

# **If you bought butter or cheese directly from a cooperative that was a member of CWT between December 6, 2008 and July 31, 2013, a class action lawsuit may affect your rights.**

*A court authorized this notice. This is not a solicitation.*

- The lawsuit claims that National Milk Producers Federation, Cooperatives Working Together (CWT), Dairy Farmers of America, Inc., Land O’Lakes, Inc. and Agri-Mark, Inc. (collectively “Defendants”) violated the law by entering into a conspiracy to reduce milk output through a “herd retirement program,” where farmers who bid to participate in the program sent their herds of milking cows to slaughter in exchange for payment, allegedly limiting the production of raw milk and driving up prices for butter and cheese. The Defendants deny doing anything wrong. **The Court has not decided who is right.**
- The current lawsuit affects both businesses and individual consumers in the United States that purchased butter and/or cheese directly from one or more of the CWT members including the Defendants, during the period from December 6, 2008 to July 31, 2013.
- A complete list of the CWT members is on the following page. If you purchased cheese and/or butter directly from any of these sources, or their company stores, between December 6, 2008 to July 31, 2013, you are a Class Member.
- This notice is being provided to you in advance of a trial. No judge or jury has concluded that the Defendants did anything wrong. If you are a Class Member, however, you have a choice to make:

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT</b>	
<b>DO NOTHING</b>	If you are a Class Member and do nothing, you may be entitled to money and/or benefits that may come from a trial or a settlement of the lawsuit. But you will never be able to sue the Defendants separately over the legal claims in this lawsuit, and you will be bound by any judgment.
<b>ASK TO BE EXCLUDED</b>	If you ask to be excluded from the lawsuit and money or benefits are later awarded, you will not be eligible to share in those. But you will keep any rights to sue the Defendants separately over any legal claims in this lawsuit that are not time barred.

- Your options are explained in this notice. To ask to be excluded, you must submit a written request to be excluded, postmarked on or before **July 30, 2018**.
- To prevail in the lawsuit, the Plaintiffs who brought the lawsuit must prove the claims against the Defendants. A trial has not yet been scheduled. If money or benefits are obtained from Defendants, you will be notified about how to claim a share.

## CWT Members

Agri-Mark, Inc.  
Arkansas Dairy Cooperative Association  
Associated Milk Producers Inc.  
Bongards Creameries  
Burke Milk Producers Cooperative, Inc.  
California Dairies Inc.  
Cass-Clay Creamery Inc.  
Champlain Milk Producers Cooperative  
Conesus Milk Producers Cooperative Association, Inc.  
Continental Dairy Products, Inc.  
Cooperative Milk Producers Association, Inc.  
Cortland Bulk Milk Producers Cooperative  
Dairy Farmers of America  
Dairylea Cooperative Inc.  
Dairymen's Marketing Cooperative Inc.  
Ellsworth Cooperative Creamery  
Empire Keystone Cooperative  
Farmers Cooperative Creamery  
First District Cooperative Association  
Foremost Farms USA  
Humboldt Creamery Association  
Jefferson Bulk Milk Cooperative, Inc.  
Just Jersey Cooperative, Inc.  
Land O'Lakes, Inc.  
Lone Star Milk Producers  
Lowville Producers Dairy Cooperative  
Magic Valley Quality Milk Producers, Inc.  
Manitowoc Milk Producers Cooperative  
Maryland & Virginia Milk Producers Cooperative Association  
Massachusetts Coop. Milk Producers Fed. Inc.  
Michigan Milk Producers Association  
Mid-West Dairymen's Co.  
Mount Joy Farmers Cooperative Association  
National Farmers Organization  
North Lawrence Producers Cooperative, Inc.  
Northwest Dairy Association (Darigold)  
Oneida-Madison Milk Producers Cooperative  
Prairie Farms Dairy  
Preble Cooperative, River Valley Milk Producers Inc.  
Schoharie County Cooperative Dairies  
Seaway Bulk Milk Producers Cooperative, Inc.  
Security Milk Producers Association  
Select Milk Producers, Inc.  
Snake River Dairymen's Association  
South New Berlin Milk Cooperative, Inc.  
Southeast Milk, Inc.  
St. Albans Cooperative Creamery, Inc.  
Swiss Valley Farms, Co.  
Tillamook County Creamery Association  
United Dairy Cooperative Services, Inc.  
United Dairymen of Arizona  
Upstate Niagara Cooperative, Inc.  
Utah Dairy Farmers Cooperative  
Western Tier Milk Producers Cooperative  
Zia Milk Producers Inc.

