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**Completing Claims Forms:
Critical Stage of Dean Foods Settlement Claims Process**

The May 1st deadline for receipt of Claims Forms in the historic Dean Foods / SMA \$145 Million Settlement portion of the SE Milk Class Action Antitrust Litigation is quickly approaching.

Current and past dairy producers across the Southeast are in the final stages of completing claims forms. Informal phone surveys indicate they are using several methods to calculate their total 'milk pounds' for filing the claim form. Some producers have even already mailed their claims forms.

The Court's Class Notice defines those eligible for this landmark settlement as: "All dairy farmers, whether individuals, entities or members of cooperatives, who produced raw Grade A milk in Order 5 or in Order 7 and sold that milk directly or through an agent to Defendants or alleged co-conspirators at any time from January 1, 2001, through the present are members of the Class." Additional information is available at the Class Action's website: www.southeastdairyclass.com.

**A Farmer's Guide to Determining Pounds Claimed in Dean Foods Settlement: Sources & Methods
(Compiled from producers in a multi-state area in the Southeast via phone calls & conversations)**

- 1) **Source 1: A farmer's own business files:** Total annual pounds sold which are found on year-end payment statements, then add first three months of 2012, and perhaps some tank pick-up tickets in April, for final total
- 2) **Source 2: Handler websites:** TOTAL milk pounds sold and yearly history are likely available via a producer's log-in number – some farmers have accessed their information using this service.
- 3) **Source 3: Fieldpersons and office personnel** of a farm's current milk handler may assist with obtaining total pounds
- 4) **Source 4: Market Administrator Reports:** Current or last handlers-of-record for active dairy farmers have received 'pooled pounds' reports from FMMO Administrator offices in Federal Order 5/Appalachian, Louisville, and Federal Order 7/Southeast, Atlanta, which in turn have been distributed to farmers.
- 5) **NOTE: These 'pooled pounds' may differ (or may not differ) from the actual pounds accounted for on a farmer's pay statements! A producer is strongly encouraged to compare with the year-end statements to check for differences.**
- 6) **WHY could this be important? One SC producer reports their on-farm 'shipped' milk pounds statements were 13% higher than the pooled pounds received through the Market Administrator's office.** This discrepancy may have occurred for 'normal' market reasons, such as pooling on a different order or delivery of a load to a cheese plant – market administrators cannot and should not be blamed for the differences.
- 7) **Most producers interviewed are electing to file the 'higher pounds' amount for claims purposes.**
- 8) **Out-of-business producers** who owned a herd of cows during the period may get their information from either their last handler of record, or the appropriate Market Administrator's office. A party going through the FMMO offices should submit 'Milk Production Requests' directly to the Market Administrator – forms available on both FMMO 7 and FMMO 5 websites for printing and then faxing, scanning and emailing, or USPS mail. Electronic submission or delivery is much faster and more reliable, especially important at this date.
- 9) Common sense says to be consistent with method of pounds calculation selected for use through the Class Period from Jan 1, 2001-present period – this is an 'either Statement or Mkt.Adm.' process. No method will be perfect.
- 10) **INCLUDE DOCUMENTATION!** Several producers indicate they are including documentation of their calculations by attaching copies of paperwork associated with calculation method (i.e. if a producer uses year-end statements, then copies of each year's payment stubs will be copied and mailed along with claims forms.)
- 11) **KEEP COPIES FOR YOUR RECORDS!** Producers are encouraged to make copies of entire amount of forms submitted and keep in their files.
- 12) **IF IN DOUBT – SEND IN A CLAIM!** If you have any thought whatsoever you will qualify for a settlement, send in a properly completed claim form. The old adage "Nothing ventured, nothing gained" will apply!

Other related FAQ's on farmer's minds:

Is there any way to make this simpler?

- The good news is several farmers have said – “This isn't that hard! It may take a couple of hours, to dig up some paperwork and to read carefully, but really, it's not that hard!”
- The bad news is: This is about as simple as it gets. Milk marketing and pricing is full of details that count, and so is this filing process. How i's are dotted and t's are crossed is very important!
- Keep in mind: From review of court records and attendance at hearings, it is obvious that farmers in both subclasses have devoted countless hours to providing information that resulted in this Settlement fund. Farmers filing claims have not spent near the amount of time as those involved in this complicated litigation process.

How much of April production should a producer include in pounds claimed?

- Mailing time is important here! Don't wait so late that the receipt deadline of May 1st is missed at the Claims Administrator's office! Most producers in phone polls are taking YTD & monthly information from the pay check/pounds statement received in the middle of April, adding that to the other years' totals, and then going ahead and mailing forms. (Remember, this may need to be utilized instead of MA 2012 reports, which are only January and February). A few may be adding a few days of April pick-ups using barn pick-up tickets, but are not going to chance missing the filing deadline.

Is 'signature-verified delivery' an important thing?

- **Several producers say YES!**, especially if waiting until April 20th or later to mail. With uncertainties in delivery of US Mail even with First Class, most are sending some 'signature verification' form of mailing. Certified Mail is being utilized by some, Priority Mail-Signature Required by others (you get a tracking number with this form). USPS Express Overnight doesn't always make delivery on time, so it is suggested to not rely on this service for sending claims on Saturday, April 28th (a Saturday), or on Monday April 30th.

