

If you bought bananas directly from a producer, you could get benefits from class action settlements.

A federal court authorized this notice. This is not a solicitation from a lawyer.

- Nationwide settlements have been reached in a class action lawsuit about whether Chiquita Brands International, Inc. and Chiquita Fresh North America LLC; Fresh Del Monte Produce Inc. and Del Monte Fresh Produce Company; and Dole Food Company, Inc. and Dole Fresh Fruit Company (the “Defendants”) conspired with others (the “co-conspirators”) to coordinate output and fix the price of bananas. The Defendants deny that they have done anything wrong, and the settlements don’t mean any law was broken.
- The settlements provide \$7,500,000 to those who purchased bananas directly from Defendants or the co-conspirators, as well as to pay lawyers’ fees and costs.
- Your legal rights are affected whether you act or don’t act, so please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THESE SETTLEMENTS:	
SUBMIT A CLAIM	The only way to get settlement benefits.
EXCLUDE YOURSELF	This is the only option that allows you to be part of any other lawsuit against the Defendants about the legal claims in this case.
OBJECT	Write to the Court about why you don’t like the settlements.
GO TO A HEARING	Ask to speak in Court about the settlements.
DO NOTHING	Give up rights to be part of any other lawsuit against the Defendants about the legal claims made in this case.

- These rights and options—**and the deadlines to exercise them**—are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the settlements. Payments will be made if the Court approves the settlements and after any appeals are resolved. Please be patient.

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BASIC INFORMATION

1. Why was this notice issued?

A Court authorized this notice because you have a right to know about three proposed settlements in this class action lawsuit, and about all of your options, before the Court decides whether to give “final approval” to the settlements. This notice explains the lawsuit, the settlements, and your legal rights.

Judge Adalberto Jordan of the United States District Court for the Southern District of Florida is overseeing the settlements of this class action lawsuit. The case is known as *Brookshire Brothers, Ltd., et al. v. Chiquita Brands International, Inc., et al.*, No. 05-CIV-21962. The people who sued are called the “Plaintiffs,” and the companies they sued, Chiquita Brands International, Inc. and Chiquita Fresh North America LLC (“Chiquita”); Fresh Del Monte Produce Inc. and Del Monte Fresh Produce Company (“Del Monte”); and Dole Food Company, Inc. and Dole Fresh Fruit Company (“Dole”), are called the “Defendants.”

2. What is the lawsuit about?

The lawsuit alleges that the Defendants conspired to fix, raise, maintain or stabilize banana prices, and control and restrict output for bananas sold in the United States, and, as a result, Class members paid higher prices for bananas. The Defendants deny all claims of wrongdoing in this case.

3. Why is this a class action?

In a class action one or more people called “Class Representatives” (in this case, Brookshire Brothers, Ltd., Christopher Farms, Syracuse Banana Co., Inc., Continental Produce Co., and Harvin Foods, Inc.) sue on behalf of people who have similar claims. All of these people or entities are a “Class” or “Class members.” One court resolves the issues for all Class members, except for those who exclude themselves from the Class.

4. Why are there settlements?

Both sides agreed to the settlements to avoid the costs and risks of a trial. The settlements do not mean that any law was broken, and the Court did not decide which side was right. The Class Representatives and the lawyers representing them think the settlements are in the best interests of all Class members.

WHO IS IN THE SETTLEMENTS?

To see if you are eligible to receive benefits from the settlements, you first have to determine whether you are a Class member.

5. How do I know if I am part of the settlements?

The settlements include anyone that purchased bananas within or provided to the United States, directly from Defendants or from any of the alleged co-conspirators, from May 1, 1999 up until the date the Court grants final approval of the settlements and all appeals are resolved.

6. Are there exceptions to being included?

Excluded from the Class are Defendants, their respective parents, employees, subsidiaries and affiliates, their alleged co-conspirators, and all government entities.

