

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

ALICE H. ALLEN AND LAURENCE E. ALLEN, )  
et al., )

Plaintiffs, )

v. )

Docket No. 5:09-cv-00230-cr

DAIRY FARMERS OF AMERICA, INC. and )  
DAIRY MARKETING SERVICES, LLC. )

Defendants. )

**ORDER**

The Plaintiffs having moved for certification of subclasses as set forth below, and for appointment of separate class counsel and representatives for each subclass, and this Court having reviewed the parties' submissions and arguments, IT IS HEREBY ORDERED that pursuant to Federal Rule of Civil Procedure 23:


(1) The Court hereby certifies the following two subclasses in this litigation:

- (a) All dairy farmers, whether individuals or entities, who produced and pooled raw Grade A milk in Order 1 during any time from January 1, 2002 to the present, who are members of DFA or otherwise sell milk through Dairy Marketing Services ("DFA/DMS subclass"); and
- (b) All dairy farmers, whether individuals or entities, who produced and pooled raw Grade A milk in Order 1 during any time from January 1, 2002 to the present, who are not members of DFA and do not otherwise sell milk through Dairy Marketing Services ("non-DFA/DMS subclass").

Each subclass excludes officers and directors of the Defendants and alleged co-conspirators.

- (2) The Court grants the motion of Cohen Milstein Sellers & Toll PLLC, Gravel and Shea, and Shapiro Haber & Urmy LLP to withdraw as counsel for the subclass of non-DFA/DMS farmers.
- (3) The Court grants the motion of Robert G. Abrams, Gregory J. Commins, Jr., and Terry Sullivan of Baker Hostetler to withdraw as counsel for the subclass of DFA/DMS farmers.
- (4) The court appoints the law firms of Cohen Milstein Sellers & Toll PLLC, Gravel and Shea, Shapiro Haber & Urmy LLP, and the Law Offices of David A. Balto to serve as counsel for the subclass of DFA/DMS farmers.
- (5) The Court appoints the law firms of Baker Hostetler and Langrock Sperry & Wool to represent the subclass of non-DFA/DMS farmers.
- (6) The Court appoints Jonathan and Claudia Haar, and Richard Swantak to serve as representatives for the DFA/DMS subclass.
- (7) The Court appoints Alice H. Allen and Laurance E. Allen, d/b/a/ Al-lens Farm and Garret Sitts and Ralph Sitts to serve as representatives for the non-DFA/DMS subclass.

SO ORDERED this 19<sup>th</sup> day of November, 2012.

  
\_\_\_\_\_  
The Honorable Christina Reiss  
United States District Court Judge