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MOTION FOR A SPECIFIC HEARING SCHEDULE

¹ A coalition of fluid milk processors including, but not limited to, the Pennsylvania Association of Milk Dealers, the Northeast Dairy Association, Dean Foods Company and National Dairy Holdings, LP.

heard; (2) a provision-specifying that, if all witnesses scheduled for a particular day have not been heard by 6 p.m. on that day, that the hearing will be extended on that day past 6 p.m. until all witness testimony scheduled for that day has been completed; (3) a provision permitting the appearance of witnesses in panels, where appropriate; and (4) direction that if this proceeding should extend beyond one week, the hearing will resume in any future week or weeks that are required promptly at 1 p.m. of the Mondays of such week or weeks.

Movants assert that there are sufficient and good grounds to support this Motion. This is a hearing of national consequence. The proposals to make changes in the Producer-Handler and Exempt Plant provisions of the regulations affect the interests of dairy producers and processors in all federal marketing orders and in all regions of the country. As a result, there will be witnesses seeking to be heard from all parts of the country who will have to take time away from their ordinary business, travel to Cincinnati for the hearing, and arrange and pay for airfare and hotel accommodations. It is only fair to the participants in this hearing that they be given an indication of the approximate time that they will be called to testify so that they can make arrangements that reasonably accommodate their needs to attend to their businesses, and their need to plan economically-sound travel plans.

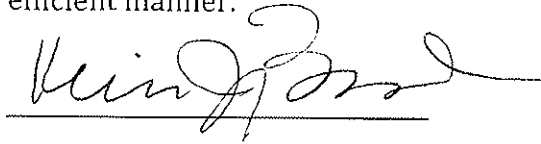
In addition, given the broad national scope of this proceeding and the number of proposals being considered, there is need for a specific order and schedule for the consideration of the various proposals and appearance of witnesses so that this proceeding can move forward purposefully and expeditiously. There

have been occasions in the past where hearings on proposals to amend milk marketing orders have consumed far more time than anyone had expected prior to the hearing and, considered in retrospect, far more time than was reasonably justified. While this proceeding is very important to many interests in the producer and processor communities, it is also in everyone's interest that this proceeding be conducted in a manner that ensures judicious use of both private and government resources. Movants contend that the establishment of the requested schedule will help to accomplish these important goals.

Given the state of the economy, it is important that this proceeding be conducted as efficiently and expeditiously as possible. All parties involved in this proceeding will incur significant costs in having representation at this hearing, and needless extension of this proceeding will only increase the costs. The costs to the government will also be significant. Movants note, for example, that at this juncture an Administrative Law Judge has been assigned only for the first week of the hearing, and are aware that the same Administrative Law Judge would not be available should the hearing extend beyond the first week.

In summary, it only makes sense that there be a schedule be issued in this proceeding prior to its convening specifying the daily hearing schedule of starting and finishing times; providing for a scheduling of the days on which, witnesses in support or opposition to specific proposals will be heard; and providing for a flexible plan to hear testimony, which specifically allows for the appearance of

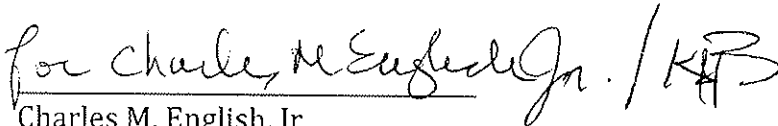
witnesses in panels, and which assures completing this proceeding in a timely and efficient manner.



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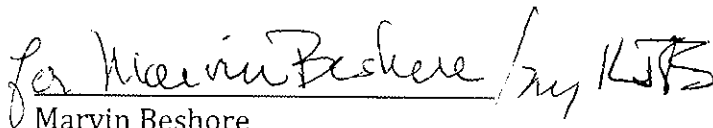
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