7. Who are the co-conspirators?

Plaintiffs claim that various other people, firms and corporations, who are not Defendants in this lawsuit, have participated as co-conspirators with the Defendants in fixing the prices of bananas.

8. I'm still not sure if I'm included in the settlements.

If you are not sure whether you are included in the Class, go to www.BananaClassAction.com.

THE SETTLEMENTS' BENEFITS—WHAT YOU GET

9. What do the settlements provide?

Chiquita, Del Monte, and Dole have each agreed to pay \$2,500,000, for a total of \$7,500,000, to settle the lawsuit. These funds will be used to provide cash payments for valid claims submitted by Class members, as well as legal fees and costs. More details are in documents called [Settlement Agreements](#), which are available at www.BananaClassAction.com.

10. How much will my payment be?

The exact amount, if any, that you would receive is not known right now. Your share of the funds will be paid on a pro rata basis, which means it will be based on how many bananas you bought from the Defendants or co-conspirators during the Class period, and on how many bananas other Class members purchased who also file valid claims.

11. What am I giving up in exchange for the settlements' benefits?

If the settlements become final, Class members will be releasing the Defendants and all related people and entities for all the claims described and identified in section D of each [Settlement Agreement](#). The Settlement Agreements are available at www.BananaClassAction.com. The Settlement Agreements describe the released claims with specific descriptions, in necessarily accurate legal terminology, so read them carefully. You can talk to one of the lawyers listed below for free or you can, of course, talk to your own lawyer if you have questions about the released claims or what they mean.

HOW TO GET BENEFITS—SUBMITTING A CLAIM FORM

12. How can I get benefits?

To ask for a payment you must complete and submit a Claim Form. You can get a [Claim Form](#) at www.BananaClassAction.com. The Claim Form describes what you must provide to prove your claim

QUESTIONS? VISIT WWW.BANANACLASSACTION.COM

and receive benefits. Please read the instructions carefully, fill out the Claim Form and mail it postmarked no later than, **January 21, 2008** to:

Banana Claims
PO Box 24763
West Palm Beach, FL 33416

13. When will I get my benefits?

Payments will be mailed to Class members who send in valid Claim Forms on time, after the Court grants “final approval” of the settlements, and any appeals are resolved. If the Court approves the settlements after a hearing on **November 16, 2007** (see the section “The Court’s Fairness Hearing” below), there may be appeals. Resolving these appeals can take time. Please be patient.

EXCLUDING YOURSELF FROM THE SETTLEMENTS

If you want to keep the right to sue or continue to sue the Defendants over the legal issues in this case, then you must take steps to get out of the settlements. This is called asking to be excluded from—sometimes called “opting out” of—the Class.

14. If I exclude myself, can I get anything from the settlements?

No. If you exclude yourself, you will not get anything from the settlements. If you ask to be excluded, you will not get any benefits from the settlements, and you cannot object to the settlements. But you may sue, continue to sue, or be part of a different lawsuit against the Defendants in the future. You will not be bound by anything that happens in this lawsuit.

15. If I don’t exclude myself, can I sue later?

No. Unless you exclude yourself, you give up the right to sue the Defendants for the claims that these settlements resolve. You must exclude yourself from *this* Class to start or continue your own lawsuit.

16. How do I get out of the settlements?

To exclude yourself from the settlements, you must send a letter by mail saying that you want to be excluded from *Brookshire Brothers, Ltd. v. Chiquita Brands International, Inc.* and that the information you provide is true and correct. Be sure to include your name, address, and your signature. You can’t ask to be excluded at the website. You must mail your exclusion request postmarked no later than **September 21, 2007** to:

Banana Exclusions
PO Box 24763
West Palm Beach, FL 33416

THE LAWYERS REPRESENTING YOU

17. Do I have a lawyer in the case?

The Court has appointed the law firm of Cohen, Milstein, Hausfeld & Toll, P.L.L.C. of Washington, DC and New York, NY to represent you and other Class members as “Class Counsel.” You will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

18. How will the lawyers be paid?

Class Counsel will ask the Court for attorneys’ fees for all of the lawyers representing Class members of up to \$1,875,000, plus costs and expenses. The Court may award less than these amounts. Class Counsel will also ask for a payment of \$5,000 to each Class Representative, who helped the lawyers on behalf of the whole Class.

