

NOTICE OF CLASS CERTIFICATION

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

A court authorized this notice. You are not being sued. This is not a solicitation from a lawyer.

If you are a person or entity in the United States who sold raw, harvested runner peanuts to any of the Defendants, their subsidiaries or joint-ventures, from January 1, 2014 through December 31, 2019, your rights may be affected by recent court decisions certifying a class action against the Defendants and preliminarily approving settlements with certain Defendants.

- This litigation is pending in the United States District Court for the Eastern District of Virginia in an action captioned *In Re Peanut Farmers Antitrust Litigation*, No. 2:19-cv-00463 (E.D. Va.) (the “Action”), in which Plaintiffs have alleged, among other things, that Defendants Golden Peanut Company LLC (“Golden Peanut”), Birdsong Corporation (“Birdsong”), and Olam Peanut Shelling Company, Inc. (“Olam”) entered into a contract, combination or conspiracy in restraint of trade, the purpose and effect of which was to suppress competition and to pay depressed prices to farmers for runner peanut farmerstock during the Class Period, in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1 (the “Claims”). The Defendants have denied and continue to deny each and all of the claims and contentions alleged in the Action, or that could have been alleged in the Action, and have asserted numerous defenses to Plaintiffs’ claims.
- This Notice is given pursuant to Rule 23 of the Federal Rules of Civil Procedure and an Order of the United States District Court for the Eastern District of Virginia (the “Court”) determining that this Action may proceed as a class action on behalf of the following Class: All persons or entities in the United States who sold raw, harvested runner peanuts to any of the Defendants, their subsidiaries or joint-ventures, from January 1, 2014 through December 31, 2019 (the “Class Period”). Specifically excluded from this Class are the Defendants; the officers, directors or employees of any Defendant; any entity in which any Defendant has a controlling interest; and any affiliate, legal representative, heir or assign of any Defendant.
- This Notice is also given pursuant to Rule 23 of the Federal Rules of Civil Procedure and Orders of the Court to inform you of a hearing before the Court to consider: (1) proposed settlements with the Olam and Birdsong Defendants and (2) Settlement Class Counsel’s request for reimbursement of litigation costs and expenses from the proceeds of the proposed settlements.
- This Notice provides information concerning: (1) the Court’s decision certifying this case as a class action and Class Members’ right to remain in the Class and be bound by any judgments, decisions or settlements in the case, as well as their right to exclude themselves from the Class and not be bound by any such judgments, decisions or settlements; (2) the proposed Olam and Birdsong settlements and Class Counsel’s motion for reimbursement of litigation costs and expenses, and Settlement Class

Members’ rights if they remain in either or both of the Settlement Classes and Settlement Class Members’ right to exclude themselves from either or both of the Settlement Classes.

