

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

UNITED STATES OF AMERICA
STATE of WISCONSIN
STATE of ILLINOIS, and
STATE of MICHIGAN,

Plaintiffs,

v.

DEAN FOODS COMPANY,

Defendant.

Civil Action No. 2:10-cv-00059 (JPS)

**CERTIFICATE OF COMPLIANCE WITH THE
ANTITRUST PROCEDURES AND PENALTIES ACT**

Plaintiff United States of America, by the undersigned attorneys, hereby certifies that, in compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), the following procedures have been followed in preparation for the entry of the proposed Final Judgment in this matter:

1. Plaintiffs and Defendant have stipulated to the entry of the proposed Final Judgment in a Stipulation filed with this Court on March 29, 2011. (Dkt. Entry 70.)
2. The proposed Final Judgment was filed with this Court on March 29, 2011. (Dkt. Entry 70-2.)
3. The United States filed its Competitive Impact Statement with this Court on March 29, 2011. (Dkt. Entry 71.)



4. The proposed Final Judgment, Complaint, and Competitive Impact were published in the Federal Register on Tuesday April 5, 2011. *United States et al. v. Dean Foods Company*, 76 Fed. Reg. 18,783.

5. A summary of the terms of the proposed Final Judgment and CIS was published in:

- a. *Milwaukee Journal Sentinel*, a newspaper of general circulation in the Eastern District of Wisconsin, for seven days beginning on April 2, 2011, and ending on April 15, 2011, and
- b. *The Washington Post*, a newspaper of general circulation in the District of Columbia, for seven days beginning on April 2, 2011, and ending April 8, 2011.

6. Copies of the Stipulation, proposed Final Judgment, and Competitive Impact Statement were furnished to all persons requesting them. Copies were also available on the website of the Department of Justice's Antitrust Division.

7. On June 27, 2011, Defendant filed with the Court a description of written or oral communications by or on behalf of itself, or any other person, with any officer or employee of the United States concerning the proposed Final Judgment, as required by 15 U.S.C. § 16(g). (Dkt. Entry 78.)

8. The sixty-day comment period prescribed by 15 U.S.C. § 16(b) and (d) for the receipt and consideration of written comments, during which time the proposed Final Judgment could not be entered, ended on June 14, 2011.

9. The United States did not receive any comments on the proposed Final Judgment during the sixty-day comment period. On June 28, 2011, the United States received an e-mail message pertaining to the proposed Final Judgment from Mr. Chris Olsen. A copy of Mr. Olsen's message appears as Exhibit C to the United States' Motion for Entry of the Final

Judgment. The United States has responded in the Motion to the points raised in Mr. Olsen's message.

10. The parties have satisfied all of the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. §16(b)-(h), as a condition for entering the proposed Final Judgment, and it is now appropriate for the Court to make the necessary public-interest determination required by 15 U.S.C. § 16(e) and to enter the proposed Final Judgment.

Dated: July 20, 2011

Respectfully submitted,

FOR PLAINTIFF UNITED STATES OF AMERICA:

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