roth in 1961. While Kayser-Roth continued making Interwoven products, the brand no longer appears in Kayser-Roth's online lists of its holdings. With regard to the three individual defendants, given the age of the judgment and the passage of time, all of the individual defendants are highly unlikely to still be actively engaged in the relevant activities from this judgment.

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

Dated: February 19, 2020
New York, NY



Mary Anne F. Carnival
Trial Attorney
United States Department of Justice, Antitrust Division