- On December 23, 2020, the Court preliminarily approved settlements (the “Settlements”) with Olam and Birdsong (the “Settling Defendants”) totaling \$57,750,000 and certified an Olam Settlement Class and a Birdsong Settlement Class. The Action is still proceeding against Golden Peanut (“Non-Settling Defendant”). The Court has scheduled a hearing (“Fairness Hearing”) for March 25, 2021 to determine whether to approve the Settlements and whether to approve Settlement Class Counsel’s request for reimbursement of litigation costs and expenses. The Settlements, if finally approved by the Court, will offer cash payments to Class Members who file valid Claims in accordance with a Distribution Plan approved by the Court. Additional information regarding the Settlements, the Fairness Hearing, the proposed Distribution Plan, and your rights to share in any distribution is discussed below.
- A portion of the Settlements’ proceeds are being used by the Settlement Administrator to administer the Notice Program. The remainder of the Settlements’ proceeds will remain available for distribution to Class Members, any future notice costs, and attorneys’ fees, litigation expenses, and service awards that the Court chooses to award to Plaintiffs. Plaintiffs and their counsel are not presently seeking any attorneys’ fees or service awards from the Settlements’ proceeds, but may do so in the future, subject to additional notice to you and approval by the Court. At this time, Plaintiffs and their counsel will request that the Court award up to \$2,000,000 for reimbursement of current litigation costs and expenses. Plaintiffs and their counsel may seek further expense reimbursement for future costs and expenses, subject to additional notice to you and approval by the Court. In addition, please consult the case website, www.PeanutFarmersAntitrustLitigation.com, regularly for updates on the case and these Settlements.
- As explained in more detail below, you have the right to opt out of the Class or remain in the Class. You also have the right to remain in the Class and to opt out of or remain in either or both Settlement Classes.
- Please read this notice carefully. Your legal rights will be affected, and you have choices to make now.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS		DEADLINE
DO NOTHING AND REMAIN IN THE CLASS AND THE SETTLEMENT CLASSES	You do not need to take any action to remain a member of the Class and the Settlement Classes. Your interests will be represented by the Class Representatives (and Settlement Class Representatives) and Class Counsel (and Settlement Class Counsel) listed below. As a member of the Class and the Settlement Classes, you will be bound by any judgments, decisions, or settlements in the Action.	None.
EXCLUDE YOURSELF	This is the only option that allows you to keep your right to assert any claims against the Settling Defendants and the Non-Settling Defendant. If you exclude yourself from the Class, you will not be able to participate in any distribution of the proceeds from the Settlements with the Settling Defendants or any judgment against, or settlement with, the Non-Settling Defendant in the Action.	March 13, 2021

<p>REMAIN IN THE CLASS AND EXCLUDE YOURSELF FROM ONE, BUT NOT BOTH, OF THE SETTLEMENT CLASSES</p>	<p>If you remain in the Class, but exclude yourself from one, but not both, of the Settlement Classes, you will be bound by any judgments, decisions, or settlements relating to the Non-Settling Defendant and the Settling Defendant for the Class and the Settlement Class in which you remain. With respect to the Settlement Class from which you exclude yourself, you will not be bound by any judgment, decisions, or settlements relating to that Settling Defendant.</p>	<p>March 13, 2021</p>
<p>REMAIN IN THE CLASS AND EXCLUDE YOURSELF FROM BOTH OF THE SETTLEMENT CLASSES</p>	<p>If you remain in the Class, but exclude yourself from both of the Settlement Classes, you will be bound by any judgments, decision, or settlements relating to the Non-Settling Defendant, but will not be bound by any judgment, decisions, or settlements relating to the Settling Defendants.</p>	<p>March 13, 2021</p>
<p>OBJECT AND/OR ATTEND A HEARING</p>	<p>If you remain in either or both of the Settlement Classes, you will have the right to file a written objection to the Settlement for which you remain a Settlement Class Member and may also request to be heard at the Fairness Hearing on March 25, 2021.</p>	<p>March 13, 2021</p>

- Your rights and options—**and the deadlines to exercise them**—are explained in this notice.
- The Court in charge of this Action will decide whether to finally approve the Settlements. Payments to Class Members will be made if the Court finally approves the Settlements and after any appeals are resolved.

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BASIC INFORMATION

1. Why did I receive a Notice?

A Court authorized this notice because it certified this case as a Class Action and because the Court preliminarily approved the Settlements with Olam and Birdsong. Class Members described on Page 1 of this notice have the right to either exclude themselves from, or remain in, the Class. Assuming Class Members do not exclude themselves from the Class, Class Members have the right to exclude themselves from either or both Settlement Classes. **To know if you are a member of the Class, see the answer to Question 5 below.**

The people who sued are called the Plaintiffs. Golden Peanut, Birdsong, and Olam are the Defendants.

2. What is this lawsuit about?

The Defendants in this lawsuit, Golden Peanut, Birdsong, and Olam, are peanut shellers. Plaintiffs in this lawsuit are farmers who sell their raw, harvested peanuts to shellers, which in turn process these peanuts and sell them to manufacturers of products such as peanut butter and candy. Plaintiffs represent a group of people who have similar claims against Defendants. This group of people is known as the “Class” (*see* Questions 3 and 5 for more information about the Class).

