

Judge in beef company suit over rules previous decision

The Federal District court judge that presided over the first ever broad-based fed cattle price fixing trial earlier this year has announced he was not approving the jury's suggested monetary judgment against the packer in question. In addition, the plaintiffs in the case have until the end of the month to file a reply to the packer's motion to have the judge overturn the entire jury verdict.

Pickett v. IBP, now known as Pickett, et al. v. Tyson Fresh Meat, was originally filed in July 1996, after St. Francis cattle producer Mike Callicrate formed the Cattlemen's Legal Fund to develop

and finance a lawsuit against packers involved in perceived anti-trust activities. IBP Inc. was bought by Tyson Foods Inc., in 2001.

Mr. Callicrate and nine other producers received enough backing to file the complaint.

According to the Western Livestock Journal on Mar. 29, Steven D. Vetter, editor, said Judge Lyne Strom announced he was not formally entering the jury's verdict in

Pickett et al. v. Tyson Fresh Meats, citing the suggested financial penalty of \$1.28 billion as being unjust.

"The figure of \$1.281.690,000 clearly overstates the defendant's liability in this case Judge Strom

said.

In addition, the judge denied a plaintiffs' motion that would have allowed those covered in the class-action suit to collect interest on their losses. He said awarding damage based on total cash market sales would be inappropriate when "there are persons who sold on the cash market who are not members of the class."

Judge Strom's ruling does not change the jury's finding that Tyson violated the Packers and Stockyards Act. Tyson's counsel, however, asked the judge to overturn the jury's finding that it violated the law. The judge has yet to rule on that request and is awaiting a response from the Plaintiffs concerning that motion by March 31. Tyson then has two weeks to file its own rebuttal to the plaintiffs' response.

While these developments did not change the overall verdict in the case, Tyson's lead counsel Tom Green said the facts of the case are clearly being reevaluated by Judge Strom. He added that Judge Strom's ruling also put an end to any misrepresentation of the jury's judgment via mainstream media sources.

"A number of media outlets reported Tyson Foods was hit with a \$1.28 billion verdict in this case," Mr. Green said. "Based on the judge's ruling during the trial we knew this was not true, but it has been difficult to correct that initial misconception. We believe this recent ruling will help clarify the record."

Even if Judge Strom upholds the jury's original guilty finding against Tyson, the monetary penalty against the country's largest beef processor is likely to be below \$1 billion.

"We have to wait for our motion to overturn the jury's decision to be ruled on (by Judge Strom) before we can go any further," said one Tyson spokesman. "We are confident the facts will be looked at more closely by the judge, and we will be exonerated of any wrongdoing."

If the jury finds in favor of the plaintiffs', as much as \$2 billion in damages could be allocated — the figure formally asked for by the plaintiffs' lead attorney David Domina, Omaha.

In addition to hearing the Tyson case, two similar cases have been filed in front of Strom, naming Excel Corporation and Swift & Company. There has been no additional movement in those two cases, however, Strom is expected to set a schedule for them to following his actions on the Tyson Appeal.



HAPPY HATTERS: Mavern Gienger, Lucille Price, Helen Peter and Wilma Lamp enjoy lunch together at Hat Day held at the St. Francis Senior Center.

Herald staff photo by Karen Krien

Lawsuit dropped

A Kansas feedlot owner has dropped his federal case and settled with a Kansas City beef company he had accused of using its market power to punish him. The terms of the settlement were not disclosed.

In an article which appeared in The Kansas City Star, Eric Palmer reported that feedlot owner, Mike Callicrate, St. Francis, had accused National Beef Packing Company of retaliating for his criticism of the company's market power.

The company recently released a brief statement which said Mr. Callicrate had dropped his lawsuit and "all claims for retaliation against National Beef." The statement did not explain the dismissal, and a representative of National Beef said the company would not comment beyond the statement.

"It is settled, but the settlement is confidential and I can't tell you anything. I can tell you they will be buying cattle from me again. I am happy to say that, and I look forward to doing business," Mr. Callicrate stated in

the article.

The lawsuit, filed in 2002 in U.S. District Court in Kansas City, alleged that the company, which then was Farmland National Beef, quit buying cattle from Callicrate's feed yard because Callicrate publicly criticized National Beef and other large meatpackers for having too much market power.

Farmland National Beef had the closest processing plant to Callicrate's feedlot and had been his largest customer for a dozen years, Mr. Callicrate said when the lawsuit was filed. Without the company as a buyer, Mr. Callicrate said at the time, he might have to close his feed yard.

The suit sought actual damages of about \$5.3 million, as well as punitive damages and attorney fees.

Mr. Callicrate has been a critic of consolidation in the meat processing industry, which has concentrated about 80 percent of that business in the hands of four major companies.

