

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 08-cv-01833-RPM

ESMERALDA CASTANEDA, et al.,

Plaintiffs,

v.

SWIFT BEEF COMPANY,
SWIFT & COMPANY, INC.
JBS SWIFT & COMPANY and
JBS S.A.

Defendants.

ORDER FOR AMENDMENT OF CLASS NOTICE LETTER

Upon review of the Plaintiffs' Opposed Motion to Amend Class Notice Letter, filed July 12, 2010, the defendant's response filed July 19, 2010, and the plaintiffs' reply filed August 5, 2010, it is appropriate to notify those receiving the class notice letter that recent negotiations with the union does not prohibit their participation in this lawsuit. The language suggested by the defendant at page seven of the response is adequate for this purpose. The plaintiffs' suggested amendments giving detailed descriptions of the claims in this litigation are apt to lead to confusion and are suggestive of the Court's approval of the merits of such claims.

Accordingly, it is

ORDERED that the class notice letter will be amended to include the following paragraph.

**VI. YOUR RIGHT TO PARTICIPATE IS NOT AFFECTED BY
NEGOTIATIONS BETWEEN THE COMPANY AND THE
UNION**

As a result of negotiations between JBS and United Food and Commercial Workers Union Local No. 7, and the new collective bargaining agreement, most current employees received back pay for certain activities occurring during the period April 4, 2008 and April 11, 2010. The fact that you may have received back pay as a result of the negotiations and the new collective bargaining agreement does not prohibit you from participating in this lawsuit.

Dated: August 19th, 2010

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge