

1 Steve W. Berman (*pro hac vice*)
 Craig R. Spiegel (SBN 122000)
 2 HAGENS BERMAN SOBOL SHAPIRO LLP
 1918 Eighth Avenue, Suite 3300
 3 Seattle, WA 98101
 Telephone: (206) 623-7292
 4 Facsimile: (206) 623-0594
 steve@hbsslaw.com
 5 craigs@hbsslaw.com

6 Elaine T. Byszewski (SBN 222304)
 HAGENS BERMAN SOBOL SHAPIRO LLP
 7 301 North Lake Avenue, Suite 203
 Pasadena, CA 91101
 8 Telephone: (213) 330-7150
 Facsimile: (213) 330-7152
 9 elaine@hbsslaw.com

10 Jeff D. Friedman (SBN 173886)
 Shana E. Scarlett (SBN 217895)
 11 HAGENS BERMAN SOBOL SHAPIRO LLP
 715 Hearst Avenue, Suite 202
 12 Berkeley, CA 94710
 Telephone: (510) 725-3000
 13 Facsimile: (510) 725-3001
 jefff@hbsslaw.com
 14 shanas@hbsslaw.com

15 *Class Counsel*

16 [Additional Counsel Listed on Signature Page]

17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**
 19 **EUREKA DIVISION**

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

21 Plaintiffs,

22 v.

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

27 Defendants.

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

[Consolidated with Case Nos. 11-CV-04791-JSW and 11-CV-05253-JSW]

**STIPULATION AND ORDER
 REGARDING DEPOSITION OF
 GARY SYTSMA**

1 WHEREAS, Defendant Dairy Farmers of America, Inc. have noticed the deposition of
2 Mr. Gary Sytsma for February 11, 2015;

3 WHEREAS, Plaintiffs' Third Amended Complaint allegedly quotes Gary Sytsma, and
4 contains allegations that Defendants engaged in predatory conduct to prevent dairy farmers from
5 rejoining their cooperatives after they participated in the herd retirements;

6 WHEREAS, Plaintiffs' Interrogatory Reponses contain allegations regarding predatory
7 conduct based on information allegedly obtained from Gary Sytsma;

8 Therefore, the Parties stipulate as follows:

9 1. Plaintiffs stipulate that they are no longer pursuing a theory of predatory conduct
10 based on CWT cooperative members, including Defendants in this action, refusing to let farmers
11 rejoin their cooperatives after they participated in the herd retirements;

12 2. Plaintiffs stipulate to strike all of Gary Sytsma's alleged statements from their Third
13 Amended Complaint (including those in Paragraph 123), and from all of their respective
14 Interrogatory Responses (including Plaintiff Mary Anderson's, and all other named plaintiffs',
15 Responses to Land O'Lakes' Interrogatories #3, #6 and #7, signed by Mary Anderson on April 29,
16 2013);

17 3. Plaintiffs stipulate to strike all allegations of predatory conduct based on CWT
18 cooperative members, including Defendants in this action, refusing to let farmers rejoin their
19 cooperatives after they participated in the herd retirements included in their Third Amended
20 Complaint (including those in Paragraph 123), and from all of their respective Interrogatory
21 Responses (including Plaintiff Mary Anderson's, and all other named plaintiffs', Responses to
22 Land O'Lakes' Interrogatory #4, signed by Mary Anderson on April 29, 2013);

23 4. Plaintiffs stipulate not to call Mr. Gary Sytsma (or any member of his family) as a
24 witness at trial, or use any of his documents or statements (including, but not limited to, the
25 document with Bates number P_CWT000520) at trial or in any motion, brief or hearing, including
26 at the summary judgment stage; and

1 5. As a result of the foregoing stipulations, the Parties therefore agree that the
2 deposition of Mr. Gary Sytsma need not go forward.

3
4 THE PARTIES HEREBY STIPULATE AND AGREE TO THE ABOVE TERMS.

5
6 DATED: February 9, 2015

HAGENS BERMAN SOBOL SHAPIRO LLP

7
8 By: /s/ Elaine T. Byszewski
Elaine T. Byszewski (SBN 222304)
301 North Lake Avenue, Suite 203
9 Pasadena, CA 91101
Telephone (213) 330-7150
10 Facsimile (213) 330-7152
elaine@hbsslaw.com

11
12 Jeff Friedman (SBN 173886)
Shana E. Scarlett (SBN 217895)
HAGENS BERMAN SOBOL SHAPIRO LLP
13 715 Hearst Avenue, Suite 202
Berkeley, CA 94710
14 Telephone: (510) 725-3000
Facsimile: (510) 725-3001
15 jefff@hbsslaw.com
shanas@hbsslaw.com

16
17 Steve W. Berman (*pro hac vice*)
Craig R. Spiegel (SBN 122000)
HAGENS BERMAN SOBOL SHAPIRO LLP
18 1918 Eighth Avenue, Suite 3300
Seattle, WA 98101
19 Telephone (206) 623-7292
Facsimile (206) 623-0594
20 Email: steve@hbsslaw.com
craig@hbsslaw.com

21
22 Elizabeth A. Fegan (*pro hac vice*)
HAGENS BERMAN SOBOL SHAPIRO LLP
23 820 North Boulevard, Suite B
Oak Park, IL 60301
24 Telephone: (708)776-5604
Facsimile: (708) 776-5601
25 beth@hbsslaw.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Daniel E. Gustafson (*pro hac vice*)
Jason S. Kilene (*pro hac vice*)
Sara Payne (*pro hac vice*)
GUSTAFSON GLUEK PLLC
650 Northstar East
608 Second Avenue South
Minneapolis, MN 55402
Telephone: (612) 333-8844
Facsimile: (612) 339-6622
dgustafson@gustafsongluek.com
jkilene@gustafsongluek.com
spayne@gustafsongluek.com

Shpetim Ademi (*pro hac vice*)
Corey M. Mather (*pro hac vice*)
ADEMI & O'REILLY, LLP
3620 East Layton Avenue
Cudahy, Wisconsin 53110
Telephone: (414) 482-8000
Facsimile: (414) 482-8001
sademi@ademilaw.com
cmather@ademilaw.com

Steven N. Berk (*pro hac vice*)
BERK LAW PLLC
2002 Massachusetts Avenue, NW
Washington, DC 20036
Telephone: (202) 232-7550
Facsimile: (202) 232-7556
steven@berklawdc.com

Mark Reinhardt
Garrett D. Blanchfield
REINHARDT WENDORF & BLANCHFIELD
332 Minnesota St., Suite 1250
St. Paul, MN 55101
Telephone: (651) 287-2100
Facsimile: (651) 287-2103
m.reinhardt@rwblawfirm.com
g.blanchfield@rwblawfirm.com

Class Counsel

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: /s/ W. Todd Miller
W. Todd Miller (*pro hac vice*)
Amber L. McDonald (*pro hac vice*)
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: amcdonald@bakerandmiller.com
Email: imooreville@bakerandmiller.com

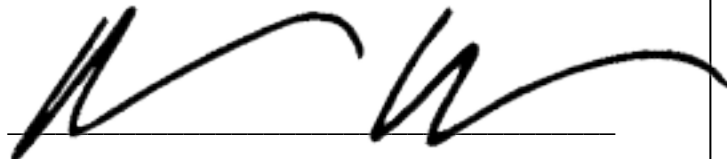
By: /s/ Steven R. Kuney
Steven R. Kuney (*pro hac vice*)
Kevin Hardy (*pro hac vice*)
Carl R. Metz (*pro hac vice*)
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, D.C. 20005
Telephone: (202) 434-5843
Facsimile: (202) 434-5029
Email: skuney@wc.com
Email: khardy@wc.com
Email: cmetz@wc.com

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.

IT IS SO ORDERED.

Dated: February 10, 2015



NANDOR J. VADAS
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2015, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the e-mail addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List.

/s/ Andy Katz
Andy Katz

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28