

1 Steve W. Berman (*pro hac vice*)  
2 Craig R. Spiegel (SBN 122000)  
3 HAGENS BERMAN SOBOL SHAPIRO LLP  
4 1918 8th Avenue, Suite 3300  
5 Seattle, WA 98101  
6 Telephone: (206) 623-7292  
7 Email: steve@hbsslw.com  
8 Email: craigs@hbsslw.com

9 -and-  
10 Elaine T. Byszewski (SBN 222304)  
11 HAGENS BERMAN SOBOL SHAPIRO LLP  
12 301 North Lake Avenue, Suite 203  
13 Pasadena, California 91101  
14 Telephone: (213) 330-7150  
15 Email: elaine@hbsslw.com

16 *Counsel for the Proposed Classes*

17 [Additional Counsel Listed on Signature Page]

18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA  
20 OAKLAND DIVISION

21 MATTHEW EDWARDS, *et al.*, individually and  
22 on behalf of all others similarly situated,

23 Plaintiffs,

24 v.

25 NATIONAL MILK PRODUCERS  
26 FEDERATION, aka COOPERATIVES  
27 WORKING TOGETHER; DAIRY FARMERS  
28 OF AMERICA, INC.; LAND O'LAKES, INC.;  
DAIRYLEA COOPERATIVE INC.; and AGRI-  
MARK, INC.,

Defendants.

Case No. 4:11-CV-04766-JSW (NJV)

[consolidated with 11-CV-04791-JSW  
and 11-CV-05253-JSW]

CLASS ACTION

**STIPULATION AND ~~PROPOSED~~  
ORDER TO FILE A THIRD  
AMENDED COMPLAINT**

Before: Hon. Jeffrey S. White

1 Plaintiffs and Defendants National Milk Producers Federation, aka Cooperatives Working  
2 Together, Dairy Farmers of America, Inc., Land O'Lakes, Inc., Dairy Lea Cooperative Inc., and Agri-  
3 Mark, Inc. (collectively "the Parties") agree and stipulate as follows:

4 WHEREAS on September 16, 2014, the Court granted Plaintiffs' motion for class  
5 certification, with the exception of the proposed West Virginia Class, which was not represented by  
6 a named plaintiff in the Second Amended Consolidated Class Action Complaint;

7 WHEREAS Plaintiffs seek to file a Third Amended Consolidated Class Action Complaint  
8 ("Third Amended Complaint") to add a named plaintiff for the state of West Virginia;

9 WHEREAS Defendants do not oppose the filing of an amended complaint to name a new  
10 class representative for the state of West Virginia so long as Defendants are allowed an opportunity  
11 to take the deposition, serve written discovery on the newly named class representative, and raise  
12 challenges relating to adequacy, typicality, or any other basis under Rule 23 as to such class  
13 representative;

14 WHEREAS Plaintiffs agree to provide responses to written discovery already propounded on  
15 the other named plaintiffs within 30 days of the filing of the Third Amended Complaint and to meet  
16 and confer with Defendants on a mutually agreeable date for the named plaintiff for West Virginia to  
17 be deposed in advance of the fact discovery cut off;

18 WHEREAS Plaintiffs and Defendants stipulate and agree that Plaintiffs shall be permitted to  
19 file a Third Amended Complaint to add a named plaintiff for West Virginia and that Defendants shall  
20 be allowed to depose the newly added named plaintiff; and

21 WHEREAS if the Court permits the filing of a Third Amended Complaint, Plaintiffs and  
22 Defendants further agree that, assuming that after deposition of the newly named plaintiff  
23 Defendants decide not to oppose certification of the West Virginia Class on adequacy, typicality, or  
24 other Rule 23 grounds, the West Virginia Class shall be deemed certified along with the rest of the  
25 State Classes and subject to resolution on the merits, with the certification of the West Virginia Class  
26 ultimately subject to appeal along with the other State Classes;

1           THEREFORE, the parties so stipulate and respectfully request that the Court enter the order  
2 below, approving this stipulation.