This lawsuit alleges, among other things, that the Defendants entered into a contract, combination, or conspiracy in restraint of trade, the purpose and effect of which was to suppress competition and to pay depressed prices to the Class during the Class Period, in violation of Section 1 of the Sherman Act 15 U.S.C. § 1. This lawsuit focuses on runner peanuts, the most common type of peanut grown in the United States. In other words, this lawsuit alleges that Golden Peanut, Birdsong, and Olam violated federal antitrust law by conspiring and colluding with one another to depress the prices of runner peanuts paid to farmers, causing farmers to be underpaid for their runner peanut crop. Plaintiffs believe that evidence of price discussions between the Defendants show the Defendants exchanged sensitive competitive information with one another, suggesting an antitrust conspiracy to create low runner peanut prices.

All the Defendants have denied and continue to deny all of Plaintiffs’ allegations and have asserted numerous defenses to Plaintiffs’ claims. However, Plaintiffs have reached Settlements with Olam and Birdsong (Settling Defendants) for a total of \$57,750,000. The Settling Defendants do not admit any liability, but chose to settle to avoid further expenses, burdens, and risks that are inherent in any litigation. This lawsuit will continue against Golden Peanut (Non-Settling Defendant), which continues to argue there is no evidence of an antitrust conspiracy and that its actions are legitimate and pro-competitive business practices. In particular, Golden Peanut argues that it did not enter into any agreement to fix the prices for runner peanuts, and that the prices it paid farmers for runner peanuts were the result of its independent business judgment and market forces, including the Agricultural Act of 2014 (2014 Farm Bill). Golden Peanut believes that legislation incentivized farmers to grow more peanuts, which Golden Peanut believes created a record peanut supply during the Class Period.

Important information about the case will be posted on the website, www.PeanutFarmersAntitrustLitigation.com, as it becomes available. Please check the website to be kept informed about any future developments.

3. What is a class action?

In a class action, the Plaintiffs act as “class representatives” and sue on behalf of themselves and other people who have similar claims. This group of people is called the “class,” and the people in the class are called “class members.” One court resolves the issues for all class members, except for people who exclude themselves from the class. The Honorable Raymond A. Jackson of the United States District Court for the Eastern District of Virginia is presiding over this case. The case is *In re Peanut Farmers Antitrust Litigation*, No. 2:19-cv-00463.

4. Why is there a partial Settlement of this lawsuit?

The Court did not decide in favor of Plaintiffs or the Settling Defendants. Instead, Plaintiffs and the Settling Defendants have agreed to the Settlements to avoid the costs and risks of a trial. The class representatives and their attorneys think the settlements are best for everyone affected and will provide Class Members with monetary compensation. Plaintiffs will continue to pursue their claims against the Non-Settling Defendant and a trial is scheduled for June 15, 2021.

WHO IS IN THE CLASS

5. Who is in the Class?

You may be a member of the Class if you are a person or entity in the United States who sold raw, harvested runner peanuts to any of the Defendants, their subsidiaries or joint-ventures, from January 1, 2014 through December 31, 2019.

Specifically excluded from this Class are the Defendants; the officers, directors or employees of any Defendant; any entity in which any Defendant has a controlling interest; and any affiliate, legal representative, heir or assign of any Defendant.

6. What should I do if I am still not sure whether I am included?

If you are not sure whether you are included in the Class, you can ask for free help by calling the Settlement Administrator at (844) 754-7469 or email Info@PeanutFarmersAntitrustLitigation.com for more information.

THE SETTLEMENTS

7. What do the Settlements provide?

The Settling Defendants will collectively pay \$57,750,000.00 into a Settlement Fund. If the Court, after conducting the Fairness Hearing, finally approves the Settlements, after deductions for attorneys' fees, litigation costs, and other expenses (*see* Question 14), the Settlement Fund will be distributed at a later date to Class Members who submit valid claims.

Additional details about the Settlements are contained in the Settlement Agreements, which are available at www.PeanutFarmersAntitrustLitigation.com.