OBJECTING TO THE SETTLEMENTS

You can tell the Court if you don’t agree with the settlements or some part of them.

19. How do I tell the Court if I don’t like the settlements?

You can object to the settlements if you don’t like some part of them. You must give reasons why you think the Court should not approve them. To object, send a letter saying that you object to *Brookshire Brothers, Ltd. v. Chiquita Brands International, Inc.* and mention the case number (05-CIV-21962). Be sure to include your name, address, telephone number, your signature, the reasons why you object to the settlements, all documents you want the Court to consider, and indicate whether you or your attorney will appear at the fairness hearing (see the section on the “Court’s Fairness Hearing” below). File the objection with the Clerk of the Court at the address below by **September 21, 2007**. You must also mail a copy of the objection to Class Counsel and Defense Counsel at the addresses below so that it is received by **September 21, 2007**.

COURT	CLASS COUNSEL	CHIQUITA DEFENSE COUNSEL
Clerk of Court United States District Court Clerks Office 301 North Miami Ave., Room 150 Miami, FL 33128 Note: You may send it by mail, but it must be received and filed by the Clerk by September 21, 2007 .	Seth R. Gassman Cohen, Milstein, Hausfeld & Toll, P.L.L.C. 150 East 52nd St., Thirtieth Floor New York, NY 10022	Lawrence P. Bemis Kirkland & Ellis LLP 777 South Figueroa St., Suite 3700 Los Angeles, CA 90017
DEL MONTE DEFENSE COUNSEL	DOLE DEFENSE COUNSEL	
Carlos M. Sires Boies, Schiller & Flexner LLP 401 East Las Olas Blvd., Suite 1200 Ft. Lauderdale, FL 33301	D. Bruce Hoffman Hunton & Williams, LLP 1111 Brickell Ave., Suite 2500 Miami, FL 33131	

QUESTIONS? VISIT WWW.BANANACLASSACTION.COM

20. What's the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something about the settlements. You can object only if you stay in the Class. Excluding yourself is telling the Court that you don't want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the settlements. If you have filed an objection on time you may attend and you may ask to speak, but you don't have to.

21. When and where will the Court decide whether to approve the settlements?

The Court will hold a Fairness Hearing at 9:00 a.m. on Friday, **November 16, 2007**, at the United States District Court for the Southern District of Florida, 301 North Miami Avenue, Miami, Florida. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.BananaClassAction.com. At this hearing the Court will consider whether the settlements are fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will only listen to people who have asked to speak at the hearing (see Questions 19 and 23). The Court will also decide how much to pay the lawyers representing Class members. After the hearing, the Court will decide whether to approve the settlements. We do not know how long these decisions will take.

22. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have, but you are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay another lawyer to attend, but it's not required.

23. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intent to Appear in *Brookshire Brothers, Ltd. v. Chiquita Brands International, Inc.*" Be sure to include your name, address, telephone number, and your signature. Your Notice of Intent to Appear must be postmarked no later than **September 21, 2007**, and be sent to the addresses listed in Question 19. You cannot speak at the hearing if you excluded yourself from the Class.

GETTING MORE INFORMATION

24. How do I get more information?

This notice summarizes the proposed settlements. More details are in the [Settlement Agreements](#). You can get a copy of the Settlement Agreements at www.BananaClassAction.com. You may also write with questions to Banana Settlement, PO Box 24763, West Palm Beach, FL 33416. You can get a [Claim Form](#) at the website.

QUESTIONS? VISIT WWW.BANANACLASSACTION.COM