

Exhibit 3-D

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

IN RE BROILER CHICKEN
ANTITRUST LITIGATION

Case No. 1:16-cv-08637

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

This Document Relates to:

All End-User Consumer Plaintiff Actions

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. As detailed in my previous Declaration of Eric Schachter in Support of Plaintiffs' Motion to Approve the Manner and Form of Class Notice dated June 22, 2021 (ECF No. 4921-2) and my previous Declaration of Eric Schachter in Support of Plaintiffs' Motion for Final Approval of Settlement dated December 6, 2021 (ECF No. 5248-1) (the "Schachter December Declaration"), and pursuant to the Court's Order Regarding December 20, 2021, Hearing on Final Approval of Tyson, Fieldale, Peco, George's, Mar-Jac, and Pilgrim's Settlement dated October 29, 2021 (ECF

No. 5165), A.B. Data has been acting as Settlement Administrator for this Action. As Settlement Administrator, A.B. Data previously provided notice to the Settlement Class and has been receiving and processing claims from Settlement Class Members.

3. The previous notice issued to the Settlement Class featured a combination of: i) direct Email Notice to over 32 million potential Settlement Class Members; ii) a digital advertising campaign on numerous digital and social media platforms that delivered over 367 million digital impressions resulting in over 276,000 engagements; iii) a news release disseminated via *PR Newswire*; and iv) a toll-free number and case specific website to address potential Settlement Class Member inquiries.

4. Pursuant to the Court's October 29, 2021, Order, notice to the Settlement Class was found to have met the requirements of due process and Rule 23(c)(2)(B). As a result of these efforts, a total of 1,902,722 claims from potential Settlement Class Members have been submitted to date. The claim period is currently set to close on December 31, 2022.

Class Certification

5. On May 27, 2022, the Court granted End-User Consumer Plaintiffs' motion for class certification. The Certified Class is 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."

6. Since the Certified Class is nearly identical to the previously noticed Settlement Class, A.B. Data proposes using the same methodology and media to effectuate notice to the Certified Class,.

7. More specifically, A.B. Data will use a combination of direct Email Notice, digital media, social media, and earned media to reach the target audience and deliver notice to potential members of the Certified Class.

8. Direct Email Notice will be sent using contact information for known Settlement Class Members either provided by third parties subpoenaed by Co-Lead Counsel, such as grocery stores, or from Settlement Class Members who already submitted claims. A.B. Data expects to directly notice approximately 35 million potential Settlement Class Members. To maximize deliverability, A.B. Data will implement several best practices such as ensuring no inclusion of words or phrases known to trigger SPAM or junk filters, not including attachments to the email, and sending the emails in tranches over a period of days.

9. Digital banner and social media newsfeed advertisements, targeted specifically to class members, will provide class members with additional opportunities to be apprised of the settlements and their rights. These banner advertisements and social media newsfeed advertisements will appear in multiple formats across desktop and mobile devices in both English and Spanish. The banner advertisements will be placed via Google Display Networks and Google AdWords, and on the social media platforms Facebook, Instagram, and YouTube, leading social media sites in the United States. A case-specific Facebook page will also be created as a landing page for the links in the Facebook and Instagram newsfeed ads. A.B. Data proposes displaying these banner advertisements for 30 days, which is expected to generate a minimum of 402 million impressions. Clicking on any such banner notice will bring the reader to the case website where

they can obtain detailed information about the case. Targeted advertisements will also be delivered to potential Settlement Class Members using their known contact information, and to digital users who expressed an interest related to the subject of this case, such as cooking. These ads will be placed in "premium positioning" on websites and social media sites, and were specifically designed to be readable, noticeable, and widely disseminated.

10. A.B. Data will also use Google AdWords to place sponsored search listings to direct potential Settlement Class Members to the settlement website when users search for target phrases and keywords relevant to the action.

11. A.B. Data will also cause notice to be disseminated as a news release via *PR Newswire's* US1 Newswire distribution list. This news release will be distributed via *PR Newswire* to the news desks of approximately 10,000 newsrooms, including those of print, broadcast, and digital websites across the United States. The news release will also be translated and published to *PR Newswire's* U.S. Hispanic media contacts and Hispanic news websites.

12. A.B. Data will also update the case-specific website, www.overchargedforchicken.com, and the recorded information on the toll-free telephone number provided to Settlement Class Members, with information concerning the Court's Class Certification Order.

13. The Email Notice, attached as Exhibit A, will include summary information concerning Action, including that this is a class action; a description of the Settlement Class in plain and engaging language ("If you purchased any Chicken product in the United States from January 1, 2012, through July 31, 2019, class action settlements may affect your rights."); that the Settlement Class alleges price-fixing claims; that a Settlement Class Member may appear through an attorney; that Settlement Class Members can be excluded; the deadlines for requesting

exclusion; and the binding effect of a class judgment. A more detailed long-form notice will be available for download on the case-specific website (the “Website Notice”) in English and Spanish. Attached as Exhibit B is the proposed Website Notice. The Email Notice and Website Notice will also remind each Settlement Class Member of their option to submit a claim for the previously reached settlements.

14. The proposed notices use neutral language to describe the nature of the action; the definition of the certified class; the claims and issues related to the lawsuit; class counsels’ identity and contact information; and, the binding effect of a judgment on class members. The proposed notices also tell class members that they can opt out of the class by requesting an exclusion before the deadline, sets out the consequences of opting out, and informs them that they may hire an attorney to file their own case, if desired.

15. These components satisfy the due process requirements and are similar to the methods the End-Users previously used to reach class members to notify them of the prior settlements. The claims administrator estimates that this notice campaign will reach approximately 81.4% percent of class members. This is well above the 70% threshold recommended by the Federal Judicial Center’s *Class Action Notice and Plain Language Guide*.

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

Executed this 21st day of December 2022 in Milwaukee, Wisconsin.



Eric Schachter

EXHIBIT A

COURT-APPROVED LEGAL NOTICE

If you purchased raw chicken in the United States from January 1, 2012 through July 31, 2019, a class action may affect your rights.

*Para una notificación en español, llame gratis al 1-877-888-5428
o visite nuestro website www.overchargedforchicken.com.*

The purpose of this notice is to inform you of your rights related to the class action lawsuit entitled *In re Broiler Chicken Antitrust Litigation (End-User Consumer Action)*, N.D. Ill. Case No. 1:16-cv-08637, pending in the United States District Court for the Northern District of Illinois (the “Court”). On May 27, 2022, Judge Thomas M. Durkin issued an Order certifying a class of indirect purchasers 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” (the “Certified Class”).

This notice provides Class Members with an opportunity to opt out of the Certified Class defined above. If you exclude yourself from the Certified Class, you will not be able to recover any award from any future settlements or judgments obtained by the lawyers for the Class, if settlements or judgments occur. Your decision to exclude yourself (or not) from the Certified Class will not affect your ability to participate in the previous settlements reached in this litigation. Your legal rights may be affected whether you act or do not act. Please read this notice carefully.

Defendants have not admitted any liability and continue to deny the legal claims alleged in this lawsuit. No additional settlements have been reached with the Non-Settling Defendants. If there are any future settlements or judgments, you will receive an additional notice.

WHO IS INCLUDED?

The Certified Class is 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.

The “Repealer Jurisdictions” 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, and Wisconsin.

If you are a member of the Certified Class and do not exclude yourself, you may be eligible to participate in any additional settlements which may arise with the Non-Settling Defendants.

WHAT IS THIS LAWSUIT ABOUT?

This class action, *In re Broiler Chicken Antitrust Litigation*, N.D. Ill. Case No. 1:16-cv-08637, is pending in the United States District Court for the Northern District of Illinois. U.S. District Court Judge Thomas M. Durkin presides over this class action. End-User Consumer Plaintiffs allege that Defendants and their co-conspirators conspired to restrict the supply of, and fix, raise, and stabilize the price of Broiler chicken, from at least January 1, 2012 through at least July 31, 2019, in violation of federal and state consumer protection and antitrust laws.

The Court previously gave final approval to settlements between the Plaintiffs and Fieldale, George’s, Mar-Jac, Peco, Pilgrim’s, and Tyson. The End-User Consumer Plaintiffs’ case is proceeding against all other Defendants who have not settled the case, known as the “Non-Settling Defendants.”

This notice is a class certification notice for the Non-Settling Defendants listed below:

“Non-Settling Defendants” refers to Agri Stats, Inc.; 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.

If you are a member of the Certified Class, you may receive additional notices regarding the progress of the litigation and any resolution of claims against the Non-Settling Defendants.

WHAT ARE YOUR RIGHTS AND OPTIONS?

If you do not want to remain a member of the Certified Class and you do not want to be legally bound by the terms of any potential settlements or judgments, or if you wish to pursue your own separate lawsuit against Defendants, you must exclude yourself by submitting a written request to the Administrator stating your intent to exclude yourself from the Certified Class (an “Exclusion Request”).

Your Exclusion Request must include the following: (a) your name and address; (b) a statement that you want to be excluded from the End-User Consumer Certified Class in *In re Broiler Chicken Antitrust Litigation (End-User Consumer Action)*; and (c) your signature. You must mail your Exclusion Request, postmarked by [REDACTED], 2023, to: Broiler Chicken Consumer Litigation, Attn: EXCLUSIONS, c/o A.B. Data, Ltd., P.O. Box 173001, Milwaukee, WI 53217.

This notice is only a summary. You can find more details about the Certified Class at www.overchargedforchicken.com or by calling toll-free 1-877-888-5428. Please do not contact the Court.

EXHIBIT B

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

If you purchased raw chicken in the United States from January 1, 2012, through July 31, 2019, a class action may affect your rights.

A federal court authorized this notice. This is not a solicitation from a lawyer.

- The purpose of this notice is to inform you of your rights related to the class action lawsuit entitled *In re Broiler Chicken Antitrust Litigation (End-User Consumer Action)*, N.D. Ill. Case No. 1:16-cv-08637, pending in the United States District Court for the Northern District of Illinois (the "Court").
- On May 27, 2022, Judge Thomas M. Durkin issued an Order certifying a class of indirect purchasers 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" (the "Certified Class").
- This notice provides Class Members with an opportunity to opt out of the Certified Class defined above. If you exclude yourself from the Certified Class, you will not be able to recover any award from any future settlements or judgments obtained by the lawyers for the Class, if settlements or judgments occur. **Your decision to exclude yourself (or not) from the Certified Class will not affect your ability to participate in the previous settlements reached in this litigation.**
- Defendants have not admitted any liability and continue to deny the legal claims alleged in this lawsuit. No additional settlements have been reached with the Non-Settling Defendants. If there are any future settlements or judgments, you will receive an additional notice.
- Your legal rights may be affected whether you act or do not act. Please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS	
ASK TO BE EXCLUDED	You must submit a valid request for exclusion to remove yourself from the Certified Class. This is the only option that allows you to ever be part of any <i>other</i> lawsuit against the Defendants for the claims set forth in this matter. Requests for Exclusion must be postmarked by _____ , 2023.
DO NOTHING	If you do nothing, you will remain a member of the Certified Class, and if there is a settlement or judgment, you will be sent a notice with instructions on how to benefit from it.

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1. What is this lawsuit about?

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End-User Consumer Plaintiffs allege that Defendants and their co-conspirators conspired to restrict the supply of, and fix, raise, and stabilize the price of Broiler chicken, from at least January 1, 2012 through at least July 31, 2019, in violation of federal and state consumer protection and antitrust laws.

The Court previously gave final approval to settlements between the Plaintiffs and Fieldale, George's, Mar-Jac, Peco, Pilgrim's, and Tyson. The End-User Consumer Plaintiffs' case is proceeding against all other Defendants who have not settled the case, known as the "Non-Settling Defendants."

This notice is a class certification notice for the Non-Settling Defendants listed below:

"Non-Settling Defendants" refers to Agri Stats, Inc.; 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.

If you are a member of the Certified Class, you may receive additional notices regarding the progress of the litigation and any resolution of claims against the Non-Settling Defendants.