8. How much money can I get from the Settlements?

The amount you get will be calculated pursuant to a Plan of Distribution to be approved by the Court, and will depend on how many claims are submitted, and how much the Court allows in fees, costs, and expenses. For information on how to make a claim, *see* Question 11 and www.PeanutFarmersAntitrustLitigation.com. For information on the Plan of Distribution, *see* www.PeanutFarmersAntitrustLitigation.com.

9. What am I giving up if I stay in the Class?

Unless you exclude yourself with an opt-out request (*see* Question 16), you cannot sue, continue to sue, or be part of any other lawsuit against the Defendants relating to the issues regarding price-fixing at issue in this case. If you stay in the Class and the Settlement Classes, you will be bound by any judgments, decisions, or settlements in the Action. If you decide to opt out of the Class, you will no longer be considered a Class Member and will not be able to participate in the Settlements with the Settling Defendants or any future settlement or recovery against the Non-Settling Defendant.

10. What am I giving up if I stay in either or both of the Settlement Classes?

Unless you exclude yourself from either or both of the Settlement Classes with an opt-out request (*see* Question 16), you cannot sue, continue to sue, or be party to any other lawsuit against the Settling Defendants relating to the issues regarding price-fixing at issue in this case. If you stay in either or both of the Settlement Classes, you will be bound by any judgments, decisions, or settlements in the Action with respect to the Settlement Class(es) in which you remain. If you decide to opt out of either or both of the Settlement Classes, you will no longer be considered a member of the Settlement Class of which you opted out and will not be able to participate in the Settlement with that Settling Defendant.

HOW TO GET A PAYMENT—MAKING A CLAIM

11. How can I get a payment?

As described above (*see* Questions 7 and 8), the Court will conduct a Fairness Hearing and decide whether to finally approve the Settlements and a Distribution Plan. If you are a person or entity in the United States who sold raw, harvested runner peanuts to any Defendant during the class period, and do not exclude yourself from the Class or either of the Settlement Classes, you will have the opportunity to submit a Claim Form, which will be sent to you at a later date, and participate in the Settlements. If you do not exclude yourself from the Class but do exclude yourself from either or both of the Settlement Classes, you will no longer be considered a member of the Settlement Class of which you opted out and will not be able to participate in the Settlement with that Settling Defendant. The Settlement Funds will be allocated pursuant to the Plan of Distribution which will be made available at www.PeanutFarmersAntitrustLitigation.com after it has been approved by the Court.

12. When will I get my payment?

Class Counsel do not intend to distribute any proceeds from the Settlements to qualifying Settlement Class Members at this time, but instead intend to combine any distribution of the Settlements' proceeds with proceeds from any future settlement or other recovery in the litigation. If you do not exclude yourself from the Class, you will be provided further notice of any future settlements or recoveries. In addition, please consult the case website, www.PeanutFarmersAntitrustLitigation.com, regularly for updates on the case.

The Court will hold a hearing to decide whether to approve the Settlements. If the Court approves the Settlements, there still may be appeals of that decision. It is hard to estimate how long it might take for any appeals to be resolved.

Updates regarding the Settlements and when payments will be made will be posted on the Settlement website, www.PeanutFarmersAntitrustLitigation.com.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in the case?

Yes. The Court appointed the law firms of Lockridge Grindal Nauen PLLP and Freed Kanner London & Millen LLC to represent you and the other Class Members. These firms are called Class Counsel (or Settlement Class Counsel). You will not be charged for their services.

14. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf at no charge to you. If you want your own lawyer, you may hire one, but you will be responsible for any payment for that lawyer’s services. For example, you can ask your own lawyer to appear in Court for you if you want someone other than Class Counsel to speak for you. You may also appear for yourself without a lawyer.

15. How will the lawyers be paid?

You do not have to pay Class Counsel. Class Counsel, who have not been paid for their services since this case began, will seek an award of attorneys’ fees out of the Settlement Fund at a later date, as well as reimbursement for litigation costs they advanced in pursuing the claims. The fees will compensate Class Counsel for investigating the facts, litigating the case, and negotiating and administering the Settlements. Additionally, Settlement Class Counsel will seek reimbursement of their out-of-pocket litigation expenses to be paid out of the Settlement Fund.

