



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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June 17, 2020

VIA E-FILE

The Honorable Gary S. Feinerman
Everett McKinley Dirksen United States Courthouse
219 South Dearborn Street, Room 2146
Chicago, IL 60604

Re: *United States of America, et al. v. Dairy Farmers of America, Inc, et al.*
USDC – Northern District of Illinois Case No.: 20-CV-2658

Dear Judge Feinerman:

I write to inform you that the State of Wisconsin filed a Proposed Final Judgment, Dkt. No. 4-2, *United States of America, et al. v. Dairy Farmers of America, Inc., et al.* (20-cv-02658) on May 1, 2020. The Attorney General entered into this consent judgment on behalf of the State of Wisconsin pursuant to Wis. Stat. § 133.17(1), which provides that the Attorney General of the State of Wisconsin “shall institute manage, control and direct...all prosecutions in violation of this chapter. When prosecuting violations of this chapter, the department of justice shall have and exercise all powers conferred upon district attorneys.”

This letter does not require action by this Court, but it serves as notice to interested parties who may seek to intervene under Wis. Stat. § 165.08. Specifically, some court settlements in Wisconsin are subject to approval by the Wisconsin Legislature’s committee on joint finance under Wis. Stat. § 165.08(1), which provides, in pertinent part: “[a]ny *civil action prosecuted* by the (Wisconsin Department of Justice) may be compromised or discontinued with the approval of an intervenor under s. 803.09(2m) or, if there is no intervenor, by submission of a proposed plan to the joint committee on finance for the approval of the committee. The compromise or discontinuance may occur only if the joint committee on finance approves the proposed plan.”

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This Proposed Final Judgment is not subject to committee approval under that statute, for three reasons: it is entered into under Wis. Stat. § 133.17(1); the agreement was reached prior to the commencement of a civil action; and it is subject to proceedings required by the federal Tunney Act, *see* 15 U.S.C. § 16(b)-(h). However, if members of the legislative joint committee on finance interpret the statute differently and object to this Proposed Final Judgment, they have an opportunity to comment on the Proposed Final Judgment during the Tunney Act comment period.

Respectfully Submitted,

s/Gwendolyn J. Cooley
Gwendolyn J. Cooley
Assistant Attorney General

GJC:bab

Attachment

cc w/attachment: Anne Sappenfield, legislative counsel for Wisconsin Legislature
Joint Committee on Finance
All counsel of record