3 Respectfully submitted:

4 DATED: November 14, 2014

HAGENS BERMAN SOBOL SHAPIRO LLP

5 By: /s/ Elaine T. Byszewski

6 Elaine T. Byszewski (SBN 222304)

301 North Lake Avenue, Suite 203

7 Pasadena, California 91101

Telephone: (213) 330-7150

8 Facsimile: (213) 330-7152

Email: elaine@hbsslaw.com

9 Steve W. Berman (*pro hac vice*)

10 Craig R. Spiegel (SBN 122000)

HAGENS BERMAN SOBOL SHAPIRO LLP

11 1918 8TH Avenue, Suite 3300

Seattle, WA 98101

12 Telephone: (206) 623-7292

Facsimile: (206) 623-0594

13 Email: steve@hbsslaw.com

14 Jeff Friedman (*pro hac vice*)

HAGENS BERMAN SOBOL SHAPIRO LLP

15 715 Hearst Avenue, Suite 202

Berkeley, CA 94710

16 Telephone: (510) 725-3000

Facsimile: (510) 725-3001

17 Email: jefff@hbsslaw.com

18 *Counsel for Plaintiffs*

19 WILLIAMS & CONNOLLY LLP

20 By: /s/ Steven R. Kuney

Steven R. Kuney (*pro hac vice*)

21 Kevin Hardy (*pro hac vice*)

Carl R. Metz (*pro hac vice*)

22 WILLIAMS & CONNOLLY LLP

725 Twelfth Street, N.W.

23 Washington, D.C. 20005

Telephone: (202) 434-5843

24 Facsimile: (202) 434-5029

Email: skuney@wc.com

25 Email: khardy@wc.com

Email: cmetz@wc.com

26 BAKER & MILLER PLLC

27 By: /s/ W. Todd Miller

28 W. Todd Miller (*pro hac vice*)

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Ishai Mooreville (*pro hac vice*)  
BAKER & MILLER PLLC  
2401 Pennsylvania Avenue, N.W.  
Suite 300  
Washington, DC 20037  
Telephone: (202) 663-7820  
Facsimile: (202) 663-7849  
Email: tmiller@bakerandmiller.com  
Email: imooreville@bakerandmiller.com

Jesse W. Markham  
2130 Fulton Street  
San Francisco, CA 94117  
Telephone: (415) 422-4473  
Facsimile: (415) 422-6433  
Email: jmarkhamlaw@sbcglobal.net

*Attorneys for Defendant Dairy Farmers of America, Inc.*

EIMER STAHL LLP

By: /s/ Nathan P. Eimer  
Nathan P. Eimer (*pro hac vice*)  
Scott C. Solberg (*pro hac vice*)  
Daniel D. Birk (*pro hac vice*)  
Eimer Stahl LLP  
224 S. Michigan Avenue, Suite 1100  
Chicago, IL 60604  
Telephone: (312) 660-7600  
Facsimile: (312) 692-1718  
Email: neimer@eimerstahl.com  
Email: ssolberg@eimerstahl.com  
Email: dbirk@eimerstahl.com

George A. Nicoud, III  
Matthew S. Kahn  
GIBSON, DUNN & CRUTCHER LLP  
555 Mission Street, Suite 3000  
San Francisco, CA 94105  
Telephone: (415) 393-8308  
Facsimile: (415) 374-8483  
Email: tnicoud@gibsondunn.com  
Email: mkahn@gibsondunn.com

*Attorneys for Defendant Land O' Lakes, Inc.*

BOND SCHOENECK & KING, PLLC

By: /s/ Edward R. Conan  
Edward R. Conan (*pro hac vice*)

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28

Lucy S. Clippinger (*pro hac vice*)  
BOND SCHOENECK & KING, PLLC  
One Lincoln Center  
Syracuse, NY 13202-1355  
Telephone: (315) 218-8000  
Facsimile: (315) 218-8100  
Email: econan@bsk.com  
Email: lsclippinger@bsk.com

