KENNEBEC COUNTY, SS

AUSTIN J. DECOSTER

and

ASSURANCE

: 1

FRANCIS LOUGH, d.b.a. DOROTHY EGG FARMS and DOROTHY EGG FARMS LLC

1. Austin J. DeCoster (hereinafter "DeCoster") and Francis Lough d.b.a. Dorothy Egg Farms and Dorothy Egg Farms LLC (hereinafter Francis Lough and Dorothy Egg Farms LLC will be referred to collectively as "Dorothy") enter into the following Assurance with the Department of the Attorney General (hereinafter "Attorney General"), pursuant to 5 M.R.S.A. § 210. DeCoster and Dorothy, in entering into this Assurance, deny having engaged in any conduct in violation of the Unfair Trade Practices Act, 5 M.R.S.A. §§ 206 - 214. DeCoster and Dorothy further reserve all rights to assert their belief that the Act does not apply to them pursuant to 5 M.R.S.A. § 208.

2. DeCoster and Lough are planning to execute documents granting DeCoster an option to acquire Dorothy Egg Farms LLC.

3. DeCoster and Dorothy are both brown egg producers (who also produce a smaller quantity of white eggs) whose eggs are sold directly or through intermediaries to retailers in New England and elsewhere.

4. Several supermarket chains operating in Maine and elsewhere in New England (hereinafter "boycotting retailers") have publicly stated that they will not sell eggs produced by DeCoster. These retailers condition their purchase of eggs from Dorothy by prohibiting Dorothy from selling to the retailer eggs produced by DeCoster. A "boycotting retailer" includes any Austin J. DeCoster and Francis Lough d.b.a. Dorothy Egg Farms Assurance of Discontinuance Page 2

retailer which has informed Dorothy that it will not purchase eggs provided or produced by DeCoster.

5. The Attorney General is concerned that Dorothy might sell eggs produced by DeCoster to boycotting retailers without disclosing to the retailers the origins of the eggs.

The Attorney General believes that such a failure to disclose would constitute a failure to disclose a material fact by either DeCoster or Dorothy in violation of 5 M.R.S.A. §
207.

ASSURANCES

WHEREFORE, pursuant to 5 M.R.S.A. § 210, DeCoster and Dorothy, and any persons acting for them or under their control, enter into the following assurances, without making admission as to any issue of law or fact:

 (a) DeCoster shall notify the Attorney General in writing at least seven days before DeCoster's exercise of its option to acquire Dorothy.

(b) Dorothy shall notify the Attorney General in writing at least seven days after DeCoster's exercising of its option to acquire Dorothy.

2. DeCoster (to the extent that he has knowledge) and Dorothy each shall notify the Attorney General in writing within seven days after Dorothy supplies eggs provided or produced by DeCoster to a boycotting retailer.

3. DeCoster and Dorothy shall notify the Attorney General in writing within seven days of any change in the senior executive, operating and financial officers of Dorothy.

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Austin J. DeCoster and Francis Lough d.b.s. Dorothy Egg Farms Assurance of Discontinuance Page 3

> 4. Dorothy shall notify my boycotting retailer, and shall provide a copy of my such notice to the Attorney General, within seven days of supplying the boycotting retailer with eggs produced from a facility previously owned or operated by DeCoster.

This Assurance shall be void and shall no longer be binding on DeCoster or Dorothy 60 days after DeCoster or Dorothy notifies the Attorney General in writing that (a) DeCoster has exercised its option to acquire Dorothy, unless prior to the expiration of the 60 day period the Attorney General notifies Dorothy or DeCoster that it has determined that either person has violated the terms of this Assurance or; (b) no retailers are currently maintaining a boycott of DeCoster eggs, unless prior to the expiration of the 60 day period the Attorney General notifies . Dorothy or DeCoster that it has determined that retailers are continuing to boycott DeCoster eggs or that it has determined that either person has violated the terms of this Assurance.

Dato: 12/2498.

FRANCIS LOUGH, dise. For. DOROTHY EGG FARMS and DOROTHY EGG FARMS LLC

Date:

Dale;

AUSTIN J. DECOSTER

STEPHEN L. WESSLER Assistant Auonary General Director, Public Protection Division Department of the Attorney General 6 State House Station Augusta, Maine 04333-0006 Maine Bar No. 1408

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Austin J. DeCoster and Francis Lough diag. Dorothy Egg Farms Assurance of Discontinuance Page 3

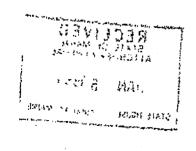
> 4 Dorothy shall sotify any boycotting retailer, and shall provide a copy of any such notice to the Attorney General, within seven days of supplying the boycotting retailer with eggs produced from a facility previously owned or operated by DeCoster.

This Assurance shall be void and shall no longer be binding on DeCoster or Dorothy 60 days after DeCoster or Dorothy notifies the Attorney General in writing that (a) DeCoster has exercised its option to acquire Dorothy, unless prior to the expiration of the 60 day period the Attorney General notifies Dorothy or DeCoster that it has determined that either person has violated the terms of this Assurance or; (b) no retailers are currently maintaining a boycott of DeCoster eggs, unless prior to the expiration of the 60 day period the Attorney General notifies Dorothy or DeCoster that it has determined that retailers are continuing to boycott DeCoster eggs or that it has determined that either person has violated the terms of this Assurance.

Date:

z/24/78 Date:

Date:



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FRANCIS LOUGH, d.b.a. DOROTHY EGG FARMS and DOROTHY EGG FARMS LLC

STEPHEN L. WESSLER Assistant Attorney General Director, Public Protection Division Department of the Attorney General 6 State House Station Augusta, Maine 04333-0006 Maine Bar No. 1408

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