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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

BEYER FARMS, INC.,  
Plaintiff,

v.

ARTHUR R. BROWN, JR., et al.,  
Defendants.

Civil Action No.  
87-3017

FILED

APR 11 1990

11:35

AT 11:35

WILLIAM J. WALSH  
CLERK

STATE OF NEW YORK, etc.,  
Plaintiff,

v.

ARTHUR R. BROWN, JR., et al.,  
Defendants.

Civil Action No.  
88-1512

ORDER

ENTERED

on

THE DOCKET

on

4-19-90

WILLIAM J. WALSH, CLERK

By

(Deputy Clerk)

The Court having entered a temporary restraining order dated March 15, 1990 enjoining the defendants from enforcing certain New Jersey notice and cost regulations with respect to the sale of milk and milk products, and having determined, pursuant to Rule 65(a) of the Federal Rules of Civil Procedure to consolidate the hearing on plaintiffs' application for a permanent injunction with a trial of the action on the merits, and the Court having conducted a hearing on April 5 and April 6, 1990, and having entered a further restraining order on the latter date, and the defendants having determined, without conceding liability, to propose new regulations that if adopted

would substantially modify the existing regulations challenged herein by plaintiffs, and upon all prior proceedings,

It is on this 18th day of April, 1990,

ORDERED that defendants, their agents, employees, successors and all persons in active concert or participation with them are hereby enjoined from in any manner, directly or indirectly, enforcing New Jersey Administrative Code §§ 2:52-6.1, 6.2 and 6.3 (prohibit of sale below cost by a licensed milk dealer) and New Jersey Administrative Code § 2:53-4 (the retail stores "14-day" prior approval notice) pending the further order of the Court; and it is further


ORDERED that the Court's orders of March 15 and April 6, 1990 are hereby superseded; and it is further

ORDERED that all previous orders of this Court relating to the confidentiality of discovery and/or any proprietary information obtained in discovery (including, but not limited to volume, cost and price data of other milk dealers) shall remain in full force and effect; and it is further

ORDERED that the parties are hereby directed to report to the Court within ninety (90) days hereof regarding the status of any new regulations promulgated or adopted by defendants, as well as with respect to the status of matters other than plaintiffs' prayers for injunctive relief; and it is further

ORDERED that the Court hereby retains jurisdiction of this matter and any of the parties hereto may apply for such

other and further relief as may be necessary or appropriate in the cause, upon due notice to the other parties.

  
ALFRED M. WOLIN, U.S.D.J.