

October 10, 2008

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RE: Commissioner v. Kraft Foods Global, Inc., OAH Docket No. 11-1901-19786-2

Dear Counsel:

This letter will confirm our discussions during the telephone prehearing conference held in the above matter on October 9, 2008, and constitutes the First Prehearing Order in this contested case proceeding.

Ms. Gunnin is not currently admitted to practice in Minnesota, but will be permitted to appear at the hearing on behalf of Kraft Foods Global, Inc., as long as her client consents to such representation. However, Ms. Gunnin will be expected to affiliate with Minnesota counsel, who should accompany her during the initial substantive appearance in this case (most likely the beginning of the contested case hearing). While it is anticipated that Ms. Gunnin will be permitted to participate in the hearing without the continual presence of local counsel, local counsel must be available to serve as a resource to Ms. Gunnin to the extent necessary in this proceeding. Pleadings filed by Ms. Gunnin on behalf of the Respondent also should be signed by local counsel or by a corporate officer of the Respondent.

The following schedule will govern this matter:

1. By November 10, 2008, the parties shall serve each other with a statement identifying persons expected to be called as expert witnesses in this case. The statement shall describe the subject matter of the expert's expected testimony, state the substance of

facts and opinions to which the expert is expected to testify, and provide a summary of the grounds for each opinion.

2. By November 17, 2008, the parties shall serve each other with a supplemental statement identifying any additional persons expected to be called as expert witnesses in this case. The statement shall include the information described in Paragraph 1 above.
3. All discovery in this case shall be completed by December 15, 2008.
4. All dispositive motions in this case shall be filed by January 15, 2009. Responses in opposition to such motions shall be filed within ten working days of receipt of the motion, and reply briefs shall be filed within five working days of receipt of the response in opposition.
5. By November 25, 2008, the parties shall exchange proposed exhibit and witness lists relating to this case. The witness lists shall include a brief summary of the expected testimony of each witness. If any documents identified as exhibits have not yet been exchanged, copies shall be provided with the exhibit lists.
6. The hearing in this matter shall commence on April 14, 2009, at 9:30 a.m. in the courtrooms of the Office of Administrative Hearings, 600 North Robert Street, First Floor, St. Paul, Minnesota. The hearing shall continue on April 15-17, 2009, if necessary.
7. The hearing shall be digitally recorded unless the parties notify the Administrative Law Judge in advance of the hearing that they will require the services of a court reporter.

Letter to C. Gunnin and R. Foley  
October 10, 2008  
Page Three

8. The parties shall appear at each hearing with at least two copies of each document they plan to offer into evidence (one copy for the Administrative Law Judge and one copy for use by witnesses). Exhibits shall be premarked by the parties using numbers rather than letters.

Please do not hesitate to contact me if you believe that an additional prehearing conference or telephone conference call would be helpful.

Sincerely,

s/Barbara L. Neilson

BARBARA L. NEILSON  
Administrative Law Judge  
Tel.: (651) 361-7845

cc: Docket Coordinator