

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE TURKEY ANTITRUST LITIGATION

This Document Relates To:

Direct Purchaser Plaintiff Actions

Civil Action No. 19-cv-08318

Hon. Sunil R. Harjani

Hon. Keri L. Holleb Hotaling

**ORDER GRANTING DIRECT PURCHASER PLAINTIFFS' UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF SETTLEMENT WITH AGRI STATS, INC.,
APPROVAL OF THE MANNER AND FORM OF CLASS NOTICE PLAN, AND
RELATED RELIEF**

Direct Purchaser Plaintiffs ("DPPs") have entered into a settlement agreement with Agri Stats, Inc. on behalf of the direct purchaser litigation class certified by the Court ("Settlement" or "Settlement Agreement"). Before the Court is DPPs' Motion for Preliminary Approval of Settlement with Agri Stats, Inc., Approval of the Manner and Form of Class Notice Plan, and Related Relief ("Motion"). This Motion seeks an order granting preliminary approval to the Settlement and approving the plan of notice, and agreeing to defer the sending of notice for no later than July 10, 2026, to permit the possibility of cost-savings and efficiency with combining notice with any other future settlements. The Court, having reviewed the Motion; its accompanying memorandum, declarations and exhibits thereto; the proposed Settlement Agreement; and the file; hereby **ORDERS**:

Notice of the Court's Class Certification Order

1. The Court certified the following DPP litigation class in its order dated January 22, 2025 (ECF No. 1107) (the "Certified Class"):

All persons and entities who directly purchased fresh or frozen, uncooked turkey breast, ground turkey, or whole bird turkey products (the "Class Products") from Defendants in the United

States during the Class Period.

2. Specifically excluded from this Class are the Defendants and their Co-Conspirators; the officers, directors or employees of any Defendant or Co-Conspirator; any entity in which any Defendant or their Co-Conspirator has a controlling interest; any entity with an interest, controlling or non-controlling, in a Defendant or their Co-Conspirator; any entity where an individual owner, trust, and/or holding company also had an interest in any Defendant (whether as an individual, member, trust, trustee, legal representative, heir or assign) of greater than 5% during any year of the Class Period; any (in whole or in part) affiliate, legal representative, heir, or any federal, state, or local governmental entities, any judicial officer presiding over this action and the members of his/her immediate family and judicial staff, any juror assigned to this action, and any Co-Conspirator identified in this action.

3. The Certified Class has the following exclusions: Specifically excluded from the Certified Class are Defendants and their Co-conspirators; the officers, directors or employees of any Defendant or Co-conspirator; any entity in which any Defendant or their Co-conspirator has a controlling interest; any entity with an interest, controlling or non-controlling, in a Defendant or their Co-conspirator; any entity where an individual owner, trust, and/or holding company also had an interest in any Defendant (whether as an individual, member, trust, trustee, legal representative, heir or assign) of greater than 5% during any year of the Class Period; any (in whole or in part) affiliate, legal representative, heir, or assign of any Defendant or their Co-conspirator. Also excluded from this Class are any federal, state, or local governmental entities, any judicial officer presiding over this action and the members of his/her immediate family and judicial staff, any juror assigned to this action, and any Co-conspirator identified in this action.

4. The Class Products have the following exclusions:

a. Turkey breast products exclude: (1) turkey breasts used to make ground turkey;

(2) turkey breast tenderloins; (3) organic turkey breast products; (4) NAE or ABF turkey breast products; and (5) cooked or RTE turkey breast products.

b. Ground turkey products exclude: (1) ground turkey products made from turkey breasts; (2) ground turkey products made from turkey wings; (3) burgers, sausages, and patties; (4) organic ground turkey products; (5) NAE or ABF ground turkey products; and (6) cooked or RTE ground turkey products.

c. Whole bird turkey products exclude: (1) organic turkey whole bird products; (2) NAE or ABF turkey whole bird products; and (3) cooked or RTE turkey whole bird products.

