

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
Tallahassee Division**

OCHEESEEE CREAMERY, LLC,

Plaintiff,

vs.

Civil Case No. 4:14-CV-00621-RH-CAS

ADAM H. PUTNAM, in his official
capacity as Florida Commissioner of
Agriculture; and
GARY NEWTON, in his official
capacity as Chief of the Florida
Bureau of Dairy Industry,

Defendants.

_____ /

AGREED JUDGMENT

Pursuant to this Court's direction, the parties have discussed whether any further litigation is necessary in light of the of the Court of Appeals' March 20, 2017 opinion. The parties have reached a resolution on the remaining issues, and this agreed judgment follows.

Defendants are hereby enjoined from prohibiting the sale of the product at issue in this lawsuit with the following bottle-cap label: "PASTEURIZED SKIM MILK VITAMINS A & D REMOVED WITH CREAM" in any of the formats shown in Exhibit "A," attached hereto. The parties agree that the list of bottle-cap labels shown by Exhibit "A" is not exhaustive, but that if Plaintiff wishes to use any labels other than those listed on Exhibit "A" for this product, then Plaintiff must file an additional application with the Florida Department of Agriculture and Consumer Services (the "Department"), so the Department may determine whether such additional labels comply with the Department's requirements for clarity. The parties agree that this judgment does not enjoin the Department from any enforcement of Chapter 502, Florida Statutes, and any

rules adopted thereto, other than as stated in this judgment. Final judgment is hereby entered to this effect, and this Court retains jurisdiction regarding any post-judgment motions.

SO ORDERED on June 12, 2017.

s/Robert L. Hinkle
United States District Judge

EXHIBIT A

Agreed Judgment

Option #1

10pt = PSM

10pt = Vitamin disclaimer



Option #2

10pt = PSM

10pt = Vitamin disclaimer

**NOTE SPATIAL DIFFERENCE
w/ ACCURATE CUT-LINE.**



Option #3

10pt = PSM bolded

10pt = Vitamin disclaimer



Option #4

Version 1 A in cleaner font.