Low interest rates could cause scholarships to be less

By Karen Krien

With interest rates down, the amount of scholarship money earned through invested gifts of money is also down. This year's seniors may receive less in scholarships.

For 16 years, St. Francis and Cheylin students have been enjoying scholarships with interest earned from the Garnette and Ethlyne Greene Memorial Scholarship money. Last year, students received 12 scholarships from Greene funds; but this year, when the Scholarship Committee meets, they will have some tough decisions to make. First National Bank, which takes care of the Greene Memorial Scholarship, reported that there may be less than half the money available as in years past.

Carl Werner, superintendent, reported that the school had only received \$29,657 in interest this year (this does not include interest from the Greene Scholarship), which was down \$40,000 from last year at the same time.

Contracts

The board reviewed the roster of certified teachers for next year. Three teachers had been reassigned and included: Kathy Rainbolt who will be reassigned from third grade to teach eighth grade English, English I and another class which will be decided later; Alice Kinen who has been reassigned from home

economics to food service manager (she will continue to be the activities assistant); and David Morrow who has been reassigned from eighth grade English to English 3 and all World History classes.

These teachers along with those who had not resigned will be offered contracts by May 1. If a teacher does not plan to return, they are required to notify the board by May 15. The salaries will be decided at a later date.

In other business

In other business: Board members Bonnie Zweygardt and Gene Dodd, members of the Meet-and-Confer Committee, will meet with teachers in the near future.

The principals commended Debbie Fiala, music instructor, who had students bringing home 16 I ratings from music festival; and Mary Beikman, art instructor, who had arranged an outstanding art show. Principal Larry Gabel said he was glad that the school could offer the art program where kids could excel.

Principal Scott Carmichael gave a brief report on Northwest Kansas League schools. He said that when Scott City, Thomas More Prep and Ulysses had reneged on the offer to join the league, he had sent 15 letters to 1A schools and by the end of the week, six schools had written back, expressing interest in

joining the league. He will know more at the May school board meeting.

Each month, the superintendent points out the usage of the school's credit card. He said he encourages staff to not use the card to buy gas as the school does not receive a discount as it does with gas company cards.

None of the board members could attend the Kansas Association of School Boards Region 9 meeting on April 20 in Scott City.

The Kansas State Board of Education meeting will be held in northwest Kansas on April 12 through 14. On Tuesday, the board will be in St. Francis where they will tour the elementary and high school buildings. The public is invited to attend their meeting at 10 a.m. in the high school home ec room which will include an open forum meeting at 10:30. At this part of the meeting, the public is invited to ask questions.

The superintendent reported that his automobile expenses had gone up from last quarter. The cost this quarter was \$.62 per mile compared to \$.56 per mile last quarter.

Next meeting

The next meeting of the school board will be held at 8 p.m. on May 13 in the board room at the high school.



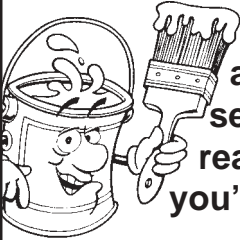
PAIGE GARDNER, Carol Redding, Deb Lindsten and Susie Walz met at the Windmill in preparation for the Relay For Life which will be held at Sawhill Park on August 21-22.

Herald staff photo by Casey McCormick

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**Fri., May 14
Atwood - All Day**

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QUARTLY FINANCIAL REPORT ENDING MARCH, 2004

	1/1/2004 BALANCE	EXPENDITURES	RECEIPTS	3/31/2004 BALANCE
General	\$748,131.68	\$466,074.43	\$163,352.55	\$445,409.80
Road & Bridge	\$309,163.37	\$164,595.35	\$115,025.14	\$319,593.16
Bridge Building	\$64,280.71	\$32,332.51	\$475.03	\$32,423.23
Noxious Weed	\$45,784.10	\$4,029.97	\$353.82	\$42,107.75
Noxious Weed Special	\$13,841.70	\$0.00	\$0.00	\$13,841.70
Solid Waste	\$1,788.17	\$0.00	\$0.00	\$1,788.17
Rural Fire	\$35,115.44	\$5,147.13	\$822.78	\$30,791.09
Hospital	\$216,464.34	\$267,303.26	\$81,209.30	\$30,370.38
Special Fire Equipment	\$47,350.78	\$0.00	\$0.00	\$47,350.78
Treasurer's Special	\$0.00	\$169.38	\$6,283.00	\$6,113.62
Attorney Fund	\$3,218.63	\$261.70	\$54.00	\$3,010.93
TOTAL ALL FUNDS	\$1,545,138.92	\$939,913.73	\$367,575.42	\$972,800.61

A detailed statement of expenditures is available for public inspection at the county clerk's office. Copies of such statement shall be available upon request. K.S.A. 19-228

Terry Miller
Cheyenne County Clerk



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