5. The Class Period is January 1, 2010, through December 31, 2016.

6. The Court previously appointed the law firms Hagens Berman Sobol Shapiro LLP and Lockridge Grindal Nauen PLLP as Co-Lead Class Counsel for the Certified Class.

7. The Court appoints John Gross and Company, Inc. and Maplevale Farms, Inc. as class representatives for the Certified Class.

8. The Court directs notice regarding certification of the direct purchaser litigation class be distributed to the Certified Class pursuant to Federal Rule of Civil Procedure (“Rule”) 23(c)(2)(B).

Preliminary Approval of the Settlements

9. DPPs have entered into Settlement Agreements with Agri Stats, Inc. (the “Settlement” or “Settlement Agreement”) on behalf of the Certified Class.

10. The Court has jurisdiction over this action and each of the Parties to the Settlement Agreement. Upon review of the record, the Court finds that the Settlement Agreement, which was arrived at by arm’s-length negotiations by highly experienced counsel, meets all factors under Rule

23(e)(2) and will likely be granted Final Approval by the Court, subject to further consideration at the Court's Fairness Hearing. The Court finds that the Settlement was preliminarily determined be fair, reasonable, adequate, and in the best interests of the Certified Class; raises no obvious reason to doubt its fairness; and raises a reasonable basis for presuming that the Settlement satisfies the requirements of Rule 23(c)(2), Rule 23(e), and due process.

11. The Court grants preliminary approval of the Settlement.

12. The Court defers notice of the Settlement until a later date where it will be more efficient to combine notice with other anticipated settlements. Therefore at a later date, the Court will direct notice regarding the Settlement to be distributed to the Certified Class pursuant to Rule 23(c)(2)(B) and Rule 23(e)(1).

Approval of the Manner and Form of Class Notice

13. The Court hereby directs that notice of this Settlement Agreement be issued to the Certified Class no later than July 10, 2026.

14. The Court finds that deferring notice of this Settlement Agreement until no later than July 10, 2026, is in the best interests of the Certified Class. Waiting to provide notice to the class until other settlements may be reached will be efficient, cost effective, and minimize confusion to the Certified Class.

15. The Court hereby appoints A.B. Data, Ltd. ("A.B. Data") to administer the Settlements and Class Notice according to the plan set out in the Motion. The Court previously appointed A.B. Data to administer DPPs' settlements with Tyson, Cargill, Cooper Farms, and Farbest Foods.

16. The Class Notice Plan set forth in the Motion is substantially similar to the notice plan given Final Approval by this Court for the Tyson, Cargill, Cooper Farms, and Farbest Foods

Settlements. (*See* ECF Nos. 406, 1362, 1355.) It complies with Rule 23(c)(2)(B), Rule 23(e)(1), and due process because it constitutes the best notice that is practicable under the circumstances, providing individual notice via mail and email to all Certified Class members who can be identified through reasonable effort.

17. The attached proposed notice documents: Long Form Notice (Exhibit 1) and Short Form Notice (Exhibit 2), (collectively, “Class Notice Documents”) comply with Rule 23(c)(2)(B), Rule 23(e)(1), and due process because they are reasonably calculated to adequately apprise Certified Class members of (i) the nature of the action; (ii) the definition of the class certified; (iii) the class claims, issues, or defenses; (iv) that a Certified Class member may enter an appearance through an attorney if the member so desires; (v) members of the Certified Class *may not* exclude themselves from this Settlement, but any Certified Class member may object to the Settlements; (vi) the time and manner for requesting exclusion or submitting objections; and (vii) the binding effect of a class judgment on Certified Class members under Rule 23(c)(3).

18. Co-Lead Class Counsel are not seeking payment of interim attorneys’ fees, current and ongoing expenses, or service awards from the Settlements at this time. The Class Notice Plan and Documents adequately notify the Certified Class of Co-Lead Class Counsel’s intentions in this regard.

