

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :  
: Plaintiff, :  
: -against- :  
: BURLINGTON INDUSTRIES, INC., :  
: Defendant. :  
:-----X

USDC SDNY  
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20-mc-783 (VSB)  
(Originally Civil Action No. 64-3090)

**ORDER TERMINATING FINAL  
JUDGMENT**

VERNON S. BRODERICK, United States District Judge:

The Court having received the motion of plaintiff United States of America for termination of the final judgment entered in the above-captioned case, and the Court having considered all papers filed in connection with this motion,

WHEREAS, Federal Rule of Civil Procedure 60(b)(5) and 60(b)(6) provide “[o]n motion and just terms, the court may relieve a party . . . from a final judgment . . . (5) [when] applying it prospectively is no longer equitable; or (6) for any other reason that justifies relief.” Fed. R. Civ. P. 60(b)(5)–(6);

WHEREAS, the sole corporate defendant’s successor entity has no objection to terminating the judgment, (Doc. 1-4 ¶ 6);

WHEREAS, the United States has provided adequate notice to the public regarding its intent to seek termination of the judgment;

WHEREAS, based on the foregoing, the Court deems that terminating the antitrust judgment is consistent with the public interest. *See United States v. Western Elec. Co.*, 993 F.2d 1572, 1577 (D.C. Cir. 1993) (a court “may reject an uncontested termination only if it has

exceptional confidence that adverse antitrust consequences will result"). Accordingly, it is hereby:

ORDERED, ADJUDGED, AND DECREED that said final judgment is hereby terminated. The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

Dated: January 8, 2021  
New York, New York



Vernon S. Broderick  
United States District Judge