

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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In re ) MDL No. 1285  
 ) Misc. No. 99-197 (TFH)  
VITAMINS ANTITRUST LITIGATION )  
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This Document Relates to: )  
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PHILIP RICHARDSON et al., ) D.D.C. No. 09 Civ. 2112 (TFH)  
 )  
Plaintiffs, )  
 )  
-- against -- )  
 )  
AKZO NOBEL INC. et al., )  
 )  
Defendants. )  
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**STATE OF VERMONT'S  
PROPOSED CONSUMER PLAN OF DISTRIBUTION**

The State of Vermont, through Attorney General William H. Sorrell and after consultation with Plaintiffs' lead counsel for the class action, proposes to distribute Vermont's pro rata share of funds received in settlement of the above-titled litigation from the Consumer Class Settlement Amount as follows: ten percent (or approximately \$6,500.00) shall be distributed to the State of Vermont for the State's costs as provided under the Master Settlement Agreement, \$10,000.00 shall go to Vermont's Department of Forests Parks and Recreation for use as part of Vermont's initiative to reduce and prevent obesity, and the remainder (approximately \$48,600.00) shall go to the Vermont Foodbank. This distribution is outlined more specifically in the attached document: "Description of Vermont's Plan of Distribution."

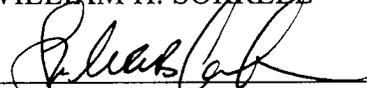
The purpose of Vermont's plan of distribution is for the health and nutrition of Vermont citizens and is consistent with the Master Settlement Agreement. Vermont's plan will provide an immediate nutritional benefit to Vermont residents by helping the Foodbank, through its cooperating partners, to provide food to those who require food shelves and food pantries to meet their nutritional needs. Vermont's plan will also provide a long-term benefit to residents by helping the Department of Forests Parks and Recreation work toward reducing and preventing obesity by promoting active living through the development of a safe community recreational trail in a geographic area of need.

WHEREFORE, based on the foregoing, the Attorney General on behalf of the State of Vermont respectfully requests that Vermont's plan of distribution be approved.

Dated this 16th day of April, 2010.

STATE OF VERMONT

ATTORNEY GENERAL  
WILLIAM H. SORRELL



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## **Description of Vermont's Plan of Distribution**

### A. Vermont Foodbank

#### 1. Recipient

Vermont Foodbank  
P.O. Box 254  
South Barre, VT 05670  
Phone: (802) 476-3341  
Fax: (802) 476-0319  
[www.vtfoodbank.org](http://www.vtfoodbank.org)

Executive Director: John Sayles

#### 2. Description of Recipient

The Vermont Foodbank, founded in 1986, initially distributed food to a local network of eight food shelves and food pantries. Today, there are 280 partners in the Foodbank's network of food shelves, community meal sites, senior centers, child care programs, and homeless shelters. The Foodbank supports its basic food distribution efforts with specific efforts such as youth-targeted feeding programs, local fresh produce sourcing efforts, a mobile food pantry program, and a culinary job training and meal production program. Whether sourced locally, statewide, or nationally, food items are made available free of charge to as many as 85,000 low-income Vermonters each year. The Foodbank has a staff of forty-two full-time workers and also benefits from the work of more than 1,500 individual volunteers who annually fill a role equivalent to three full-time workers.

Food items are gathered primarily through donations from large grocery retailers and wholesalers in Vermont and nationwide, and by purchasing food through a cooperative buying arrangement organized by Feeding America – a national network of foodbanks and food assistance programs. Food is also “rescued” from a variety of sources including small retailers, restaurants, and farms, and is reprocessed and prepared for delivery as either frozen or vacuum-packed meals. The Foodbank also manages two federal food distribution programs, it organizes an annual hunger conference, tracks hunger and poverty rates in Vermont communities and reports on the findings, and educates the public and policy makers on effective anti-hunger measures.

