

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

***Matthew Edwards v. National Milk Producers Federation, Case No. 11-cv-04766***

**NOTICE OF PENDENCY OF CLASS ACTION**

**TO: CONSUMERS OF MILK AND OTHER FRESH MILK PRODUCTS**

**PLEASE READ THIS NOTICE CAREFULLY – YOUR RIGHTS MAY BE  
AFFECTED BY A CLASS ACTION LAWSUIT PENDING IN THIS COURT**

You are receiving this Notice because your rights may be affected by a class action lawsuit regarding your purchase(s) of milk and certain other fresh milk products. The lawsuit is pending before Judge Jeffrey S. White in federal court in Oakland, California (“Court”). The purpose of this Court-ordered Notice is to inform you how the lawsuit may affect your rights and what steps you may take. This Notice is not an expression by the Court of any opinion as to the merits of any of the claims or defenses asserted by either side in this lawsuit.

Additional copies of this Notice may be found at the website of Plaintiffs’ Counsel at [www.hbsslaw.com](http://www.hbsslaw.com), or the website of the Notice Administrator at [www.freshmilkpricefixing.com](http://www.freshmilkpricefixing.com).

**1. Why should I read this notice?**

The Court has certified classes in the lawsuit *Matthew Edwards v. National Milk Producers Federation*, Case No. 11-cv-04766 in the United States District Court for the Northern District of California. These classes consist of all consumers who, from 2003 through 2012, as residents of Arizona, California, the District of Columbia, Kansas, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Hampshire, Oregon, South Dakota, Tennessee, Vermont, West Virginia, Wisconsin, indirectly purchased milk and/or other fresh milk products (including cream, half & half, yogurt, cottage cheese, cream cheese, and/or sour cream) for their own use and not for resale. The classes are more fully described below. You may be a member of one or more of these classes. You may be entitled to participate in any benefits that may eventually be obtained for the classes as a result of this lawsuit. There is, however, no assurance that a judgment in favor of the classes will be granted.

This notice provides a summary of the lawsuit. It also describes who is eligible to be included in the classes, the effect of participating in this lawsuit as a class member, and how to request exclusion from the classes.

**2. What is this lawsuit about?**

This is an antitrust lawsuit alleging a nationwide conspiracy to limit the production of raw farm milk, thus artificially inflating the price of milk and other fresh milk products.

In a class action, one or more individuals, called Plaintiffs, file suit on behalf of others with similar claims, called “the Class” or “Class Members.” These individuals represent and act on behalf of the class. On September 16, 2014, the Court appointed the following as Representatives of the classes: Boys and Girls Club of the East Valley, Jonathan Rizzo, Matthew Edwards, Paul Thacker, Scott Cook, Danell Tomasella, Kory Pentland, Lori Curtis, Mary Anderson, Julie Ewald, Sheila Jackson, Scott Weber, Jennifer Clites, John Psychal, John Murray, Jeffrey Robb, and Kathleen Davis (collectively, “Class Representatives”).

The complaint names as defendants National Milk Producers Federation, aka Cooperatives Working Together (“CWT”), Dairy Farmers of America, Inc., Land O’Lakes, Inc., Dairy Lea Cooperative Inc., and Agri-Mark, Inc. (collectively, “Defendants”).

**2a. Class Representatives’ claims.**

Plaintiffs allege that CWT and its members have engaged in a nationwide conspiracy to limit the production of raw farm milk, and thus increased the price of raw milk, through premature “herd retirements.” Plaintiffs allege these herd retirements required participating dairy farmers to sell all of the dairy cows in all of their herds prematurely for slaughter and, beginning on April 1, 2009, agreed not to reenter the dairy farming business for at least one year. Plaintiffs allege that this conspiracy artificially inflated, and continues to artificially inflate, the price of milk and other fresh milk products, including cream, half & half, yogurt, cottage cheese, cream cheese, and sour cream.

More specifically, in addition to the District of Columbia, Plaintiffs contend that Defendants violated the state antitrust laws of the following fifteen states: Arizona, California, Kansas, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Hampshire, Oregon, South Dakota, Tennessee, Vermont, West Virginia, and Wisconsin.

**2b. Defendants deny liability.**

Defendants deny any wrongdoing or liability for the claims alleged.

**3. Who is a class member?**

You are a class member if you are a consumer who, from 2003 through 2012, as a resident of Arizona, California, the District of Columbia, Kansas, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Hampshire, Oregon, South Dakota, Tennessee, Vermont, West Virginia, Wisconsin, indirectly purchased milk and/or other fresh milk products (including cream, half & half, yogurt, cottage cheese, cream cheese, and/or sour cream) for your own use and not for resale.