What about Overnight Delivery services or carriers?

- It is best to not count on this method at this point. The P.O. Box is on the Class Notice forms as the accepted delivery point. Overnight carriers require a physical address, so since they are not on the official court record, it is best not to count on this method unless the Court enters a notice that this will be acceptable. From a previous Notice in the Court record concerning Opt-outs from last summer, the Claims Administrator is meticulous in its reporting of claims options and forms submitted.

Who all are potential Claimants? (MUST have PRODUCED - AND - SOLD milk IN FMMO 5 or 7 in the Class period)

- PAST Dairy Producers: Those who were in business on January 1, 2001, and who have since gone out of business as dairy farmers/milk producers since that date.
- INTERMEDIATE Dairy Producers: Those who began operations and ceased operations since January 1, 2001
- CURRENT Dairy Producers: Those dairy farmers in business today

Where do I mail my completed Claims Form? Mailing Address and contact info for Claims Administrator:

**SE Dairy Farm Class; c/o Rust Consulting
PO Box 2392**

Faribault, MN 55021-9092

Toll-free Telephone: 1-800-874-2297

Email: info@SoutheastDairyClass.com

The Rust Consulting general website (identifies their experience): www.rustconsulting.com

What if I have any more questions – who should I talk to?

- **The court-appointed farmer/plaintiff attorneys-of-record**; these attorneys are court-approved and provided at no additional cost to individual farmers in order to represent farmer interests. They are:
 - **Independent Subclass Attorney**: Robert G. Abrams; Baker & Hostetler, LLP; 1050 Connecticut Avenue, N.W.; Washington, DC 20036; Phone: 202-861-1500.
 - **DFA Settlement Subclass Attorney**: Gary E. Brewer; BREWER & TERRY, P.C.; 1702 W. Andrew Johnson Hwy.; Morristown, TN 37814; Phone: (423) 587-2730

Do I need one of those outside service providers who keep calling or sending letters?

- Repeating from the answer to the first FAQ: “The good news is several farmers have said – “This isn’t that hard! It may take a couple of hours, to dig up some paperwork and to read carefully, but really, it’s not that hard!”
- And this from a dairy farmer, who used to work in an attorney’s office: “I’ve seen how some attorneys work, and try to take another person’s money unnecessarily. I myself have already filled out my claim and sent it in.”
- If a person is uncomfortable filling out this type of form and does want some help, they should contact the court-appointed attorneys (contact info noted in the previous FAQ), whose fees will be at no direct expense to a farmer. Even a local attorney that a claimant knows to be reputable might be a better choice.
- It is recommended that a potential claimant thoroughly review the official Claims Form from Rust Consulting, either received in the mail, or found on the website, and then decide if they wish to fill it out themselves. Other farmers have done this!
- These providers provide compelling information pieces that are convincing, and some have websites available that look official, but one key thread is involved: somewhere in the fine print, there is generally a notation that says something like this: “We are not officially appointed by the court.” With that in mind, a potential claimant should proceed with these solicitors with extreme caution.

What if I have signed one of these forms?

- Ask the court-appointed attorneys, Robert Abrams, Baker & Hostetler (Independent Subclass); or Gary Brewer, Brewer & Terry (DFA Subclass), for guidance on this matter. Their contact info is contained in a previous FAQ. It could be that you are legally bound to the soliciting provider per their contracts if you have already signed with them.

How much longer before a producer can expect a payment?

- Later this summer or this fall, at the earliest, and that time frame can vary. Payment date will depend on the date “Final Approval of the Settlement” is entered by the Court. This will come following the Fairness Hearing, scheduled for May 15th, and then time must be allowed for the Court to evaluate the testimony or comments offered at that hearing. All of this is in keeping with a Federal Court process that is directed by Rules of Complex Litigation, and Rule 23 Standards that pertain to Class Action law.

Whose is the final responsibility to see that forms are correct?

- **Ultimately, it is a farmer’s responsibility** to see that forms are filled out correctly and on time. This has been a gigantic effort by market administrators and handlers to go above and beyond their normal daily functions to get the pounds information calculated and distributed. Some farmers have said they will write ‘Thank You’ notes to the offices of both Market Administrators and handlers for assisting in this process.
- CHECK records thoroughly, and if something doesn’t make sense, a farmer should ask questions.
- **Do not let this wait until last minute, and risk missing the claims deadline of May 1st.**

FINAL POINT:

- **A Plaintiff’s Rights in Class Action litigation are protected by the Court and longstanding Rules of Federal Court Procedure. Judge Greer, the presiding judge in this matter has firmly stated in open court that his role is to “protect the class!” This Dean Foods/SMA Settlement ends the litigation process for those two firms in this proceeding.**
 - Until “Final Approval” is entered by the Court, this is an ongoing litigation and final outcome will be determined by the Court, any agreements or additional settlements that will be entered into by the Plaintiffs and Defendants and their respective Attorney teams, or any future judgment rendered by a Jury.
 - **Trial July 10th:** At this time, remaining defendants Dairy Farmers of America, Inc. (DFA), National Dairy Holdings, LP (NDH), Dairy Marketing Services, LLC (DMS), Mid-Am Capital, LLC (Mid-Am), and individual Gary Hanman, former CEO of DFA, have not settled. Their trial is slated to begin on July 10th.
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