## BASIC INFORMATION

### 1. Why was this notice issued?

A Court has established, or “certified,” this case as a class action lawsuit.

If you are a Class Member, you have legal rights and options before the Court decides whether the claims being made on your behalf are correct. This notice explains all of these things.

Judge Nancy J. Rosenstengel, of the United States District Court for the Southern District of Illinois (the “Court”), is currently overseeing this case. The case is known as *First Impressions Salon, Inc., et al. v. National Milk Producers Federation, et al.*, Case No. 3:13-CV-00454-NJR-SCW. The people who sued are called the Plaintiffs. The companies they sued, National Milk Producers Federation, Cooperatives Working Together (CWT), Dairy Farmers of America, Inc., Land O’Lakes, Inc. and Agri-Mark, Inc., are called the Defendants.

### 2. What is a class action?

In a class action, one or more people called “Class Representatives” (in this case, First Impressions Salon, Inc., Roy Mattson, KPH Healthcare Services d/b/a Kinney Drugs, Inc. and Piggly Wiggly Midwest, LLC) sue on behalf of people who have similar claims. All these people are a “Class” or “Class Members.” One court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

The Court decided that a claim in this lawsuit, for alleged violation of the Sherman Act, 15 U.S.C. §1, can proceed as a class action. More information about why the Court is allowing this claim to proceed as a class action is in the Court’s *Memorandum and Order*, which you may view at [www.ButterandCheeseClassAction.com](http://www.ButterandCheeseClassAction.com).

## WHAT THE LAWSUIT IS ABOUT

### 3. What is this lawsuit about?

In the *Third Amended Consolidated Class Action Complaint* (the “*Complaint*”) (available at the website), Plaintiffs claim that from December 6, 2008 through July 31, 2013, Defendants violated the Sherman Act, 15 U.S.C. §1, and conspired and combined to limit the production of raw farm milk through premature “herd retirements” that required participating dairy farmers to remove all of the dairy cows in their herds and, beginning on April 1, 2009, forego a 10% incentive payment if they wished to reenter the dairy farming business within one year. The *Complaint* alleges that the principal purpose and effect of this contract, combination and conspiracy has been to eliminate competition, significantly reduce the number of dairy farmers competing in the market and produce both short-term and long-term increases in the prices of butter and cheese. Defendants deny these claims.

### 4. What are the Plaintiffs asking for?

The Plaintiffs are asking the Court for:

- A money judgment for the damages sustained by Plaintiffs and the Class, and for any additional damages, penalties and other monetary relief provided by applicable law, including treble damages;
- Any pre-judgment and post-judgment interest on money damages that may be ordered;
- The costs of this lawsuit, including reasonable attorney fees; and

- Any other relief as the Court deems just and proper.

More information about the lawsuit is in the *Third Amended Consolidated Class Action Complaint*, which you may view at [www.ButterandCheeseClassAction.com](http://www.ButterandCheeseClassAction.com).

#### **5. What do the Defendants say?**

The Defendants have denied all of these allegations, say they did nothing wrong or illegal, and that they are not obligated to pay any money to any Class Members.

More information about what the Defendants say is in the Defendants' Joint Answer to Plaintiffs' Third Amended Consolidated Class Action Complaint, which you may view at [www.ButterandCheeseClassAction.com](http://www.ButterandCheeseClassAction.com).

#### **6. Has the Court decided who is right?**

No. The Court has not decided whether the Plaintiffs or Defendants are right. The Plaintiffs must prove their case at trial, which has not yet been scheduled.

### **WHO IS IN THE CLASS**

#### **7. How do I know if I am part of this?**

The Court has decided that everyone who fits the following description is a Class Member:

- (1) All persons and entities in the United States that purchased butter directly from one or more Members of Defendant, Cooperatives Working Together and/or their subsidiaries, during the period from December 6, 2008 to July 31, 2013; and
- (2) All persons and entities in the United States that purchased cheese directly from one or more Members of Defendant, Cooperatives Working Together and/or their subsidiaries, during the period from December 6, 2008 to July 31, 2013.

#### **8. Who are the "Members" of the Cooperative**

The "Members" are the CWT producers listed on page 2.

