

Re: Cattle Markets; Cattle Industry

February 17, 2014

Ten years ago on February 17, a federal jury returned a \$1.281 Billion jury verdict against the nation's largest meat processor, finding they had used contracts to lower the cash market and control price to the detriment of cattle producers. Federal judges took the verdict away, claiming it was supported by too little evidence. Evidence was presented for a month.

I represented the Nation's cattle producers...nearly entirely with my own time and money. Since then, the cattle herd is 15% smaller. Nebraska has nearly 20% fewer feed yards than 10 years ago.

Big money is getting its way. The time to take the fight to a new level has come. Today, after more mergers, there is less competition. Here are some other shocking figures

Beef	3 packers	84%	/	Hogs	3 packers	75%
Corn	Affected by Ethanol		/	Soybeans	4 cos.	78%
Oil	4 cos.	60%*	/	Wheat	4 cos.	71%
Groceries	4 cos.	63%	/	Baby Food	1 co.	74%
Pet Food	4 cos.	80%	/	Mediter. Food	1 co.	85%
Banks	5 cos.	65%				

\* Oil is uniquely complex as it has upstream exploration, midstream distribution & retail segments. In May 2004 the GAO tried, but could not calculate concentration at retail due to insufficient data.

And the list goes on! Ethanol helped corn. Diminished cattle numbers helped cattle.

Interest rates are headed up, and price pressures are back. Too many producers have too few places to sell what is produced. Too few processors control too many products in retail stores. The market is not working. As a result, farm and ranch income will go down after a short span of relief. Interest, costs, and inputs will go up. So will food. Consumers will be hurt.

Help can only come from those who know the problem. I do. No other candidate for the U.S. Senate in Nebraska history has fought as fiercely for producers and consumers as I have.

I have volunteered to take the fight to Washington, to the Floor of the United States Senate.

I need your help and your strong support. What can you do? Call me with ideas. Support my effort like I supported you. This is about you, not me. Elect a Senator for Nebraska who gets it!



Dave Domina  
[www.DaveDomina.com](http://www.DaveDomina.com)

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*Focused. Reasonable.*

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

HENRY LEE PICKETT, et al., )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 TYSON FRESH MEATS, INC., )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Civil No. 96-A-1103-N

VERDICT FORM

FILED

FEB 17 2004 *DMW*

CLERK  
U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

Do you find, by a preponderance of the evidence:

1. That there is a nationwide market for fed cattle?

Yes  No

2. That the defendant's use of captive supply had an anticompetitive effect on the cash market for fed cattle?

Yes  No

3. That the defendant lacked a legitimate business reason or competitive justification for using captive supply?

Yes  No

4. That the defendant's use of captive supply proximately caused the cash market price to be lower than it otherwise would have been?

Yes  No

5. That the defendant's use of captive supply injured each and every member of the plaintiffs' class?

Yes  No

652

If you have answered "yes" to each of the foregoing questions, then you should proceed to questions number 6 and 7. If you have answered "no" to any one or more of the foregoing questions, you may consider your deliberations completed and your foreperson should sign and date this verdict form.

6. What amount, if any, do you find that defendant's use of captive supply damaged the cash market price of fed cattle sold to IBP during the period from February 1, 1994, through October 31, 2002?

\$ 1,281,690.00

1,000,000.00

7. Did the defendant's use of captive supply depress the cash market price for fed cattle purchased by IBP by an equal percentage for each year of the class period?

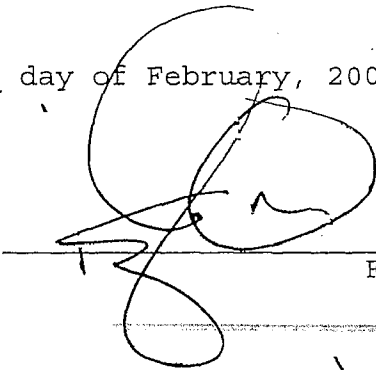
       Yes

No

If your answer is yes, by what percent?

       %

DATED this 17 day of February, 2004.

  
\_\_\_\_\_  
FOREPERSON