

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

BAGINSKI POTATO COMPANY Ltd,
Plaintiff,

Case No. 2:11-CV-00439-RTR

vs.

CUSTOM CUTS FRESH LLC, BRADLEY
BECKMAN,
Defendants.

RIVER POINT FARMS LLC,
Plaintiff,

vs.

CUSTOM CUTS INC., CUSTOM CUTS
FRESH LLC, BRADLEY BECKMAN,
Defendants.

KAISER INTERNATIONAL, LLC,
Plaintiff,

vs.

CUSTOM CUTS FRESH, LLC, BRADLEY
V. BECKMAN,
Defendants.

SUNRIDGE FARMS INC., *dba*
COASTLINE,
Plaintiff,

vs.

CUSTOM CUTS INC., CUSTOM CUTS
FRESH LLC, BRADLEY BECKMAN,
Defendants.

SANTA BARBARA FARMS LLC
Plaintiff,

vs.

CUSTOM CUTS INC., CUSTOM CUTS
FRESH LLC, BRADLEY BECKMAN,
Defendants.

NOTICE OF PACA CLAIMS PROCEDURE ORDER

TO: ALL CREDITORS OF CUSTOM CUTS, INC.

PLEASE TAKE NOTICE that on _____, the Court entered an
Order granting Plaintiffs' Motion to Amend Preliminary Injunction Order and

Establishing a PACA Claims Procedure (the “PACA Claims Procedure Order”) in the above-captioned proceeding, a copy of which is attached.

Under certain circumstances, the trust provisions of the Perishable Agricultural Commodities Act of 1930, as amended, 7 U.S.C. §499e (“PACA”) provide for priority payment to qualifying sellers or suppliers and growers of perishable agricultural commodities (“Produce”) who have not received payment for Produce sold supplied and/ or shipped to its buyer or commission agent. In order to qualify as a PACA trust beneficiary entitled to such priority payment, the creditor must first have sold or supplied perishable agricultural commodities (meaning fruits or vegetables in fresh form, whether or not packed in ice, including frozen). Second, the seller or supplier of such commodities must have timely complied with certain statutory requirements to validly preserve PACA trust benefits and qualify as a PACA trust creditor. Sellers or suppliers who prove they have met all statutory requirements and have valid PACA trust claims are entitled to share in the distribution of Custom Cuts, Inc.’s PACA trust assets.

The PACA Claims Procedure Order sets forth a procedure for all fruit and vegetable suppliers to intervene in the case to prove their PACA trust claims against Custom Cuts.

PRODUCE VENDORS and SUPPLIERS

If you are a Produce vendor or Supplier that has not been paid for fresh or frozen produce sold to Custom Cuts, Inc., and you desire to assert a claim that you are a PACA trust creditor of Custom Cuts, Inc., you must timely and fully comply with all terms of the following claims procedure for produce creditors.

NON-PRODUCE VENDORS or SUPPLIERS

If you are **NOT** a produce supplier, you must file and serve a Complaint in Intervention, only, on or before the Thursday, October 06, 2011. Any creditor of Custom Cuts, which is not a Produce supplier, who fails to timely file a Complaint in Intervention with the Court and serve the counsel identified below shall be forever barred from contesting whether Custom Cuts' assets are subject to the trust provisions of PACA, whether in this Court or any other forum.

CLAIMS PROCEDURE FOR PRODUCE CREDITORS

1. On or before Thursday, October 06, 2011, any potential PACA trust creditor wishing to intervene in this lawsuit and seek relief under the PACA's trust provisions must file (i) a Complaint in Intervention (or Amended Complaint) which complies with Federal Rule of Civil Procedure 8(a), and (ii) a PACA Proof of Claim substantially similar to the attached form with the Clerk of the United States District Court.

2. The Complaint in Intervention and the Proof of Claim must also be

served upon:

MEUERS LAW FIRM, P.L.

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5395 Park Central Court
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Service is permitted to be made pursuant to Fed.R.Civ.P. 5(b)(2)(D) via e-mail, *provided that* if service is effectuated via e-mail, a copy of the document shall also be served via U.S. Mail or personal service on the date of e-mail service, and service via e-mail shall be made to the following e-mail addresses identified above. All filings will be accompanied by a certificate of service.

3. ANY PACA CLAIMANT WHO FAILS TO TIMELY FILE A COMPLAINT IN INTERVENTION AND PACA PROOF OF CLAIM WITH THE COURT AND SERVE THE SAME ON COUNSEL REFERENCED ABOVE ON OR BEFORE THE THURSDAY, OCTOBER 06, 2011 DEADLINE, SHALL BE FOREVER BARRED FROM ASSERTING ANY CLAIM UNDER

THE PACA TRUST AGAINST CUSTOM CUTS OR ANY OFFICER OR EMPLOYEE OF CUSTOM CUTS, FOR NON-PAYMENT OF PRODUCE SOLD TO CUSTOM CUTS, WHETHER IN THIS COURT OR ANY OTHER FORUM.

4. Additional deadlines governing the determination and payment of valid PACA claims against Custom Cuts are set forth in the Order and are summarized below:

Deadline to File Complaint in Intervention and PACA Proof of Claim..... Thursday, October 06, 2011

Objections to any PACA Proof of Claim Due . Wednesday, October 26, 2011

Responses to Claims Objections Due Monday, November 07, 2011

Deadline to File Motion to Rule on Objections Thursday, November 17, 2011

Deadline to File PACA Trust Chart and Motion for Interim Distribution of Available Funds Tuesday, November 22, 2011

Deadline to object to PACA Trust Chart and Motion for Interim Distribution of Available Funds Tuesday, November 29, 2011

Deadline to Reply to any Objection to PACA Trust Chart and Motion for Interim Distribution of Available Funds..... Friday, December 2, 2011

Deadline for Interim Distribution Friday, December 9, 2011

If you have any questions concerning this Notice or whether you qualify as a PACA trust creditor of Custom Cuts or any of its affiliated entities, you are strongly advised to seek legal counsel *immediately*.

MEUERS LAW FIRM, P.L.

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