

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION**

IN RE: SOUTHEASTERN MILK)	
ANTITRUST LITIGATION)	
)	Master File No. 2:08-MD-1000
)	
THIS DOCUMENT RELATES TO:)	Judge J. Ronnie Greer
<i>Sweetwater Farms, Inc., et al. v. Dean Foods,</i>)	
<i>et al., No. 2:07-CV 208</i>)	

ORDER

Two matters are currently pending before the Court which are ripe for disposition. For the reasons which will be set forth in a later filed memorandum opinion, the plaintiffs’ motion to reconsider the Court’s order granting in part and denying in part defendants’ motion to decertify the class, [Doc. 1705], is **DENIED**. Furthermore, Dean Foods Company’s motion to vacate preliminary approval, stay dissemination of settlement notice and other deadlines associated with the settlement, and clarify the role of class counsel, [Doc. 1714], is **GRANTED**.

Under Rule 23(e), notice of a proposed settlement, voluntary dismissal or compromise of a class action must be given in a reasonable manner as the court directs. Fed. R. Civ. P. 23(e). The notice requirement also applies when a class is decertified. *See Culver v. City of Milwaukee*, 277 F.3d 908, 915 (7th Cir. 2002) (“decertification has the same effect on the members of the class, so far as the running of the statute of limitations is concerned, as dismissal of the class action-it is tantamount to dismissal-and so it should be treated the same under Rule 23(e)”); *see also Birmingham Steel Corp. v. TVA*, 353 F.3d 1331, 1339 (11th Cir. 2003) (“once a court has decertified a class, it must ensure that notification of this action be sent to class members, in order that the latter can be

alerted that the statute of limitations has begun to run again on their original claims.”).

DFA, which sought the decertification, shall, within seven (7) days, submit to the Court a proposed notice of decertification which, after Court approval, shall be sent to its members within Orders 5 and 7 by U.S. Mail.

So ordered.

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE