

# COHEN, TODD, KITE & STANFORD, LLC

ATTORNEYS AT LAW SUITE 1200 - 250 EAST FIFTH STREET CINCINNATI, OHIO 45202-4139 www.ctks.com

RICHARD D. NELSON  
DIRECT PHONE: (513) 333-5255  
FAX: (513) 241-4490  
E-MAIL: [ricknelson@ctks.com](mailto:ricknelson@ctks.com)

October 31, 2008

**VIA ORDINARY MAIL &**  
**VIA E-MAIL: [rapdresp@jfs.ohio.gov](mailto:rapdresp@jfs.ohio.gov)**

Rapid Response Section  
Bureau of Work Force Services  
Ohio Department of Job & Family Services  
Worker Adjustment Retraining Notification (WARN Act)  
PO Box 1618  
Columbus, Ohio 43216-1618

RECEIVED  
OHIO DEPARTMENT  
JOB & FAMILY SERVICES  
2008 NOV - 3 A 4: 38  
OFFICE OF  
WORKFORCE DEVELOPMENT

**Re: Berkeley Premium Nutraceuticals, Inc.**  
**Case No.: 08-15012**

Dear Ms. Patton:

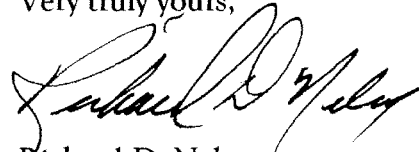
Please be advised that the undersigned is currently serving as Chapter 11 Bankruptcy Trustee in the matter of Berkeley Premium Nutraceuticals, case number 08-15012.

The Berkeley Company is currently operating as a going concern and there are pending pleadings in the Bankruptcy Court in the Southern District of Ohio Western Division for the sale of the company also is a going concern.

By necessity, the sale process in a bankruptcy setting has to be directed towards higher and better bids and, therefore, while we presently have an offer that provides for the company to remain in its current location and maintain its current workforce, out of an abundance of caution, we have provided the required WARN letters to employees. A copy of the letter and information is enclosed for your reference.

Should you have any questions, please feel free to contact the undersigned.

Very truly yours,



Richard D. Nelson

RDN/kmb  
Enclosures  
481370.1



**Berkeley**

The Very Best. For Life!

October 31, 2008

Dear Employee:

As you are aware, Berkeley Premium Nutraceuticals, Inc. intends to sell its business assets and operations pursuant to a Bankruptcy Court approved auction process. Although Berkeley has entered into a Letter of Intent with an investor who intends to maintain the current facility and a substantial portion of the current employees, Berkeley is still subject to higher bids by other parties, putting Berkeley at risk for layoffs.

We are required to give you notice of the potential for a mass layoff of current employees in accordance with the Worker Adjustment and Retraining Notification Act ("WARN"). While we are extremely hopeful that new ownership will result in continued employment at Berkeley, there is a possibility that a substantial number of Berkeley employees will be laid off immediately before or following the sale of Berkeley's assets. In the instance of a layoff, it is expected to take place on or about December 31, 2008. However, there is also a possibility that a substantial number of employees will be subsequently re-employed by the new owner. Again, this notice is a precautionary measure to allow employees the opportunity to seek and/or secure employment with another employer in the event of a mass layoff. \*

We thank you for your patience and dedication as we go through these uncertain times.

For further information, please contact Rick Nelson at (513) 333-5255.

Sincerely,

Richard D. Nelson  
Trustee

\* Site location: Berkeley Premium Nutraceuticals  
1661 Waycross Road  
Cincinnati, Ohio 45240

## **WARN Letter Attachment**

Current Berkeley Employees:    191  
   40 – salary  
   151 – hourly as of 10/31/2008