At a later date, Settlement Class Counsel will also ask the Court to approve service award payments out of the Settlement Fund to each of the Class Representatives, who are D&M Farms, Mark Hasty, Dustin Land, Rocky Creek Peanut Farms LLC, Daniel Howell, and Lonnie Gilbert.

The costs of providing this notice and administering the Settlements are being paid from the Settlement Fund.

EXCLUDING YOURSELF FROM THE CLASS OR SETTLEMENT CLASSES

If you do not want the benefits from the Settlements, and you want to keep your rights, if any, to sue the Settling Defendants and Non-Settling Defendant on your own about the legal issues in this case, then you must take steps to get out of the Class or Settlement Classes. This is called excluding yourself—or “opting out” of—the Class or Settlement Class.

16. How do I get out of the Class or Settlement Classes?

You may opt out of the Class or either or both of the Settlement Classes. If you wish to exclude yourself from the Class or either or both of the Settlement Classes, you must send a request for exclusion in writing, by certified mail, return receipt requested, and must specify whether you are excluding yourself from the Class or from either or both of the Settlement Classes. Your request must be **postmarked no later than March 13, 2021**, and must be sent to Class Counsel listed below, and to the following address:

In re Peanut Farmers Antitrust Litigation
Attn: Exclusion Request
P.O. Box 58220
Philadelphia, PA 19102

Class Counsel	Class Counsel
Brian D. Clark Lockridge Grindal Nauen PLLP 100 Washington Avenue South, Suite 2200 Minneapolis, MN 55401	Kimberly A. Justice Freed Kanner London & Millen LLC 923 Fayette Street Conshohocken, PA 19428

17. If I do not opt out of the Class or the Settlement Classes, can I sue Defendants for the same thing later?

No. Unless you opt out of the Class or the Settlement Classes, you give up the right to sue the Defendants for the claims asserted in this Action. You must exclude yourself from the Class or Settlement Classes if you want to try to pursue your own lawsuit against the Non-Settling Defendant or the Settling Defendants.

18. What happens if I opt out of the Class or either or both of the Settlement Classes?

If you opt out of the Class, you will not have any rights as a member of the Class and will not be able to participate in the Settlements with the Settling Defendants or any future settlement or recovery against the Non-Settling Defendant. If you opt out you will not be bound by any further orders or judgments in this case; and you will keep the right to sue, if any, on the claims alleged in the case by filing or continuing your own lawsuit at your own expense.

If you remain in the Class but opt out of either or both of the Settlement Classes, you will no longer be considered a member of the Settlement Class of which you opted out and will not be able to participate in the Settlement with that Settling Defendant.

OBJECTING TO THE SETTLEMENTS

19. How do I tell the Court if I do not like the Settlements?

If you are a Class Member and do not opt out of the Class or the Settlement Classes, you may object to the Settlements; you may also object to Class Counsel's request for reimbursement of current litigation costs and expenses. If you remain in the Class but opt out of either or both of the Settlement Classes, you will no longer be considered a member of the Settlement Class of which you opted out and will not be able to object to the Settlement with that Settling Defendant.

You cannot ask the Court to order larger settlement(s); the Court can only approve or deny the Settlement(s). If the Court denies approval, no settlement payments will be sent out and the lawsuit will continue against the Settling Defendants. If that is what you want to happen, you must object.

You may object to the proposed Settlements in writing. You may also appear at the Fairness Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for paying that attorney. To object, you must file a document with the Court saying that you object to the proposed Settlements in *In Re Peanut Farmers Antitrust Litigation.*, Civil Action No. 2:19-cv-00463. Be sure to include:

- Your name, address, and telephone number;
- A statement saying that you object to the Settlements in *In Re Peanut Farmers Antitrust Litigation.*, Civil Action No. 2:19-cv-00463;
- Whether you plan to appear at the Fairness Hearing;
- Proof of membership in the Settlement Class, including any documentation evidencing you sold raw, harvested runner peanuts to any of the Defendants during the Class Period;
- The specific reasons you object to the Settlements, along with any supporting materials or documents that you want the Court to consider; and
- Your signature.