19. The Court approves the Class Notice Plan and Class Notice Documents. Non-substantive changes, such as typographical errors, can be made to the Class Notice Documents by agreement of the parties without leave from the Court.

20. A.B. Data shall cause Class Notice to be mailed by first class mail, postage prepaid, to all members of the Certified Class whose names, mailing addresses, and email addresses can be derived from information provided by the Defendants in this action. The Long Form Notice shall

be provided to all persons who request it in response to the Short Form Notice.

Schedule for Class Notice and Fairness Hearing

21. The Court hereby sets the schedule below for the dissemination of Class Notice to the Certified Class; for Certified Class members to object to either or both Settlements; and for the Court's Fairness Hearing, at which time the Court will determine whether the Settlements should be finally approved as fair, reasonable, and adequate. This Court may order the Fairness Hearing to be postponed, adjourned, or continued. If that occurs, the updated hearing date shall be posted on the case-specific website, but other than the website posting the parties will not be required to provide any additional notice to Certified Class members. The hearing may take place remotely, including via telephone or video conference.

<u>DATE</u>	<u>EVENT</u>
No later than July 10, 2026	Settlement Administrator to commence direct mail and email notice
30 days after the commencement of the Notice	Last day for Certified Class Members to: (1) file objections to the Settlements, and (2) file notices to appear at the Fairness Hearing
August 25, 2026	Co-Lead Class Counsel shall file a motion for Final Approval of the Settlements and all supporting papers, and Co-Lead Class Counsel and Defendant Agri Stats may respond to any objections to the proposed Settlement
September 8, 2026 at 9:00 a.m.	Fairness Hearing regarding the Settlement ¹

Other Provisions

22. Except for those Certified Class members who file a timely and proper request for

¹ Under CAFA the Court may not issue an order giving final approval of a proposed settlement earlier than 90 days after the later of the dates on which the appropriate Federal official and the appropriate State official are served with notice of these proposed Settlements. *Id.* at § 1715(d). Under the Settlement Agreement, within ten days of the filing of this motion, Agri Stats will serve upon the appropriate state officials and the appropriate federal official the CAFA notice required by Section 1715(b). This schedule will allow the Court to schedule a Fairness Hearing as DPPs propose in the schedule above, in conformance with CAFA's requirements.

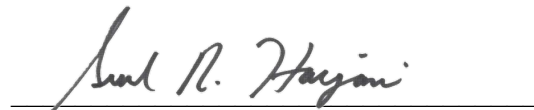
exclusion, all persons or entities who fit the description of the Certified Class and are not excluded by the above Certified Class definition's specific exclusions will be deemed members of the Certified Class for all purposes of this action. In the event of any further pretrial settlement(s), the Certified Class members may not be permitted another opportunity to opt out of the Settlements. All members of the Certified Class shall be bound by the Class Certification Order (ECF No. 1107) and by all subsequent proceedings, settlements, orders, and judgments in this action. No Certified Class member who elects to opt-out of the Certified Class pursuant to these provisions will be entitled to relief under, or be affected by, any subsequent Certified Class settlement, if any, or Certified Class judgment in this action.

23. All members of the Certified Class who do not timely and validly request exclusion from the Certified Class and Settlements shall be preliminarily enjoined from commencing or prosecuting any action or other proceeding against Agri Stats and from asserting any of the Released Claims against the Agri Stats Released Parties pending Final Approval of the Settlement or until such time as this Court lifts such injunction by subsequent order.

24. If the Settlements are not granted Final Approval by this Court or are otherwise terminated by the Parties in accordance with the terms of their Settlement Agreement, the Court will modify any existing scheduling orders as necessary to ensure that the DPPs and Agri Stats will have sufficient time to prepare for the resumption of litigation.

IT IS SO ORDERED.

DATED: April 16, 2026

A handwritten signature in black ink, reading "Sunil R. Harjani", is written over a horizontal line.

Honorable Sunil R. Harjani
United States District Court
Northern District of Illinois