3. Proposed use of Consumer Class Settlement Funds

Funds will be used to support statewide food distribution efforts. The amount of the settlement funds will cover the sourcing and distribution costs of approximately 93,500 pounds of a wide variety of food items that are delivered to all of the state's fourteen counties. Costs associated with food distribution include transportation in and out, labor costs for sorting and packing food items, refrigeration costs when necessary, record keeping and administration, and support services for the network agencies.

With the recent addition of two new distribution centers, sourcing and distribution efforts have become more efficient on a per pound cost to the Foodbank and more options for local sources of food have become available and practical. Food items no longer must be brought back to one centrally located facility for statewide redistribution.

4. Benefits

The funds will enable the Vermont Foodbank to more fully support its distribution efforts for the most remote and sparsely populated regions of the state, where poverty rates are among the highest and where human and social service programs are often difficult to access, if available at all. One particular focus of the Foodbank in these underserved counties is youth-targeted programs such as the Summer Food Service Program. The settlement funds will benefit this program among others by supporting all of the Foodbank's distribution efforts.

B. Vermont Department of Forests Parks and Recreation

1. Recipient

Department of Forests Parks and Recreation  
103 South Main Street, Building 10 South  
Waterbury, VT 05671-0604  
Phone: (802) 241-3690  
Fax: (802) 244-1481  
[www.vtfpr.org](http://www.vtfpr.org)

Commissioner: Jason Gibbs

2. Description of Recipient

The Vermont Department of Forests Parks and Recreation (FPR) is responsible for the conservation and management of Vermont's forest resources, the operation and maintenance of the state park system, and the promotion and support of outdoor recreation for Vermonters and visitors to the state. FPR is also responsible for the acquisition, planning, coordination, and administration of all Agency of Natural Resources lands. Numerous sections of Vermont state government and private stakeholders are currently involved in a statewide obesity prevention and reduction initiative – FPR and the Agency of Natural Resources are among the many departments and agencies involved in that initiative.

3. Proposed use of Consumer Class Settlement Funds

FPR's Recreation Trails Program will use the funds as outlined below. The purpose of the Program is to promote good health and active living through the development of recreational trails close to work, school, and home, and to increase access to safe places for physical activity for Vermonters living in low-income communities.

Specifically, the funds will be used to develop the Town Connector Trail in Sharon, Vermont. The Connector Trail will be a safe accessible trail linking the Sharon Elementary School to the Fay Brook Road in Sharon Village, which will result in a one-mile long, three-foot-wide trail. This trail will make available a variety of recreational activities. In an effort to reduce the risk of youth obesity in the two-town Sharon-Royalton area, this trail linkage will complete an important part of the Sharon-Royalton Community Trail Plan and lies within a geographic area of need – 2000 Census data indicate a high percentage of adults in Sharon (73%) have only a high school degree or lower, and 42% of the youth in the Sharon Elementary School are Medicaid eligible.

According to Center for Disease Control data, 58% of Vermont adults are overweight or obese. Vermont ranks third among the six New England states in prevalence of obesity. Rates of obesity vary by income (20% in the top-income bracket vs. 29% in the lowest) and education (from 16% to 29%). Rates of obesity and overweight are particularly pronounced when considering education (53% among college graduates to about 64% among people who only finished high school).

#### 4. Benefits

One of Vermont's evidence-based obesity prevention strategies is to increase physical activity through the creation or enhancement of access to safe places for physical activity. Use of the Town Connector Trail in Sharon, Vermont, estimated to be close to 1,000 trail visits in its first year, will be monitored by the Sharon Recreation program and will include multiple class visits, afterschool programs, summer camp visits, and community visitors, many of whom will incorporate this trail into their daily walking routes. Enhancing and extending the trail behind the Sharon Elementary School provides recreational infrastructure for multi-season physical activity opportunities for students and the public. Additionally, Sharon Elementary School teachers plan to integrate the trail into their science, language, arts, environmental stewardship, and physical education curriculums.