#### **9. How can I be sure I bought butter or cheese from a Defendant?**

In order to be a Class Member, you must have bought butter and/or cheese directly from one of the CWT members listed on page 2.

#### **10. If I bought butter or cheese just for myself could I be a Class Member?**

Yes. Though most Class Members are larger entities, some butter and cheese products were sold at CWT co-op stores directly to individual consumers. You can visit the website to see a list of those stores and their locations.

#### **11. I'm still not sure if I am included in the Class.**

If you are still not sure whether you are included in the Class, you can visit the website [www.ButterandCheeseClassAction.com](http://www.ButterandCheeseClassAction.com), call toll free 1-855-804-8574, or write to Class Action Administrator, P.O. Box 4290, Portland, OR 97208-4290, for more information.

## YOUR RIGHTS AND OPTIONS

### 12. What happens if I do nothing at all?

If you do nothing, you will stay in the Class. If you stay in, you will be legally bound by all of the decisions that the Court makes, and if the Plaintiffs obtain money or benefits, you may be entitled to a share. Regardless of the outcome of the lawsuit, however, you will never be able to sue (or continue to sue) the Defendants on your own concerning the legal claims in this case.

### 13. How do I request to be excluded?

To exclude yourself, you must send a letter with the following information:

- Name and address;
- A statement that you wish to be excluded from the Class in *First Impressions Salon, Inc., et al. v. National Milk Producers Federation, et al.*, Case No. 3:13-CV-00454-NJR-SCW; and
- Your signature.

You must mail your Exclusion Request postmarked by **July 30, 2018**, to:

Butter and Cheese Exclusions  
P.O. Box 4290  
Portland, OR 97208-4290

If you exclude yourself from the Class, and the Class obtains any money or benefits you will not be eligible to claim any of that money or those benefits. You also will not be legally bound by the Court's judgments if you exclude yourself. This means that you will be able to sue (or continue to sue) the Defendants on your own about the legal claims that are involved in this case, now or in the future, assuming your claims are not time-barred (you should consult your own attorney to make such a determination).

## THE LAWYERS REPRESENTING THE CLASS

### 14. Do I have a lawyer in this case?

Yes. The Court appointed as Class Counsel the following: Don Barrett of Barrett Law Group, Lexington, Mississippi, Dianne M. Nast of NastLaw LLC, Philadelphia, Pennsylvania and Michael L. Roberts of Roberts Law Firm, P.A., Little Rock, Arkansas to represent you. You do not have to pay Class Counsel out of your own pocket.

### 15. How will the lawyers be paid?

If Class Counsel obtains money or benefits for the Class, they may ask the Court for fees and expenses. You will not have to pay these fees and expenses out of your own pocket. If the Court grants their request, the fees and expenses will either be deducted from any money obtained for the Class or paid separately by the Defendants.

### 16. May I get my own lawyer?

If you are in the Class, you are not required to hire your own lawyer because Class Counsel is working on your behalf. But if you want your own lawyer, you are entitled to retain one at your own expense.

## A TRIAL

### 17. How and when will the Court decide who is right?

If the case is not dismissed or settled, the Plaintiffs will have to prove their claims at a trial. The Court will set a date for a trial. During the trial, the judge or jury will hear evidence in order to determine whether the Plaintiffs or the Defendants are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win any money or benefits for the Class.

### 18. Do I have to come to the trial?

You will not need to attend unless you choose to do so. You and/or your own lawyer are welcome to come, at your own expense. Check the website or call the toll-free number and ask to be kept informed of the trial schedule.

### 19. Will I get money after the trial?

If the Plaintiffs obtain money or benefits as a result of the trial, you will be notified about how to submit a claim to participate. Information will also be posted on the website [www.ButterandCheeseClassAction.com](http://www.ButterandCheeseClassAction.com) as it becomes available. You can access the website whether you stay in the lawsuit or exclude yourself.

## GETTING MORE INFORMATION

### 20. Are more details available?

Visit the website at [www.ButterandCheeseClassAction.com](http://www.ButterandCheeseClassAction.com), where you will find the Memorandum and Order certifying the Class, the *Complaint* that the Plaintiffs lodged, and the Defendant's Joint Answer to Plaintiffs' Third Amended Consolidated Class Action Complaint. You may also call toll-free at 1-855-804-8574 or write to Class Action Administrator, P.O. Box 4290, Portland, OR 97208-4290.