To be a class member, you must not have purchased the milk or other fresh milk products from a Defendant. Instead, you must have purchased the milk indirectly, for example, through a grocery store or retailer.

**4. Who are the lawyers representing the class?**

Plaintiffs’ Counsel, who represents the classes in this lawsuit, is the firm Hagens Berman Sobol Shapiro LLP, 1918 Eighth Avenue, Suite 3300, Seattle, Washington 98101. You will not be charged separately for these lawyers. Further information about this case may be obtained from this firm at [www.hbsslaw.com](http://www.hbsslaw.com). You may also contact Plaintiffs’ Counsel at 1-206-623-7292.

You may also obtain information about this case by contacting the Notice Administrator at the address, phone number, and website listed in Question 7.

**5. How do I participate in this class action?**

If you fall within the definition of one of the classes set forth above, you are a class member. **IF YOU WISH TO REMAIN A CLASS MEMBER, YOU DO NOT NEED TO DO ANYTHING AT THIS TIME.** As a class member, you will be bound by any judgment or settlement, whether favorable or unfavorable, in this lawsuit. Thus, you may participate in any monetary settlement or judgment that is favorable to the classes, and you may submit a Proof of Claim following such a settlement or judgment. **No judgment or settlement has occurred at this time.** You will also be bound by any unfavorable judgment which may be rendered in favor of Defendants. You may not have the right to seek exclusion from the class at the time of settlement or judgment.

Class Representatives and Plaintiffs’ Counsel represent the classes and all of their members. Plaintiffs’ Counsel has agreed to pursue this lawsuit on a contingent fee basis. All attorneys’ fees and expenses will be payable only out of a recovery by the classes, if any, and will be subject to approval by the Court. Class members will not have to separately pay lawyers any additional amounts and in no event will individual class members be obligated to pay any judgment, court costs, or lawyers’ fees for participating in this lawsuit.

Any class member who does not request exclusion from being a class member may also enter an appearance through their own counsel at their own expense.

**6. How do I exclude myself from the classes?**

If you wish to be excluded from the classes, you must submit a request for exclusion by following the instructions in the next paragraph. **IF YOU CHOOSE TO BE EXCLUDED: (1) you will NOT be entitled to share in any recovery from any settlement or judgment that may be paid to class members as a result of trial or other resolution of this lawsuit; (2) you will NOT be bound by any judgment or release entered in this lawsuit; and (3) at your own expense, you MAY pursue any claims that you have by filing litigation.**

To be excluded, you must send a written request for exclusion from class membership to “*Fresh Milk Products Antitrust Litigation Exclusions*, c/o Gilardi & Co. LLC, P.O. Box 6002, Larkspur, CA 94977-6002.” Your request must be **received** by July 14, 2015. After that date, you will not have the right to be excluded from class membership. In order to be valid, your request for exclusion must (i) set forth the name and address of the person or entity requesting exclusion, (ii) state that such person or entity requests exclusion from the classes in this lawsuit, and (iii) be signed and dated by such person or entity. Requests for exclusion must be mailed to the address provided below.

**Only request exclusion if you do NOT wish to participate in this litigation and do NOT wish to share in any potential recovery that might be obtained on behalf of the classes in this lawsuit.**

Exclusion requests should be sent to:

*Fresh Milk Products Antitrust Litigation Exclusions*  
c/o Gilardi & Co. LLC  
P.O. Box 6002  
Larkspur, CA 94977-6002

**7. How can I get more information?**

This Notice does not fully describe all of the claims and contentions of the parties. The pleadings and other papers filed in this lawsuit are available for inspection, during business hours, at the United States District Court, 1301 Clay Street, Oakland, California, 94612. The pleadings and other papers are also available through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>.

Further information, including the operative complaint and court documents related to the certification of the class, is available at the Notice Administrator's website, [www.freshmilkpricefixing.com](http://www.freshmilkpricefixing.com). You may also contact the Notice Administrator directly at:

*Fresh Milk Products Antitrust Litigation*  
c/o Gilardi & Co. LLC  
P.O. Box 808054  
Petaluma, CA 94975-8054  
1-877-417-4561

You may also contact Plaintiffs' Counsel identified in Question 4 by calling 1-206-623-7292 or visiting [www.hbsslaw.com](http://www.hbsslaw.com).

Please do not contact the Court for information about this lawsuit.

Date: Oakland, California  
April 23, 2015

BY ORDER OF THE  
UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA