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17 Attorneys for Plaintiffs

18 IN THE SUPERIOR COURT OF SAN BENITO COUNTY

19 STATE OF CALIFORNIA

20 ORGANIC PASTURES DAIRY)
21 COMPANY, LLC, and)
22 CLARAVALE FARM, INC.,)

23 Plaintiffs,)

24 v.)

25 STATE OF CALIFORNIA and)
26 A.G. KAWAMURA, Secretary of California)
27 Department of Food and Agriculture,)

28 Defendants.)

Case No.: CU-07-00204

**AFFIDAVIT OF SALLY FALLON IN
SUPPORT OF PLAINTIFFS' REPLY
TO DEFENDANTS' OPPOSITION
TO ORDER FOR PRELIMINARY
INJUNCTION**

DISTRICT OF COLUMBIA :

I, Sally Fallon, being duly sworn and under oath, do hereby make the following statements based on my personal knowledge, information and belief:

1. I am the president of the Weston A. Price Foundation, a nonprofit nutrition education foundation; the founder of "A Campaign for Real Milk," which advocates the consumption of unpasteurized whole milk from pasture-fed cows; and Secretary of the Farm-to-Consumer Legal

1 Defense Fund, which provides legal defense of farms engaged in raw milk production and direct
2 farm-to-consumer sales. Most importantly, I am also a mother.

3 2. The Weston A. Price Foundation commissioned two studies to rebut testimony that has
4 previously been provided by Michael Payne and John Sheehan.

5 3. The first rebuttal is entitled "Response to the Testimony of Michael Payne," testimony
6 that forms the basis of the undated Declaration of Michael Allen Payne submitted by the State of
7 California in support of its Opposition to Order for Preliminary Injunction.

8 4. The rebuttal to Michael Payne is a business record of the Weston A. Price Foundation, is
9 kept in the ordinary course of its business, is not materially altered in any way, and is attached
10 hereto as Exhibit A.

11 5. The second rebuttal is entitled "Response to the Testimony of John F. Sheehan,"
12 testimony that was presented to the Maryland House of Delegates on March 15, 2007 and which
13 was attached as Exhibit 5 to the Declaration of Anita Ruud in Opposition to Application for
14 Temporary Restraining Order.

15 6. The rebuttal to John Sheehan is a business record of the Weston A. Price Foundation, is
16 kept in the ordinary course of its business, is not materially altered in any way, and is attached
17 hereto as Exhibit B.

18 7. On April 15, 2008, I attended a legislative hearing sponsored by Senator Dean Florez in
19 Sacramento. At that hearing I was invited to provide testimony to the Senate Agriculture
20 Committee and the Senate Select Committee on Food-Borne Illness.

21 8. Attached as Exhibit C is a true and accurate copy of the testimony I provided to those
22 Committees.

23 9. Pursuant to Evidence Code Section 452, subdivision (c), we request that the Court take
24 judicial notice of the attached exhibits.

25 FURTHER AFFIANT SAYETH NAUGHT
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Sally Fallon
President, Weston A. Price Foundation
Sworn and subscribed before me in my presence this 22nd day of April, 2008.

Notary public

1 **PROOF OF SERVICE**

2 I am employed in the County of Franklin, State of Ohio. I am over the age of eighteen years and
3 not a party to the within action. My business address is Two Miranova Place, Suite 500, Columbus,
Ohio, 43215-7052.

4 On the date set forth below, I caused the following document(s) entitled:

5 **AFFIDAVIT OF SALLY FALLON IN SUPPORT OF PLAINTIFFS' REPLY TO DEFENDANTS'
6 OPPOSITION TO ORDER FOR PRELIMINARY INJUNCTION**

7 to be served on the party(ies) or its (their) attorney(s) of record in this action listed below by the
8 following means:

	BY MAIL. By placing each envelope (with postage affixed thereto) in the U.S. Mail at the law offices of Lane, Alton & Horst, LLC, Two Miranova Place, Suite, Columbus, OH 43215-7052, addressed as shown below. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and in the ordinary course of business, correspondence would be deposited with the U.S. Postal Service the same day it was placed for collection and processing.
	BY HAND-DELIVERY. By causing a true copy thereof, enclosed in a sealed envelope, to be delivered by hand to the address(es) shown below.
XX	BY OVERNIGHT DELIVERY. By placing with an overnight mail company for delivery a true copy thereof, enclosed in a sealed envelope, with delivery charges to be billed to Lane, Alton & Horst, addressed as shown below.
	BY FACSIMILE TRANSMISSION. By transmitting a true copy thereof by facsimile transmission from facsimile number (614) 228-0146 to the interested party(ies) or their attorney(s) of record to said action at the facsimile number(s) shown below.
XX	BY ELECTRONIC MAIL. By transmitting a true copy thereof by electronic mail (without attachments) from e-mail address <u>dcox@lanealton.com</u> to the interested party(ies) or their attorney(s) of record to said action at the electronic mail address(es) shown below

19 Anita Ruud
20 Deputy Attorney General
21 Office of the Regional Attorney General
22 455 Golden Gate Ave., Rm. 6200
23 California Department of Justice
24 San Francisco, CA 94102
25 Counsel for Defendants

26 I declare under penalty of perjury under the laws of the State of Ohio that the foregoing is true and
27 correct.

28 Executed on April 23, 2008 at Columbus, Ohio.

David G. Cox