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**STATE OF VERMONT**  
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July 15, 2011

Hon. Christina Reiss  
Chief Judge  
United States Court for the District of Vermont  
P.O. Box 953  
Burlington, VT 05402-0953

Re: *Allen v. Dairy Farmers of America, Inc. et al.*, Case No. 5:09-cv-00230-cr

To the Honorable Christina Reiss,

The Attorney General's Office for the State of Vermont writes regarding yesterday's letter concerning the proposed settlement between Plaintiffs and Defendant Dean Foods Company ("Dean") in the above-referenced litigation.

This morning, we were contacted by class counsel, who disputed the number of dairy farmers and milk produced in the Southeastern region, which we cited in footnote 1 on page two of our letter. These numbers were presented to compare the Dean settlement in the Northeast litigation to that in the Southeast litigation.

Our office was supplied these numbers by the State of Vermont Agency of Agriculture, Food & Markets, in response to our request for the number of dairy farmers and the amount of milk produced in the Southeast region. The Agency relied on publicly available statistics found on the USDA website (<http://www.ams.usda.gov/AMSV1.0/dairy>).

The Agency only produced statistics for the Southeast Order, which is Order 7. We now understand that the class represented in the Southeastern litigation is comprised of Orders 5 and 7.

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Based on this information, there were approximately 13 billion lbs of milk produced in Orders 5 & 7 in 2010, compared to 24.3 billion in Order 1. There were approximately 5,500 dairy producers in Orders 5 & 7 in 2010,<sup>1</sup> compared to about 13,400 in Order 1. Based on these revised statistics, the plaintiffs in the Southeast litigation will receive approximately 9 times more money based on volume of milk produced, or 11.5 times more money based on number of farmers.

In addition, the \$140 million settlement is payable over approximately 4 years, whereas the Northeast settlement is payable immediately.

Sincerely,



Wendy Morgan  
Chief, Public Protection Division

cc: Paul H. Friedman, Esq. (via email)  
Kevin Hardy, Esq. (via email)  
Kit A. Pierson, Esq. (via email)

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<sup>1</sup> Class counsel has informed us that notices are being sent to over 7,300 dairy farmers, reflecting those who have produced milk during the class period. Class counsel also believes there to be between nine and ten thousand dairy farmers in Order 1.