You must mail the objection by First Class U.S. Mail, postmarked no later than March 13, 2021 to the Court at the following address: United States District Court for the Eastern District of Virginia (Norfolk Division), Walter E. Hoffman E. Hoffman United States Courthouse, 600 Granby Street, Norfolk, VA 23510.

You must also mail your objection by First Class U.S. Mail to Class Counsel listed above (*see* Question 16) and Counsel for the Settling Defendants at each of the following addresses:

Counsel for Olam	Counsel for Birdsong
Niall E. Lynch Latham & Watkins LLP 505 Montgomery Street Suite 2000 San Francisco, CA 94111	Stephen E. Noona Kaufman & Canoles, P.C. 150 W. Main Street Suite 2100 Norfolk, VA 23510

If your objection is not postmarked by the deadline and does not include the information listed above, it will not be valid.

20. What is the difference between objecting and excluding myself from the Class or Settlement Classes?

Objecting is telling the Court that you do not like something about the Settlements. You can object to the Settlements only if you do not exclude yourself from the Class or the Settlement Classes. Excluding yourself from the Class is opting out and telling the Court that you do not want to be part of the Class. If you opt out of the Class, you cannot object to the Settlements because they no longer affect you. You cannot both opt out and object to the Settlements. Similarly, if you remain in the Class but opt out of either or both of the Settlement Classes, you cannot object to the Settlement with that Settling Defendant.

THE COURT’S FAIRNESS HEARING

21. When and where will the Court decide whether to approve the Settlement(s)?

The Court will hold a Fairness Hearing at 10:00 a.m. on March 25, 2021 in Courtroom 4 of the United States District Court for the Eastern District of Virginia, located at United States District Court for the Eastern District of Virginia (Norfolk Division), Walter E. Hoffman E. Hoffman United States Courthouse, 600 Granby Street, Norfolk, VA 23510.

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 listen to people who have asked to speak at the hearing.

After the hearing, the Court will decide whether to approve the Settlements.

The Court may reschedule the Fairness Hearing or change any of the deadlines described in this notice. The date of the Fairness Hearing may change without further notice to the Class Members. Be sure to check the website, www.PeanutFarmersAntitrustLitigation.com, for news of any such changes.

22. Do I have to come to the Fairness Hearing?

No. Class Counsel will answer any questions the Court may have. You may attend at your own expense if you wish. If you send an objection, you do not have to come to Court to talk about it. So long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

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 include a statement in your written objection (*see* Question 19) that you intend to appear at the hearing. Be sure to include your name, address, and signature as well. You cannot speak at the hearing if you exclude yourself from the Class or both Settlement Classes.

IF I DO NOTHING

24. What happens if I do nothing at all?

If you do nothing, you will remain a member of the Class and Settlement Classes and be bound by all judgments, rulings, and settlements in the Action. If you remain a member of the Class and Settlement Classes, you will be eligible file a Claim Form to receive a share of the proceeds from the Settlements and any future recovery from, or settlement with, the Non-Settling Defendant, once they are paid out, after payment of attorneys' fees, costs, and other expenses.

GETTING MORE INFORMATION

25. Are more details about the Action available?

Yes. This notice summarizes the Court's decisions to certify this case as a Class Action and to preliminarily approve the Olam and Birdsong Settlements. You can get copies of case-related documents and other information about the Action at www.PeanutFarmersAntitrustLitigation.com.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS ACTION.

26. How do I get more information?

The website www.PeanutFarmersAntitrustLitigation.com has important Court documents and answers to questions about the Action.

You can also call or write to the Settlement Administrator at:

Peanut Farmers Antitrust Litigation
Settlement Administrator
1650 Arch Street, Suite 2210
Philadelphia, PA 19103
(844) 754-7469
Info@PeanutFarmersAntitrustLitigation.com

Dated: January 12, 2021

BY ORDER OF:

THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA