

Exhibit 2-D

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

IN RE BROILER CHICKEN ANTITRUST
LITIGATION,

No. 1:16-cv-08637

This Document Relates To:

Honorable Thomas M. Durkin

All End-User Consumer Plaintiff Actions

**DECLARATION OF ERIC SCHACHTER IN SUPPORT OF PLAINTIFFS’
MOTION TO APPROVE THE MANNER AND FORM OF CLASS NOTICE**

I, Eric Schachter, declare as follows:

1. I am a Senior Vice President of A.B. Data, Ltd.’s Class Action Administration Division (“A.B. Data”), whose Corporate Office is located in Milwaukee, Wisconsin. I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth herein, and, if called as a witness, could and would testify competently thereto. I submit this declaration at the request of Co-Lead Counsel in connection with the above-captioned action (the “Action”).

2. A.B. Data has been acting as Notice and Settlement Administrator for this Action. In that role, A.B. Data has successfully executed multiple Court-approved notice plans in this matter and has been receiving and processing claims from potential Class Members.

3. I have worked with Co-Lead Counsel to prepare proposed notices of settlement and administration (“Notice Plan”) for the newly proposed Settlements in this litigation. This Declaration will describe the proposed Notice Plan and how it will meet the requirements of Rule 23 of the Federal Rules of Civil Procedure and provide due process to the potential Class Members. This Declaration is based upon my personal knowledge and upon information provided to me by

Co-Lead Counsel, my associates, and A.B. Data staff members.

4. The objective of the Notice Plan is to provide the best practicable notice, under the circumstances, of the proposed Settlements to potential Class Members generally defined as “All persons and entities who indirectly purchased the following types [of] raw chicken, whether fresh or frozen: whole birds (with or without giblets), whole cut-up birds purchased within a package, breast cuts or tenderloin cuts, but excluding chicken that is marketed as halal, kosher, free range, organic, diced, minced, ground, seasoned, flavored, or breaded—from defendants or co-conspirators for personal consumption in the Repealer Jurisdictions from January 1, 2012 to July 31, 2019.”

5. Similar to the successful notice campaigns utilized for previous settlements reached in this litigation, A.B. Data will use a combination of direct notice, digital media, social media, and earned media to reach the target audience and deliver notice to potential Class Members.

Direct Notice

6. Direct notice will be sent to potential Class Members by email to: i) email addresses previously provided by third parties subpoenaed by Co-Lead Counsel and used in the previous notice campaigns in this litigation; and ii) email addresses from potential Class Members who have already submitted claims. As a result, A.B. Data expects to send direct notice by email to approximately 30 million potential Class Members.

7. To maximize deliverability, A.B. Data will implement several best practices, including: running all email addresses through a cleansing and validation process where known bad or invalid email addresses are removed from the population to deter Email Service Providers from treating the emails as spam; excluding words or phrases known to trigger SPAM or junk filters; not including attachments; and sending the emails in tranches over a period of days. Emails

that fail to deliver during the initial delivery attempt as a result of a “soft bounce” will be re-sent after a brief rest period as often, in our experience, this subsequent attempt will allow for successful delivery. At the conclusion of the email campaign, A.B. Data will provide the parties with a report detailing the final delivery status for all emails.

Digital Media

8. Digital and social media advertisements, targeted specifically to potential Class Members, will supplement the direct notice campaign and provide additional opportunities to reach potential Class Members to inform them about the proposed Settlements and their rights.

9. Banner, text, and social media newsfeed advertisements (in English and Spanish) will appear on websites and applications across desktop, tablet, and mobile devices for 30 days. A minimum of 315 million impressions will be delivered. These advertisements will be placed in premium positions, ensuring that they can be easily seen.

10. Digital and social media advertisements will be placed via Google Display Networks and Google AdWords and on the social media platforms Facebook, Instagram, and YouTube. A case-specific Facebook page acts as a landing page for the links in the Facebook and Instagram newsfeed ads.

11. Targeted advertisements will also be delivered to potential Class Members using their known contact information and to digital users who expressed an interest in information related to the subject of this case, such as cooking. Several campaign optimization strategies will be utilized including:

Strategy	Description
Mobile – In-App	Ads targeted to individuals while they are using relevant mobile applications. For example, mobile applications could include coupon apps, home related apps, shopping apps, news apps, and cooking/recipe apps.

Strategy	Description
Mobile – Websites	Ads targeted to phones and tablets whose users are visiting websites that are contextually relevant or websites being visited by relevant users.
Contextual/Channel	Ads targeted to individuals who visited websites with relevant content and context, such as cooking with chicken, barbeque, or recipes.
Behavioral	Ads targeted to user IDs across the Internet whose owners have shown activity (e.g., clicked through to the case website or cooking websites) in the past or filed a claim on the case website.
Predictive (Look-Alike) Modeling	Using “look-alike” modeling to target ads to user IDs whose owners have strong similarities to users who have previously “clicked through” to the case website or filed a claim.

12. The digital and social media advertisements will include an embedded and trackable link to the case-specific website. Links will be tracked using Google Analytics and Facebook Pixel tracking codes to provide a way to optimize ads based on traffic and conversions.

13. These advertisements were specifically designed to be readable, noticeable, and widely disseminated. Images appropriate for this action and target audience will also be included in all digital advertisement formats, as this increases the ads’ visibility and click-through rate. Example ads are attached as **Exhibit A**.

14. Sponsored search listings will be placed through Google AdWords. When users search for relevant target phrases and keywords, links directing them to the case-specific website will appear.

15. A.B. Data employs a fully staffed digital buying team to manage all digital and social media programs in-house for the greatest control and oversight. A.B. Data’s digital media experts will monitor the success, conversions, and activity associated with the digital and social

media and will optimize the number of impressions delivered across each platform to achieve maximum engagement and efficiency.

Earned Media

16. A.B. Data will also distribute a news (press) release via *PR Newswire*'s US1 and Hispanic Newslines to help the case gain attention of the media and potential Class Members. This news release will reach traditional and Hispanic media outlets (television, radio, newspapers, magazines), news websites, and journalists nationwide. The news release will be available in English and Spanish.

17. News about the Settlements will also be broadcast to the news media via X (formerly known as Twitter). It will be tweeted from *PR Newswire*'s and A.B. Data's X accounts to thousands of media outlets, journalists, and other followers.

Website and Telephone

18. A.B. Data will also update the case-specific website, www.overchargedforchicken.com, and the prerecorded information on the toll-free telephone number with information about the proposed Settlements.

19. The dedicated toll-free telephone number has an automated interactive voice response system that presents callers with a series of choices to hear prerecorded information. It will provide updated information about the proposed Settlements and Class Members' rights and options.

20. The case-specific website for this matter provides, among other things, a summary of the case, all relevant documents, important dates, any pertinent updates concerning the litigation or the settlement process, and functionality for potential Class Members to submit Claim Forms online. The Website Notice, which contains a detailed summary of the terms of the proposed

Settlements, will be posted prominently. The website is secure, with an “https” designation. Google Analytics and Facebook Pixel tracking codes are also present on the website to ensure accurate optimization with the digital and social media advertisements.

Notice Content

21. The Notices are written in plain language, include all required information about Class Members’ rights and options, and meet the notice requirements in the Federal Rules of Civil Procedure Rule 23. They have a large, bold headline, so individuals who see the notice can easily determine if they are included and contain the case-specific website address and telephone number so Class Members can obtain additional information.

22. The Email Notice, attached as **Exhibit B**, will include summary information concerning the Settlements, including that this is a class action; a description of the Class in plain and engaging language (“Did you buy fresh or frozen whole bird chicken, chicken breast, or tenderloins between January 1, 2012 and July 31, 2019? If so, you might be able to get money from class action settlements worth \$203.35 million.”); that the Class alleges price-fixing claims; that a Class Member may appear through an attorney; that Class Members may object to the terms of the Settlements or submit a claim; the deadlines for objecting and submitting a claim; and the binding effect of a class judgment. The Email Notice will also be translated into Spanish and available on the case-specific website. A more detailed set of questions and answers “Frequently Asked Questions” will be available on the case-specific website (the “FAQs”). Attached as **Exhibit C** are the proposed FAQs.

Claims and Distributions

23. Class Members must submit a timely, valid claim through the Settlement website or by mail to be eligible to receive monetary compensation. Class Members who filed a claim in

the earlier settlements, and did not exclude themselves from the Class, do not have to submit another claim. Class Members who did not submit a claim in the earlier settlements will need to submit a Claim Form online at the case-specific website to be eligible to receive a payment from these proposed Settlements. The Claim Form, attached as **Exhibit D**, requires each Class Member to estimate the quantity and costs of chicken products that were purchased monthly during the Class Period.

24. A.B. Data will process each claim in accordance with the Court-approved Settlement Agreements and/or relevant Court orders. Payments to eligible Class Members will not be distributed until the Court grants final approval of the Settlements, any objections or appeals are resolved, and the Court approves distribution of the Net Settlement Fund.

25. A.B. Data employs a number of techniques to deter illegitimate claim submissions from bad actors, bots, and others attempting to defraud the claims process. Our team is continually monitoring and technically enhancing the claims submission portal to detect and block fraudulent activity from submitting claims, and the submitted claims are continually reviewed and scored to assess whether a claim may be from a bad actor, non-Class Member, or submitted through other nefarious means. Suspicious claims will be subject to rejection, additional scrutiny, requests for additional documentation, and other proprietary measures to prove the legitimacy of their claims. Suspicious claimants who do not provide the requested additional documentation or information, or fail to otherwise prove the legitimacy of their claims, will not receive a payment from the Net Settlement Fund.

26. Distribution payments will be sent digitally by email to each eligible Class Member who submits a valid claim. At the time of distribution, each eligible claimant will be provided with a number of digital options to instantaneously receive their payment, such as ACH, a virtual debit

card, or another ecommerce platform. Given the large Class size, a digital distribution is recommended to reduce administrative costs and provide convenience and efficiency for claimants (who will have the option to receive their funds without having to deposit a check or visit a bank).

Fees and Expenses

27. A.B. Data estimates that it will incur professional fees and expenses totaling \$892,780.00 to complete all tasks outlined herein, which include, among other things: disseminating notice by email to over 30 million potential Class Members; implementing a targeted digital media campaign; processing claims from potential Class Members; maintaining the toll-free number and email inbox to address Class Member inquiries; maintaining and updating the settlement website; time spent overseeing and managing the project; and effectuating the distribution of the Net Settlement Funds to Class Members who submit valid claims. In addition to these measures, A.B. Data proposes partnering with a third-party service to review and validate claims to detect fraud. If the Court desires, more information about this process can be submitted in camera to prevent the system from being reverse engineered by individuals who are responsible for submitting fraudulent claims. A.B. Data has secured a cost estimate for these anti-fraud efforts; they are estimated to cost between \$450,000 and \$900,000 to validate all claims, depending on how many claims are submitted. (The estimate assumes between 30 million and 75 million claims will be submitted.) At the request of Class Counsel and to provide cost certainty to the parties, A.B. Data has also agreed to cap all future administrative costs at \$1,850,000.

Conclusion

28. It is my opinion, based on my individual expertise and experience and that of my A.B. Data colleagues, that the proposed Notice Plan is designed to effectively reach potential Class Members and will provide them with the information they need to understand their rights and

options in an informative and easy to understand manner. Through a multi-media approach that includes direct notice, microtargeted notice on digital networks and social media, and earned media, an estimated 82.3% of potential Class Members will be reached with an average frequency of 2.1. The Notice Plan provides a reach and frequency that conforms to The Federal Judicial Center's *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide*, which considers reach among class members that exceeds 70% to be reasonable.¹ For these reasons, in my opinion, the proposed Notice Plan satisfies the requirements of Federal Rules of Civil Procedure Rule 23 and due process, will provide ample notice to potential Class Members, and is the best notice practicable under the circumstances.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 29th day of January, 2025 in Milwaukee, Wisconsin.

A handwritten signature in black ink, appearing to read 'Eric Schachter', written over a horizontal line.

Eric Schachter

¹ The *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide* states: "The lynchpin in an objective determination of the adequacy of a proposed notice effort is whether all the notice efforts together will reach a high percentage of the class. It is reasonable to reach between 70-95%."

EXHIBIT A



If You Purchased RAW CHICKEN

**in the United States,
You May Be Eligible to
Receive Money From
Class Action
Settlements Totaling**

\$203.35 Million

SUBMIT CLAIM

OverchargedForChicken.com

EXHIBIT B



United States District Court
*In Re Broiler Chicken Antitrust Litigation (End-User
Consumer Plaintiffs)*
Case No. 1:16-cv-08637 (N.D. Ill.)

Class Action Notice

Did you buy fresh or frozen whole bird chicken, chicken breast, or tenderloins between January 1, 2012 and July 31, 2019? If so, you might be able to get money from a class action settlement worth \$203.35 million.

Why did you get this notice?

You received a notice because our records show you bought chicken at a grocery or club store, so you may be able to get a payment from this lawsuit. New Settlements worth \$22.5 million have been reached for chicken consumers.

You may be a part of the group of people affected, called the "Class." The Court will hold a hearing on [Month 00, 2025] to decide if it will approve the New Settlements. Your rights may be affected.

This notice tells you how to get more information about the settlement.

Your options:	More about each option:
Submit a Claim Form	File a claim here to get payment from the settlements. If you already filed a claim, do not file another claim. Your original claim will be applied to the New Settlements.
Opt Out	Submit an opt out letter for some New Settlements. Get no payment from the settlements you opt out of, and keep your right to sue some of the New Settling Defendants about the same issues.
Do Nothing	If you filed a claim before and you do nothing, you will get money from the settlements you are in. If you did not file a claim before and you do nothing, you will get no payment from the Settlements. Give up the right to sue the New Settling Defendants about the same issues.
Object	Tell the Court why you don't like the New Settlements.
Attend the Fairness Hearing	You may ask to speak in Court about the fairness of the New Settlements.

If you want to file a claim, you must do so by: June 30, 2025

You can file a claim and learn more at: www.overchargedforchicken.com.

Key things to know:

- This is an important legal document.
- If you take no action, you will still be bound by the settlement, and your rights will be affected.
- If you have questions or need assistance, please email info@OverchargedForChichen.com or call 1-877-888-5428.

What is this case about?

The people who sued say that chicken processors limited the supply and fixed the price of chicken from January 1, 2012 to July 31, 2019, which broke the law and caused people to pay more for chicken. Defendants say that they did not do anything wrong.

Who are the New Settling Defendants?

New settlements worth **\$22.5 million** were made in a lawsuit on behalf of consumers of chicken. The New Settling Defendants are: Norman W. Fries, Inc. d/b/a Claxton Poultry Farms; Foster Farms, LLC and Foster Poultry Farms; Harrison Poultry, Inc.; House of Raeford Farms, Inc.; JCG Foods of Alabama, LLC, JCG Foods of Georgia, LLC, Koch Foods, Inc., and Koch Meat Co., Inc.; Mountaire Farms Inc., Mountaire Farms, LLC, and Mountaire Farms of Delaware, Inc.; O.K. Foods, Inc., O.K. Farms, Inc., and O.K. Industries, Inc.; Perdue Farms, Inc. and Perdue Foods LLC; Sanderson Farms, Inc., Sanderson Farms, Inc. (Foods Division), Sanderson Farms, Inc. (Processing Division), and Sanderson Farms, Inc. (Production Division); Wayne Farms, LLC; and Simmons Foods, Inc. and Simmons Prepared Foods, Inc.

