



Morningland of the Ozarks, L.L.C.  
6248 County Road 2980  
Mountain View, Missouri 65548  
(417) 469-3817

RECEIVED  
JAN 19 2011  
CIRCUIT JUDGE  
37th JUDICIAL CIRCUIT

January 11, 2011

The Honorable David Dunlap  
Howell County Circuit Courthouse  
225 Courthouse  
West Plains, Missouri 65775

VIA HAND-DELIVERY

Re: Rescission of Activities and Practices Involving Production, Sale and Marketing  
of Raw Milk Products

Dear Judge Dunlap:

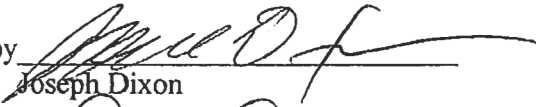
This letter is written to inform your agency that any and all manufacturing and sale of our products to the public is hereby terminated. We now understand that your agency has a mandate from Congress to protect the public. We also understand and respect that principle, and we will assume that a cease and desist order had been issued by your agency without any further action on your part.


Be it known that we will fully comply with FDA and Missouri State statutes, regulations and orders in the future. We are also aware that your jurisdiction and authority is limited to the public domain, except for clear and present dangers of substantive evil per U.S. Supreme Court decisions. We also understand that we may operate our new First and Fourteenth Amendment Private Raw Milk Membership Association in the Private Domain outside your jurisdiction and authority unless you have legal proper objections within ten (10) days of the receipt of this letter.

We also apologize for the expense, time and effort your agency has expended thus far and hope you realize that we never had any intent to violate the law in the past or future. We acted upon information and understandings of our research and various other persons and organizations. Apparently, some of that research and information was incorrect which has caused some concern and an investigation on your part. Please inform us as to anything we can do to redeem and mitigate ourselves from any civil and or/criminal sanctions by your agency. We believe that our only fault is a good faith mistaken understanding of the law.

Sincerely,

Morningland of the Ozarks, L.L.C.

by   
Joseph Dixon

by   
Denise Dixon

Morningland Dairy  
(A Private Unpasteurized Whole Milk Membership Association)  
6248 County Road 2980  
Mountain View, Missouri 65548  
(417) 469-3817

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JAN 19 2011

CIRCUIT JUDGE  
37th JUDICIAL CIRCUIT

January 18, 2011

The Honorable David Dunlap  
Howell County Circuit Courthouse  
225 Courthouse  
West Plains, Missouri 65775

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Re: Notice of Morningland Dairy to Market Products to Private Members Only in the Private Domain; Case no. 10-AL-CC00135

Dear Judge Dunlap:

This letter is our official notice to your agency concerning our First and Fourteenth Amendment Private Health Membership Association. This association will be marketing products to our private members only in the private domain. The U.S. Supreme Court has mandated and ruled in numerous cases that there exists a public domain and a private domain in the United States. Again, our private association and members have decided to operate also in the private domain only under the liberty clause of the right to due process of law under the Fifth Amendment of the U.S. Constitution.

As in N.A.A.C.P. v. Button, 371 U.S. 415 at 421, in the public domain, a person who advises another that his legal rights have been infringed and refers him to a particular attorney has committed a *mala prohibita* felony crime in the State of Virginia. But in the private domain of a First Amendment legal membership association, the state,

“... in the domain of these indispensable liberties, whether of... association, the decisions of this Court recognize that abridgment of such rights.” N.A.A.C.P. v. Button, supra at 421. The “modes of...association protected by the First and Fourteenth (are modes) which Virginia may not prohibit.” N.A.A.C.P. v. Button, supra at 415. In other words, a private mode or domain is protected and is a different domain than a public domain. What was a *mala prohibita* felony criminal act in the public domain became a legally protected act in the private domain or private association. A *mala in se* crime is not legally protected in the private domain or private association.

Also, the private domain is referred to as a “sanctuary from unjustified interference by the State” in Pierce v. Society of Sisters, 268 U.S. 510 at 534-535. And as a “constitutional shelter” in Roberts v. United States, 82 L.Ed.2d 462 at 472. And again as a “shield” in Roberts v. United States, supra at 474.

In addition, the U.S. Supreme Court in Thomas v. Collins, 323 U.S. 516 at 531, specifically refers to the “Domains set apart...for free assembly.” The First Amendment right to association creates a “preserve” in Baird v. Arizona, 401 U.S. 1.

The private domain of an association is a sanctuary, constitutional shelter, shield, and domain set apart and a preserve according to a number of U.S. Supreme Court decisions.

