

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

UNITED STATES OF AMERICA,  
Plaintiff,

v.

SABRETT FOOD PRODUCTS CORP.,  
*et al.*,  
Defendants.

1:20-mc-511

(Originally 62 Civ. 2031)

**DECLARATION OF BARRY L. CREECH**

I, Barry L. Creech, do hereby declare and state as follows:

1. I am an attorney admitted to practice in the District of Columbia. I have been a trial attorney with the Antitrust Division of the Department of Justice since 1990.

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, 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.

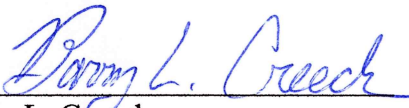
- a. A search of the New York Department of State Division of Corporations database. If the final judgment (as submitted to this Court) or other web search (see below) suggested incorporation information for a defendant in another state, the librarians also checked that state for corporate status.
- 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. Based on the information provided to me by the librarians, I believe two of the four corporate defendants appear to no longer exist. According to the trial court opinion, defendant Superior Frankfurter, Inc. ceased operations in 1964, and the company was dissolved. *U.S. v. Sabrett Food Products Corp., et al.*, 282 F. Supp. 819, 822 (1968). The trial opinion also noted that defendant Olympia Provision & Baking Co., Inc. sold its plant to Zion Foods in 1961 or 1962 and was no longer manufacturing or selling frankfurters. *Id.*

7. Of the two remaining defendants, Sabrett Food Products Corp. was sold to Marathon Enterprises in 1989. Local 627 was an affiliate of the Amalgamated Meat Cutters and Butcher Workmen of North America (AFL-CIO). Amalgamated Meat Cutters merged with another union to become United Food and Commercial Workers Union (AFL-CIO) in 1979. The Antitrust Division contacted both Marathon Enterprises and the United Food and Commercial Workers Union through their general counsels, and neither entity had an objection to this motion.

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

Dated: November 24, 2020  
Washington, D.C.

  
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Barry L. Creech  
Trial Attorney  
United States Department of Justice  
Antitrust Division