

Taylor, Erin

From: cenglish@thelen.com
Sent: Friday, September 19, 2008 11:00 AM
To: STEVENS, GARRETT B.; Davenport, Peter; Taylor, Erin; Richmond, William; cenglish@thelen.com%inter2; mbeshore@beshorelaw.com%inter2; ben@yalelawoffice.com%inter2; john.vetne@verizon.net%inter2
Cc: sfredericks@thelen.com%inter2
Subject: Mideast Hearing - Exhibit 21
Attachments: ATTACHMENT.TXT; Book1.xls; Mideast Regional Blends - request 3b.xls

All:

During the hearing, Dean Foods presented Exhibit 21. As discussed at the hearing, with preparation of responsive exhibits occurring overnight, certain calculation errors were made in Exhibit 21. Dean Foods disclosed its intentions to file a revised Exhibit 21. After substantial discussion and objections, this revision was permitted to be filed by Judge Davenport recognizing that the Secretary could give it such weight, if any, as determined by the Secretary. Mr. Kinser has revised the exhibit to address the issues of monthly data – using official data from USDA for pricing for each month. Thus, numerical typos were corrected, prices were updated to be consistent with the month provided and formulas that linked to the wrong cells have been corrected. For the convenience of all, the Excel Spreadsheets are attached to this e-mail in Excel format. We also provide the workbook with cell identifying information. This provides all parties an opportunity to create their own form of the exhibit for briefing alternative results, if any, based upon hearing evidence and officially noticed materials. Also this gives the parties and USDA an opportunity to test, if necessary, the method of calculations used, not just the results.

Respectfully submitted,

Chip English

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