Please be informed that Morningland Dairy is a 1<sup>st</sup> and 14<sup>th</sup> Amendment private unpasteurized whole milk membership association that only has private contract members and does not involve public persons in any manner. Your Agency and others do not have jurisdiction or authority to even investigate our private unpasteurized whole milk association unless you have some reasonable suspicion or evidence that our private

members are being subjected to a clear and present danger of substantive evil within our private association. We assure you that our private members are not being harmed in any manner. Your mandate from the Federal legislature is only to protect the public, not private members. Our right to set up a 1<sup>st</sup> and 14<sup>th</sup> Amendment private unpasteurized whole milk association and the public member's right to change himself or herself into a legal private contract member of our associations has been upheld by numerous U.S. Supreme Court decisions. Also, you are hereby put on notice that any interference with our private association activities may result in a Federal Civil and Constitutional Rights lawsuit under Title 42 U.S.C. § 1983 by suing the persons involved in their "individual capacities" under Hafer v. Melo, 502 U.S. 25.

If your agency decides to defy the Supreme Law of the Land and U.S. Supreme Court as was done in the case of Cooper v. Aaron, 358 U.S. 1, please review Cooper v. Aaron, supra. The U.S. Supreme Court stated that,

'It follows that the interpretation of the Fourteenth Amendment enunciated by this Court...is the supreme law of the land and Art. 6 of the Constitution makes it of binding effect on the States "anything in the Constitution or Laws of any State to the contrary notwithstanding."

"Every state legislator and executive and judicial officer is solemnly committed by oath pursuant to Art. 6, cl. 3 to support this Constitution."

"No state legislator or executive or judicial officer can war against the Constitution without violating his (or her) undertaking to support it."  
The same principles also apply to federal.

Again, the U.S. Supreme Court has upheld First and Fourteenth Amendment association rights.

'This Court has repeatedly held that rights of association are within the ambit of the constitutional protections afforded by the First and Fourteenth Amendments. NAACP v. Alabama, 357 U.S. 449, 2 L.Ed2d 1488, 78 S.Ct. 1163; Bates v. Little Rock, 361 U.S. 516, 4 L.Ed.2d 480, 80 S.Ct.

412; Shelton v. Tucker, 364 U.S. 479, 5 L.Ed.2d 231, 81 S.Ct. 247; NAACP v. Button, 371 U.S. 415, 9 L.Ed.2d 405, 83 S.Ct. 328. The respondent Committee does not contend otherwise, nor could it, for, as was said in NAACP v. Alabama (US) supra, “It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the ‘liberty’ assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech.” 357 U.S., at 460. Gibson v. Florida Investigation Committee, 9 L.Ed.2d 929.

Although most of these U.S. Supreme cases dealt with private legal membership associations, we know that this principle applies to private other membership associations. In United Mine Workers v. Illinois State Bar Assoc., 389 U.S. 217, a private association case, the court stated that,

“And the rights of free speech and a free press are not confined to any field of human interest.” Thomas v. Collins, 323 U.S. 516 at 531, 65 S.Ct. 315, 89 L.Ed. at 441.”

‘It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the “liberty” assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech.’ 357 U.S. at 460. Gibson v. Florida Investigation Committee, supra.

‘The First and Fourteenth Amendment rights of free speech and free association are fundamental and highly prized, and “need breathing space to survive.”’ NAACP v. Button, 371 U.S. 415, 433, 9 L.Ed.2d 405, 418, 83 S.Ct. 328. Gibson v. Florida Investigation Committee, supra.

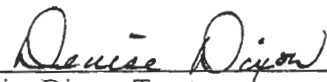
“It was not by accident or coincidence that the rights to freedom in speech and press were coupled in a single guaranty with the rights of the people peaceably to assemble and to petition for redress of grievances. All these, though not identical, are inseparable. They are cognate rights, cf. De Jonge v. Oregon, 299 U.S. 353, 364, 81 L.Ed. 278, 282, 57 S.Ct. 255, and therefore are united in the First Article’s assurance. Cf. 1 Annals of Congress, 759, 760. Thomas v. Collins, supra.

It is evident that free speech and association rights are similarly treated as the same. If your agency allows free speech, then it must allow freedom of association concerning this field of human interest.

Our intent is to operate under our First and Fourteenth Amendment private membership association to private members only unless you furnish us legal and valid objections to same within ten (ten) days from the receipt of this letter.

**Morningland Dairy**  
*A Private Unpasteurized Whole Milk  
Membership Association*

By   
Joseph Dixon, Trustee

By   
Denise Dixon, Trustee

CARTER COUNTY  
HOWELL COUNTY



OREGON COUNTY  
SHANNON COUNTY

*Thirty-Seventh Judicial Circuit of Missouri*  
WEST PLAINS, MISSOURI 65775-3400

David Dunlap  
Senior Judge

January 20, 2011

David G. Cox, Esq.  
Attorney at Law  
Two Marinova Place, Suite 500  
Columbus, OH 43215-7052  
Fax: 614-228-0146

Re:

Dear Mr. Cox:

Your client has delivered the enclosed to this court.

Please advise the client that such ex parte communications are improper and cannot be entertained.

Yours truly,

A handwritten signature in black ink, appearing to read "David Dunlap", is written over a horizontal line.

David Dunlap  
Senior Judge, 37<sup>th</sup> Judicial Circuit

Enclosure

cc: Jessica Blome