

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

UNITED STATES OF AMERICA,  
Plaintiff,

v.

NATIONAL INSTITUTE OF DIAPER  
SERVICES, INC.,  
Defendant.

1:20-mc-00121  
(Originally Civil Action No. 63-3103)

**DECLARATION OF ANN CHO LUCAS**

I, Ann Cho Lucas, do hereby declare and state as follows:

1. I am an attorney admitted to practice in California. I am a Trial Attorney in the New York Office of 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 corporate defendant, National

Institute of Diaper Services, Inc. Based on the information provided to me by the librarians, I believe that the National Institute of Diaper Services is no longer in business and does not have a successor entity. 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 National Institute of Diaper Services is still operational. In 1976, a Colorado newspaper reported that the National Institute of Diaper Services is no longer in business.

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

Dated: February 28, 2020  
New York, New York

/s/ Ann Cho Lucas  
Ann Cho Lucas  
Trial Attorney  
United States Department of Justice, Antitrust Division