Am I included?

You are part of the New Settlements if you are a person or entity who indirectly purchased the following types of raw chicken, whether fresh or frozen: whole birds (with or without giblets), whole cut-up birds purchased within a package, breast cuts or tenderloin cuts, but excluding chicken that is marketed as halal, kosher, free range, organic, diced, minced, ground, seasoned, flavored, or breaded—from defendants or co-conspirators for personal consumption in the

File Your Claim HERE

Repealer Jurisdictions (or included states) between January 1, 2012 to July 31, 2019.

You must have bought the chicken in one of the “Repealer Jurisdictions.” These states are: California, District of Columbia, Florida, Hawaii, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, or Wisconsin.

If you are not sure if you are included, you can get more information at www.overchargedforchicken.com.

Are there other settlements?

Yes. In 2021, a judge confirmed past settlements totaling **\$181 million** between Plaintiffs and the following companies: Fieldale Farms Corporation; George's Inc. and George's Farms, Inc.; Mar-Jac Poultry, Inc., Mar-Jac Poultry MS, LLC, Mar-Jac Poultry AL, LLC, Mar-Jac AL/MS, Inc., Mar-Jac Poultry, LLC, and Mar-Jac Holdings, Inc.; Peco Foods, Inc.; Pilgrim's Pride Corporation; and Tyson Foods, Inc., Tyson Chicken, Inc., Tyson Breeders, Inc., and Tyson Poultry, Inc.

How can I get a payment?

Already Filed a Claim?

If you already filed a claim in the previous settlements, you **do not** need to submit another claim. You will automatically get a payment from the New Settlements.

New Claim?

If you did not file a claim in the previous settlements and did not opt out of the previous settlements, you must complete and submit a Claim Form [here](#) by **July 31, 2025** to be eligible to get a payment. Your claim may be able to get a payment from all settlements.

You do not need to submit any documents with your claim form at this time, but the claims administrator can ask you to provide documents or proof to support your claim. If you don't provide documents or proof when asked, your claim may be denied.

Update Previous Claim?

If you filed a claim before and want to update your information, please contact the Settlement Administrator by email at info@OverchargedForChicken.com. Include your name, previous address, and email address and the information you want to update.

Payment amounts will depend on the number of valid claims filed and how much you bought and paid for your eligible chicken products.

How are the attorneys being paid?

Co-Lead Counsel may ask the Court to approve attorney fees up to 33.3% of the New Settlement Funds (or \$7,450,000) and expenses and costs up to \$9.75 million, and \$2,000 in a service award for each named plaintiff in this case. If they make this request, it will be filed at least 14 days before the objection deadline and posted on the website www.overchargedforchicken.com.

Do I have other rights?

Yes! You can still exclude yourself from some of the New Settlements. If you did not previously exclude yourself from the Class in 2022, want to keep your right to sue some of the New Settling Defendants (Harrison Poultry, House of Raeford, Koch Foods, Mountaire, O.K. Foods, Sanderson Farms, Wayne Farms, and/or Simmons) for the claims in this lawsuit, and do not want to be legally bound by the Settlement Agreements with these New Settling Defendants, you must exclude yourself by **[Month XX, 2025]**. If you choose to not be a part of the New Settlements, you won't receive any money from them.

You have the right to object to the New Settlements that you're a part of, but you need to do it by [Month 00, 2025]. More information about how to opt out or object can be found at www.overchargedforchicken.com.

The Court will hold a hearing on [Month 00, 2025, at X:00 x.m.], to consider whether to approve the New Settlements and any request for attorney fees and expenses, notice and administration costs, and service awards. You or your own lawyer may ask to appear and speak at the hearing at your own expense, but you do not have to.

This is just a summary. For more information, visit www.overchargedforchicken.com or call 1-877-888-5428. Please do not contact the Court.

EXHIBIT C

Frequently Asked Questions

Did you buy fresh or frozen whole bird chicken, chicken breasts, or tenderloins between January 1, 2012 and July 31, 2019? If so, you might be able to get money from class action settlements worth \$203.35 million.

Your options:	More about each option:
Submit a Claim	File a claim here to get payment from the settlements. If you already filed a claim, do not file another claim. Your original claim will be applied to the New Settlements.
Opt Out	Submit an opt out letter for some New Settlements. Get no payment from the settlements you opt out of, and keep your right to sue some of the Settling Defendants about the same issues.
Do Nothing	<p>If you filed a claim before and you do nothing, you will get money from all the settlements you are in.</p> <p>If you did not file a claim before and you do nothing, you will get no payment.</p> <p>Give up the right to sue the Settling Defendants about the same issues.</p>
Object	Tell the Court why you don't like the New Settlements.
Attend the Fairness Hearing	You may ask to speak in Court about the fairness of the New Settlements.

If you want to file a claim, you must do so by: June 30, 2025

1. What is this case about?

The people who sued say that chicken processors limited the supply and fixed the price of chicken from January 1, 2012 to July 31, 2019, which broke the law and caused people to pay more for chicken. Defendants say that they did not do anything wrong.

2. Why did I get a notice?

You received a notice because our records show you bought chicken at a grocery or club store, so you may be able to get a payment from this lawsuit. New Settlements worth **\$22.5 million** have been reached for chicken consumers.

You may be a part of the group of people affected, called the "Class." The Court will hold a hearing on [Month 00, 2025] to decide if it will approve the New Settlements. Your rights may be affected.

3. What do I do next?

[File Your Claim HERE](#)

Your options:	More about each option:	Deadline
Submit a Claim	File a claim here to get payment from the settlements. If you already filed a claim, do not file another claim. Your original claim will be applied to the new settlements.	June 30, 2025
Opt Out	Submit an opt out letter for some of the New Settlements. Get no payment from the settlements you opt out of, keep your right to sue some of the Settling Defendants about the same issues. Please see the sections titled "What does it mean to opt out?" and "Can I opt out of the New Settlements?" for additional information.	[Month 00, 2025]
Do Nothing	If you filed a claim before and you do nothing, you will get money from the settlements you are in.	

	If you did not file a claim before and you do nothing, you will get no payment from the settlements. Give up the right to sue the Settling Defendants about the same issues.	
Object	Tell the Court why you don't like the New Settlements.	[Month 00, 2025]
Attend the Fairness Hearing	You may ask to speak in Court about the fairness of the New Settlements.	[Month 00, 2025]

What is this lawsuit called?

This class action lawsuit is called *In re Broiler Chicken Antitrust Litigation* (No. 1:16-cv-08637). It is pending in the U.S. District Court, Northern District of Illinois. Judge Thomas M. Durkin is in charge of this lawsuit. The people who sued are called the "End-User Consumer Plaintiffs." The chicken processor companies they sued are called the "Defendants." The Defendants and co-conspirators are chicken processors in the United States.

What is a class action lawsuit?

In a class action lawsuit, one or more people, called "Class Representatives" sue on behalf of themselves and other people who have similar claims. The entire group is called a "Class," and each person in the group is called a "Class Member." One court and one case will resolve the issue for all class members, except for those who exclude themselves (or opt out) from the class.

Who are the class representatives?

The people who are representing the group in this lawsuit, or the Class Representatives, have all bought fresh or frozen whole bird chicken, chicken breasts, or tenderloins in one of the states that this case covers between January 1, 2012 and July 31, 2019.

They are called "named representatives" and they are: Linda Cheslow, Abraham Drucker, Ian Adams, Marilyn Stangeland, Daniel Percy, Kristin Davis, Leslie Weidner, David Weidner, Matthew Hayward, Dorothy Monahan, Joshua Madsen, Natalie Wilbur, Alison Pauk, Michael Perry, William David Marino, Eric Thomas, Kenneth Cote, Catherine Senkle, Margo Stack, James Flasch, Dina Morris, Diane Spell, Angela Ashby, Christina Hall, Richard Heftel, and Stephen Holt.

Who are the New Settling Defendants?

The New Settling Defendants who agreed to settle this lawsuit are:

- Norman W. Fries, Inc. d/b/a Claxton Poultry Farms ("Claxton Poultry");
- Foster Farms, LLC and Foster Poultry Farms ("Foster Farms");
- Harrison Poultry, Inc. ("Harrison Poultry");
- House of Raeford Farms, Inc. ("House of Raeford");
- JCG Foods of Alabama, LLC, JCG Foods of Georgia, LLC, Koch Foods, Inc., and Koch Meat

- Co., Inc. ("Koch Foods");
- Mountaire Farms Inc., Mountaire Farms, LLC, and Mountaire Farms of Delaware, Inc. ("Mountaire");
- O.K. Foods, Inc., O.K. Farms, Inc., and O.K. Industries, Inc. ("O.K. Foods");
- Perdue Farms, Inc. and Perdue Foods LLC ("Perdue");
- Sanderson Farms, Inc., Sanderson Farms, Inc. (Foods Division), Sanderson Farms, Inc. (Processing Division), and Sanderson Farms, Inc. (Production Division) ("Sanderson Farms");
- Wayne Farms, LLC ("Wayne Farms"); and
- Simmons Foods, Inc. and Simmons Prepared Foods, Inc. ("Simmons").

Who are the other Defendants?

The Court already approved settlements with six Defendants who agreed to pay \$181 million. Those Defendants are:

- Fieldale Farms Corporation;
- George's Inc. and George's Farms, Inc.;
- Mar-Jac Poultry, Inc., Mar-Jac Poultry MS, LLC, Mar-Jac Poultry AL, LLC, Mar-Jac AL/MS, Inc., Mar-Jac Poultry, LLC, and Mar-Jac Holdings, Inc.;
- Peco Foods, Inc.;
- Pilgrim's Pride Corporation; and
- Tyson Foods, Inc., Tyson Chicken, Inc., Tyson Breeders, Inc., and Tyson Poultry, Inc.

You may still make a claim for money from these settlements, if you did not opt out of them before. But it is too late to opt-out of these settlements.

The case will continue against the one remaining Defendant, Agri Stats, Inc. ("Agri Stats"). The district court made a ruling in favor of Agri Stats. But End-User Consumer Plaintiffs plan to appeal and ask the Court to make Agri Stats change its business practices. If the End-User Consumer Plaintiffs are successful, or if there is an additional settlement with Agri Stats, they will post information about this on the website.

What do the New Settlements provide?

If the New Settlements are approved, Harrison Poultry will pay \$2,900,000, House of Raeford will pay \$4,500,000, Koch Foods will pay \$5,000,000, Mountaire will pay \$3,000,000, O.K. Foods will pay \$3,200,000, Sanderson Farms will pay \$750,000, and Simmons will pay \$3,000,000. Foster Farms, Claxton Poultry, Perdue, and Wayne Farms settled but do not have to pay money. These New Settlements would resolve all Class Members' claims against the New Settling Defendants, including where there are Released Claims (as defined in some of the Settlement Agreements).

Added to the previous settlements in this lawsuit, the Settlement Funds will total \$203.35 million. This amount will be used to pay money to Class Members and any Court-approved attorney's fees and expenses, notice and administration costs, and service awards to Class Representatives.

Why are there New Settlements in this lawsuit?

The End-User Consumer Plaintiffs and New Settling Defendants have agreed to settle. A

settlement is an agreement to stop the lawsuit. That way, it avoids the cost of a trial or appeal, and the people in the Class will get money or be relieved of a potential risk of having to pay certain fees and costs. The Class Representatives and the attorneys think the New Settlements are best for the Class.

Why aren't all Defendants paying money?

On June 30, 2023 the Court granted the motions for summary judgment filed by some of the defendants, including Foster Farms, Perdue, Claxton, and Wayne Farms. The Class agreed to not appeal or otherwise challenge the summary judgment orders in exchange for these Defendants agreeing to waive their rights to ask for the Class to pay their fees and costs in this lawsuit. The Court preliminarily approved these agreements on [DATE].

Who is included?

You are part of the New Settlements if you are a person or entity who indirectly purchased the following types of raw chicken, whether fresh or frozen: whole birds (with or without giblets), whole cut-up birds purchased within a package, breast cuts or tenderloin cuts, but excluding chicken that is marketed as halal, kosher, free range, organic, diced, minced, ground, seasoned, flavored, or breaded—from defendants or co-conspirators for personal consumption in the Repealer Jurisdictions (or included states) between January 1, 2012 to July 31, 2019.

You must have bought the chicken in one of the “Repealer Jurisdictions” and these states are: California, District of Columbia, Florida, Hawaii, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, or Wisconsin.

How can I get a payment?

Already Filed a Claim?

If you already filed a claim in the previous settlements, you **should not** submit another claim. You will automatically get a payment from the New Settlements.

New Claim?

If you did not file a claim in the previous settlements and did not opt out of the previous settlements, you must complete and submit a Claim Form [here](#) by **June 30, 2025** to be eligible to get a payment. Your claim will get a payment from all settlements.

You do not need to submit any documents with your claim form at this time, but the claims administrator can ask you to provide documents or proof to support your claim. If you don't provide documents or proof when asked, your claim may be denied.

Update Previous Claim?

If you filed a claim before and want to update your information, please contact the Settlement Administrator by email at info@OverchargedForChicken.com. Include your name, previous address, and email address and the information you want to update.

How much money can I get?

At this time, we cannot tell you exactly how much money you will get. Your payment will depend on several factors, such as the quantity of chicken you bought, the amount of money you paid, and the total number of valid claims. Payments will be calculated proportionally, so all eligible Class Members get a payment.

When will I get paid?

You will get paid after the Court approves the New Settlements and a distribution plan and any appeals end. This process can take time. Please check this website for updates.

What does it mean to opt out?

Opting out means to leave the Class. People opt out when they want to keep their right to sue Defendants on their own about the claims in the lawsuit. If you opt out from a settlement, you will not get money from that settlement. You cannot object to that settlement because it will no longer affect you.

Can I opt out of the New Settlements?

Yes, you can opt out from some of the New Settlements. If you did not previously opt out of the Class in 2022, want to keep your right to sue some of the New Settling Defendants (Harrison Poultry, House of Raeford, Koch Foods, Mountaire, O.K. Foods, Sanderson Farms, Wayne Farms, and/or Simmons) for the claims in this lawsuit, you may exclude (opt out) yourself by [Month XX, 2025]. You won't receive any money from any settlements you opt out of.

You can no longer opt out of the New Settlements with Claxton Poultry, Foster Farms, and Perdue.

How do I opt out?

To opt out of the settlements with Harrison Poultry, House of Raeford, Koch Foods, Mountaire, O.K. Foods, Sanderson Farms, Wayne Farms, and/or Simmons, you must mail a letter, called an Opt Out Request, to the Claims Administrator by [Month XX, 2025]. You may opt out of one, more than one, or all of these New Settlements. Your letter must include:

- Your name,
- Your address,
- A sentence stating that you want to be excluded or opt out from *In re: Broiler Chicken Antitrust Litigation* (End-User Consumer Action),
- The New Settlements you want to opt out of, and
- Your signature.

You must mail your Exclusion Request, postmarked no later than [Month 00, 2025] to:

Claims Administrator:
Broiler Chicken Consumer Litigation

ATTN: EXCLUSIONS
c/o A.B. Data, Ltd.
P.O. Box 173001
Milwaukee, WI 53217

What happens if I stay in the Class?

If you stay in the Class and do not opt out from the New Settlements (from which you may still opt out), you cannot sue the New Settling Defendants on your own for the claims in this lawsuit. It also means the Court's orders will apply to you and legally bind you.

If I opted out from the Class before, do I need to do it again?

No. If you previously opted out of the Class in 2022, you do not need to opt out of the New Settlements now.

Can I still opt out from the previous settlements?

No. The deadline to opt out from the previous settlements has passed.

How do I tell the Court that I don't like the New Settlements?

If you are a Class Member, you can object to the New Settlements if you don't like part or all of them. The Court will consider your views.

To object, you must mail a letter or other written statement to the Claims Administrator so it is received by **[Month XX, 2025]**. Your letter must include:

- Your name,
- Your address,
- Your email address (if you have one),
- A sentence stating that you object to the New Settlements with the New Settling Defendants in *In re: Broiler Chicken Antitrust Litigation* (End-User Consumer Action),
- The New Settlements you are objecting to,
- The reasons why you object to the New Settlements,
- Any documents you want the Court to consider, and
- Your signature.

You must mail your objection letter, postmarked no later than **[Month 00, 2025]** to:

Claims Administrator:
Broiler Chicken Consumer Litigation
ATTN: OBJECTIONS
c/o A.B. Data, Ltd.
P.O. Box 173001
Milwaukee, WI 53217

Do not send your written objection to the Court or the judge.

If I object, will the judge change the New Settlements?

No. The judge cannot change the settlement terms. He can only approve or not approve the New Settlements as they are. If the judge agrees with your objection, he may not approve the New Settlements.

Can I still object to the previous settlements?

No. The deadline to object to the previous settlements has passed.

What is the difference between opting out and objecting?

Objecting is telling the Court that you do not like something about the New Settlements. You can object to the New Settlements from which you did not opt out. You cannot object to the New Settlements if you previously opted out from the Class in 2022.

Opting out is telling the Court that you do not want to participate in the lawsuit. If you opt out from some of the New Settlements, you will not be able to object to those New Settlements because they do not affect you.

Do I have a lawyer in this case?

Yes. The Court appointed Hagens Berman Sobol Shapiro LLP and Cohen Milstein Sellers & Toll PLLC as Co-Lead Counsel for the Class.

If you are a Class Member, you do not need to hire your own lawyer because Co-Lead Counsel is working on your behalf. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

How will the lawyers be paid?

Co-Lead Counsel will ask the Court for attorney fees, up to 33.3% of the New Settlement Funds (or \$7,450,000) for their services in this lawsuit related to the New Settlements and may ask to be reimbursed for up to \$9.75 million in costs and expenses from this litigation.

Also, Class Counsel will ask the Court for up to \$2,000 in service awards for each of the class representatives for the work they did for the Class.

The Court must approve any attorney's fees and expenses and service awards, and the Court may award less than the requested amount.

When Co-Lead Counsel's motion for fees and expenses is filed, a copy will be available on this website under [Important Documents](#). The motion will be posted on the website at least 14 days before the objection deadline.

When and where will the Court decide whether to approve the New Settlements?

The Court will hold a hearing to decide whether to approve the New Settlements (the

"Fairness Hearing"). The Fairness Hearing will be held on [MONTH 00, 2025], at [X:00 a.m.], at the United States District Court for the Northern District of Illinois, Courtroom 1441, 219 South Dearborn Street, Chicago, IL 60604.

At this hearing, the Court will consider whether the New Settlements are fair, reasonable, and adequate. If there are objections, the Court will consider them. You may attend and you may ask to speak, but you don't have to. 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 New Settlements and any requests for attorney fees and expenses, notice and administration costs, and service awards for the class representatives. We do not know how long these decisions will take.

The Court may also move the Fairness Hearing to a different date or time without additional notice. Updates will be posted on this website, so please check back if you would like to attend the hearing.

Do I have to come to the hearing?

No. Co-Lead Counsel will answer any questions the Court may have. However, you are welcome to come at your own expense. If you send an objection, you do not have to come to Court to talk about it. As 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's not necessary.

May I speak at the hearing?

Yes. You may ask to speak at the Fairness Hearing. To do so, you mail a letter, called a Notice of Intention to Appear, to the Clerk of the Court and the Claims Administrator so it is received by [Month 00, 2025]. Your letter must include:

- Your name,
- Your address,
- Your telephone number,
- A sentence stating that it is your Notice of Intention to Appear in *In re: Broiler Chicken Antitrust Litigation* (End-User Consumer Action), and
- Your signature.

You must mail your Notice of Intention to Appear letter, postmarked no later than [Month 00, 2024], to both the Clerk of the Court and the Claims Administrator at both of these addresses:

<p><u>Court:</u></p> <p>Clerk of the Court 219 South Dearborn Street Courtroom 1441 Chicago, IL 60604</p>	<p><u>Claims Administrator:</u></p> <p>Broiler Chicken Consumer Litigation ATTN: APPEAR c/o A.B. Data, Ltd. P.O. Box 173001 Milwaukee, WI 53217</p>
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You cannot ask to speak at the hearing if you excluded yourself from the Class.

How do I get more information about the New Settlements?

This notice summarizes the proposed New Settlements. More details are in the Settlement Agreements. You can find copies of the Settlement Agreements and other important documents on this website under [Important Documents](#). You may contact the Claims Administrator at info@overchargedforchicken.com or toll-free at 1-877-888-5428.

LEARN MORE **HERE >**

EXHIBIT D

BROILER CHICKEN CONSUMER LITIGATION CLAIM FORM

INSTRUCTIONS

This class action alleges that Defendants and their co-conspirators conspired to restrict the supply, and fix, raise, and stabilize the price, of chicken from at least January 1, 2012, through at least July 31, 2019, in violation of federal and state consumer protection and antitrust laws. Defendants deny these allegations.



If you already filed a claim, you do not need to submit another Claim Form. You only need to fill out this form if you have not already filed a claim before.

If you need to update the information on your previous claim, please email info@overchargedforchicken.com and provide the name, address, and email address you provided previously along with your updated information.

Please fill out the following before answering the questions starting on the second page:

CLAIMANT NAME* (INDIVIDUAL OR BUSINESS NAME)

CONTACT NAME (IF DIFFERENT THAN CLAIMANT NAME)

CARE OF (IF APPLICABLE)

STREET ADDRESS*

FLOOR/SUITE

<input type="text"/>	<input type="text"/>
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CITY*

STATE*

ZIP*

<input type="text"/>	<input type="text"/>	<input type="text"/>
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MOBILE PHONE NUMBER*

EMAIL ADDRESS*

Please provide a current, valid email address and mobile phone number with your claim submission. If the email address or mobile phone number you include with your submission become invalid for any reason, it is your responsibility to provide accurate contact information to the Claims Administrator to receive a payment. When you receive the email and/or mobile phone text notifying you about your Settlement payment, you will be provided with a number of digital payment options to immediately receive your Settlement payment.

You do not need to provide any documentation at this time. However, the Claims Administrator may ask for additional information or documentation to support your claim.

You can find more information at www.overchargedforchicken.com or by calling toll-free 1-877-888-5428.

1. Did you purchase one of the following chicken products for personal use in the United States from January 1, 2012 to July 31, 2019: fresh or frozen raw chicken as whole birds (with or without giblets), whole cut-up birds purchased within a package, breast cuts, or tenderloin cuts?

☐ **Yes** ☐ **No**

2. Did you purchase the chicken product while a resident of one of the following states: California, District of Columbia, Florida, Hawaii, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, or Wisconsin?

☐ **Yes** ☐ **No**

Please list the state or states where you were a resident and the months and years lived in each state (for example, New York: January 2012-October 2014 or Missouri: November 2014-July 2019):

For the following questions, please limit your responses to only purchases of the chicken products listed in Question 1 above that you made while a resident of one of the states listed in Question 2 above.

3. Are you filing this claim for yourself or for a business that you represent?

☐ **Individual** ☐ **Business**

4. In general, from January 1, 2012 to July 31, 2019, did you purchase the chicken products monthly during this entire period?

☐ **Yes** ☐ **No**

If Yes, what is your best estimate of how many packages of the chicken products you purchased on a monthly basis?

Number of Chicken Product
Purchases

If No, what is your best estimate of THE NUMBER OF MONTHS you purchased the chicken products?

Number of Months

What is your best estimate of how many packages of these chicken products you purchased for the months that you purchased the chicken products?

Number of Chicken Product
Purchases

5. For the months you purchased the chicken products, what is your best estimate of how much that you spent per month?

\$ Per Month

CERTIFICATION

By signing this claim submission, I certify that the information included with this claim submission is accurate and complete to the best of my knowledge, information, and belief. If I am submitting this claim submission on behalf of a claimant, I certify that I am authorized to submit this claim submission on the claimant's behalf. I am, or the claimant on whose behalf I am submitting this claim submission is, a member of the Class, and am not subject to any of the exceptions to being included in the Class, such as being an employee of one of the Defendants. I agree and consent to be communicated with electronically via email and/or mobile phone text (message & data rates may apply). I agree to furnish additional information regarding this claim submission if so requested to do so by the Claims Administrator.

SIGNATURE

DATE

	<i>mm/dd/yyyy</i>
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Return this Claim Form to the Claims Administrator by mail to:

Broiler Chicken Consumer Litigation
c/o A.B. Data, Ltd.
P.O. Box 173045
Milwaukee, WI 53217