

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

STATE OF IOWA)	
ex rel. THOMAS J. MILLER,)	
ATTORNEY GENERAL OF IOWA,)	EQUITY NO. _____
99AG25112)	
)	
Plaintiff,)	
)	PETITION
v.)	
)	
WELLS DAIRY, INC.,)	
)	CE 000 38663
Defendant.)	
)	

COMES NOW the Plaintiff, State of Iowa ex rel. Attorney General Thomas J. Miller, by Special Assistant Attorney General William L. Brauch, and for its claim against defendant states as follows:

PARTIES AND VENUE

1. Plaintiff is the State of Iowa, ex. rel. Thomas J. Miller, the duly elected Attorney General of Iowa.
2. Defendant Wells Dairy, Inc. is an Iowa corporation headquartered at LeMars, Iowa.
3. Venue is proper in Polk County.

FACTUAL ALLEGATIONS

4. During the period covered by the State's Petition, Wells Dairy, Inc. was engaged in the sale and distribution of dairy products throughout the United States, including the State of

Iowa.

5. Defendant and others entered into and engaged in a combination and conspiracy to suppress and eliminate competition by fixing prices, rigging bids, and allocating customers with respect to public and private school contracts for the sale of dairy products in Lyon, Sioux, O'Brien, and Osceola Counties in Iowa.

6. Pursuant to Iowa R. Civ. P. 9, no security is required of the State.

ALLEGED VIOLATIONS

7. Based on the allegations in paragraph 5, above, defendants violated the Iowa Competition Law, Iowa Code § 553.4, and the Iowa Consumer Fraud Act, Iowa Code § 714.16(2)(a).

REQUEST FOR RELIEF

Plaintiff respectfully requests that the Court order relief against defendants as follows:

1. That the Court, pursuant to Iowa Code §§ 553.12 and 714.16(7) permanently enjoin the defendants from engaging in the practices alleged herein.

2. That the Court, pursuant to Iowa Code §§ 553.12 and 714.16(7), order that defendants restore any money to consumers whom the Court deems to be entitled to reimbursement as a result

of defendants' alleged unlawful practices.

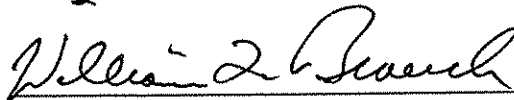
3. That the Court order defendants to pay the State's costs, including but not limited to reasonable attorney fees and investigative costs incurred in this action pursuant to Iowa Code § 714.16(11).

4. That the Court order defendants to pay all court costs.

5. That the Court grant any further relief as the Court deems just and equitable.

Respectfully submitted,

THOMAS J. MILLER
Attorney General of Iowa



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