William S. Farmer  
Jacob P. Alpren  
FARMER BROWNSTEIN JAEGER LLP  
235 Pine Street, Suite 1300  
San Francisco, CA 94014  
Telephone: (415) 962-2875  
Facsimile: (415) 520-5678  
Email: wfarmer@fbj-law.com  
Email: jalpren@fbj-law.com

*Attorneys for Defendant Dairylea Cooperative Inc.*

SHIPMAN & GOODWIN, LLP

By: /s/ Jill M. O'Toole  
Jill M. O'Toole (*pro hac vice*)  
Susan S. Murphy (*pro hac vice*)  
Eric S. Goldstein (*pro hac vice*)  
SHIPMAN & GOODWIN, LLP  
One Constitution Plaza  
Hartford, CT 06103  
Telephone: (860) 251-5000  
Facsimile: (860) 251-5099  
Email: jotoole@goodwin.com  
Email: smurphy2@goodwin.com  
Email: egoldstein@goodwin.com

Diane C. Polletta (*pro hac vice*)  
Sarah J. McGinley (*pro hac vice*)  
300 Atlantic Street, Third Floor  
Stamford, CT 06901  
Telephone: (203) 324-8100  
Facsimile: (203) 324-8199  
Email: dpolletta@goodwin.com  
Email: smcginley@goodwin.com

KEKER & VAN NEST, LLP

Jan Nielsen Little (SBN 100029)  
KEKER & VAN NEST, LLP  
633 Battery Street  
San Francisco, CA 94111  
Telephone: (415) 773-6608  
Facsimile: (415) 397-7188  
Email: jlittle@kvn.com

*Attorneys for Defendant Agri-Mark, Inc.*

STEPTOE & JOHNSON LLP

By: /s/ Chong S. Park  
Chong S. Park (*pro hac vice*)  
Kenneth P. Ewing (*pro hac vice*)  
John J. Kavanagh (*pro hac vice*)  
STEPTOE & JOHNSON LLP  
1330 Connecticut Avenue, NW  
Washington, DC 20036  
Telephone (202) 429-3000  
Facsimile (202) 429-3902  
Email: cpark@steptoe.com  
Email: kewing@steptoe.com  
Email: jkavanagh@steptoe.com

Dylan Ruga  
STEPTOE & JOHNSON LLP  
2121 Avenue of the Stars  
Los Angeles, CA 90067  
Telephone: (310) 734-3200  
Facsimile: (310) 734-3300  
Email: druga@steptoe.com

*Attorneys for Defendant  
National Milk Producers Federation*

I, Elaine T. Byszewski, attest that concurrence in the filing of this document has been obtained from each of the other signatories.

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated the 3 day of ~~November~~ December 2014

  
The Honorable Jeffrey S. White

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**DECLARATION OF SERVICE**

I, Elaine T. Byszewski, declare as follows:

I am employed in Pasadena, California; I am over the age of eighteen years and am not a party to this action; my business address is 301 North Lake Avenue, Suite 203, in said City and State. On November 14, 2014, I served the within:

**STIPULATION AND [PROPOSED] ORDER TO FILE A THIRD AMENDED COMPLAINT**

to all named counsel of record as follows:



**BY ECF (ELECTRONIC CASE FILING):** I e-filed the above-detailed documents utilizing the United States District Court, Northern District of California’s mandated ECF (Electronic Case Filing) service on November 14, 2014. Counsel of record are required by the Court to be registered e-filers, and as such are automatically e-served with a copy of the documents upon confirmation of e-filing.

I certify under penalty of perjury that the foregoing is true and correct, that the foregoing document(s) were printed on recycled paper, and that this Declaration of Service was executed by me on November 14, 2014, at Pasadena, California.

/s/ Elaine T. Byszewski  
Elaine T. Byszewski