

IN THE DISTRICT COURT OF
WYANDOTTE COUNTY,
KANSAS
CIVIL COURT DIVISION

IN RE VITAMIN ANTITRUST
LITIGATION

CANDACE TODD, on behalf
of herself and all others similarly
situated,
Plaintiffs,
v.
F. HOFFMAN-La ROCHE,
LTD., et al.,
Defendants.

Relates to the following class
cases:
Beef Belt Feeders, Inc., et al.
v. F. Hoffman-LaRoche, et al.,
CV-00-C-01 (Scott County)
Premier Pork, Inc. v. F.
Hoffman-LaRoche, CV-00-C-04
(Scott County)
Grain Sorghum Hogs, Inc. v.
Lonza Inc., et al., CV-00-C-21
(Scott County)
Premier Pork, Inc. v. Nepra
Inc., et al., CV-00-C-14 (Scott
County)

Master Case No. 98-C-4574
Honorable Ernest L. Johnson
Division 5

NOTICE OF CLASS AC-
TION

To: INDIRECT PURCHAS-
ERS OF CHOLINE CHLORIDE
CONTAINING PRODUCTS
FOR LIVESTOCK IN KANSAS
FROM JANUARY 1, 1985-DE-
CEMBER 31, 1998.

PLEASE READ THIS NO-
TICE CAREFULLY. YOUR
RIGHTS MAY BE AFFECTED.

THIS NOTICE IS NOT AN
EXPRESSION OF ANY OPIN-
ION BY THE COURT AS TO
THE MERITS OF ANY OF THE
CLAIMS OR DEFENSES AS-
SERTED BY EITHER SIDE IN

THIS LITIGATION. THE SOLE
PURPOSE OF THIS NOTICE IS
TO INFORM YOU OF THE
LAWSUIT SO THAT YOU CAN
MAKE AN INFORMED DECIS-
ION AS TO WHETHER YOU
SHOULD REMAIN IN OR OPT
OUT OF THIS CLASS ACTION.

BACKGROUND OF THE
CASE

The Plaintiffs Premier Pork,
Inc., Grain Sorghum Hogs Inc.,
and Beef Belt Feeders, Inc. are
Kansas livestock owners that al-
lege that from January 1, 1988-
December 31, 1998, Defen-
dants DCV, Inc. and DuCoo, L.P.
(hereafter "Defendants") vio-
lated the Kansas antitrust laws
by conspiring or combining to fix
the price and control the market
for choline chloride. Choline
chloride is an animal feed vita-
min added to feed rations for
poultry, turkeys and swine, and
can be purchased either as pure
choline chloride or incorporated
into feed rations. The Plaintiff
alleges that as a result of the
Defendants unlawful conduct, the
price of Choline Chloride was
substantially higher than it
would have been otherwise in a
competitive market. Conse-
quently, Class Members paid
substantially higher prices for
Choline Chloride than they
should have during the time pe-
riod January 1, 1988 to the end
of 1998. The Defendants deny
these claims and charges.

CLASS ACTION RULING

On March 2, 2006, the Court
ruled, over Defendants' objec-
tions, that this lawsuit may be
maintained as a class action for:
All natural persons and business
entities (whether as sole
proprietorships, partnerships,
corporations or other business
organizations) in the State of

Kansas who indirectly pur-
chased, not for resale, choline
chloride or products containing
choline chloride in the State of
Kansas to use as an animal feed
additive (excluding pet food) from
1988 and to the December 31,
1998 ("the Class Period"). Choline
chloride products means (1) B4
(choline chloride); (2) choline
chloride animal feed premixes
containing and/or incorpo-
rating such choline chlor-
ide; and (3) other choline chlo-
ride products containing and/or
incorporating such choline chlo-
rides sold to Plaintiffs and other
purchasers in the State of Kan-
sas.

YOU ARE A CLASS MEMBER
if you purchased Choline Chlo-
ride products in Kansas for end
use in livestock but not for resale
between January 1, 1988-De-
cember 31, 1998. YOU ARE
NOT A CLASS MEMBER if you
purchased Choline Chloride: (1)
directly from a choline chloride
manufacturer, (2) for resale, (3)
outside Kansas, (4) for pets or
human consumption, or (5) for
the government.

ELECTION BY CLASS
MEMBERS

If you fit the above description
of a Class Member, you have a
choice whether or not to remain
in the Class on whose behalf this
lawsuit is being prosecuted. You
should understand the conse-
quences of this choice in making
your decision.

1. If you want to remain a
member of the Class, you do
not have to do anything at this
time. By remaining a Class
Member, any claims you have
against the Defendants for dam-
ages under the Kansas antitrust
laws arising from the Defen-

dants' conduct as alleged by the
class representative will be pur-
sued by the Class Representa-
tives and Class Counsel on a
contingent fee basis. Your inter-
est, along with the Class, will be
represented by Plaintiffs' Class
Counsel, Rex A. Sharp, Isaac L.
Diel, and Keen Brantley. If they
win, you will win. If they lose, you
will lose. Either way, you will not
be personally responsible for
their fees or expenses since they
have agreed to proceed with the
litigation on a contingent fee ba-
sis. You may, of course, hire your
own counsel to represent you in
the case at your own expense.

2. If you want to be excluded
from the Class, you must notify
the Class Administrator, P.O.
Box 8753, at Prairie Village, KS,
66208-0753 of your desire to be
excluded by: (1) writing (not
email or telephone), (2) stating
your name, address, and tele-
phone number (and that of attor-
ney representing you, if any),
and (3) mail the written exclusion
so that it is postmarked no later
than July 3, 2006. By making this
election to be excluded: (a) you
will not share in any verdict or
settlement that might be paid to
Class as a result of this lawsuit;
(b) you will not be bound by any
decision in this lawsuit favorable
to the Defendants and will not
benefit from any decisions in this
lawsuit favorable to the Plaintiff;
and (c) you may present any
claims you may have against the
Defendants by filing your own
lawsuit at your own expense.

FURTHER PROCEEDINGS

The case will proceed as a
class action with the Class as
Plaintiff against the Defendants.
Discovery on the merits of the
case will continue, and a pretrial
and trial schedule will be set.

ADDITIONAL INFORMA-
TION

Any questions you have con-
cerning the matters contained in
this notice should not be directed
to the Court but should be di-
rected in writing to the Class
Administrator, P.O. Box 8753, at
Prairie Village, KS, 66208-0753.

The pleadings and other
records in this litigation may be
examined at any time during
regular office hours at the Office

of the Clerk, Wyandotte County
Courthouse, Kansas City, Kan-
sas.

DO NOT CALL THE COURT
OR THE CLERK OF THE
COURT.

Signed:
Ernest L. Johnson
District Court Judge

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and Friday, April 2, 2006

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