2. What is a class action and who is involved?

In a class action lawsuit, one or more people or businesses called “class representatives” sue on behalf of themselves and others who have similar claims in the specific class action, all of whom together are a “class.” Class Members do not have to file a lawsuit to participate in the class action settlement or be bound by the judgment in the class action. One court resolves the issues for everyone in the class, except for those who exclude themselves from the class.

3. Why am I getting this notice?

The Court has directed notice to be sent to the Certified Class, as this lawsuit may affect your rights. This notice provides you with the status of the litigation and the opportunity to exclude yourself from the Certified Class should you choose to do so.

You may have received notices and/or submitted claims with respect to prior settlements reached in this litigation. The prior notices and/or claims only relate to the Settling Defendants. You are receiving this notice because the Court has certified a Class regarding the Non-Settling Defendants.

4. Am I part of the Certified Class?

The Certified Class is 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.

The “Repealer Jurisdictions” 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, and Wisconsin.

If you are a member of the Certified Class and do not exclude yourself, you may be eligible to participate in any additional settlements which may arise with the Non-Settling Defendants.

5. I’m still not sure if I am included.

If you are still not sure if you are included, please review the detailed information contained on the litigation website, www.overchargedforchicken.com.

6. Is there a Settlement?

Settlements were previously reached with Fieldale, George’s, Mar-Jac, Peco, Pilgrim’s, and Tyson. There is no settlement or judgment at this time with respect to the Non-Settling Defendants and there is no guarantee that a settlement will be reached or that a judgment in favor of Plaintiffs will be entered by the Court.

7. What do I do if I already filed a claim in this litigation?

Any claims filed related to prior settlements reached in this litigation are unaffected by the Court’s Order regarding the Certified Class.

8. What am I giving up by staying in the Class?

Unless you exclude yourself by following the directions below, you will remain in the Certified Class, which means that you cannot sue, continue to sue, or be part of any *other* lawsuit against the Non-Settling Defendants and their affiliates

that pertains to the claims in this case. It also means that should a settlement be reached, or a judgment be issued by the Court, regardless of if it is in favor of the Plaintiffs or the Defendants, the Court's orders will apply to you and legally bind you.

9. What happens if I do nothing at all?

If you do nothing, you will remain a member of the Certified Class. In the event of future settlements or judgments, you will be notified and have the opportunity to participate.

10. How do I exclude myself from the Certified Class?

If you do not want to remain a member of the Certified Class and you do not want to be legally bound by the terms of any potential settlements or judgments, or if you wish to pursue your own separate lawsuit against Defendants, you must exclude yourself by submitting a written request to the Administrator stating your intent to exclude yourself from the Certified Class (an "Exclusion Request").

Your Exclusion Request must include the following: (a) your name and address; (b) a statement that you want to be excluded from the End-User Consumer Certified Class in *In re Broiler Chicken Antitrust Litigation (End-User Consumer Action)*; and (c) your signature. You must mail your Exclusion Request, postmarked by [REDACTED], 2023, to: Broiler Chicken Consumer Litigation, Attn: EXCLUSIONS, c/o A.B. Data, Ltd., P.O. Box 173001, Milwaukee, WI 53217.

11. If I don't exclude myself, can I sue Defendants for the same thing later?

No. Unless you exclude yourself, you give up the right to sue the Non-Settling Defendants for the claims set forth in the litigation. If you have a pending lawsuit against one or more of the Non-Settling Defendants, speak to your lawyer in that lawsuit immediately to determine whether you must exclude yourself from this Class to continue your own lawsuit against Non-Settling Defendants.

12. Do I have a lawyer in this case?

The Court has appointed Hagens Berman Sobol Shapiro LLP and Cohen Milstein Sellers & Toll, PLLC as Co-Lead Counsel for the Certified Class. If you wish to remain a member of the Certified Class, you do not need to hire your own lawyer because Co-Lead Counsel is working on your behalf. If you wish to pursue your own case separate from this one, or if you exclude yourself from the Certified Class, these lawyers will no longer represent you. You will need to hire your own lawyer if you wish to pursue your own lawsuit against Non-Settling Defendants.

13. How will the lawyers be paid?

In the event of a future settlement or judgment, Co-Lead Counsel will ask the Court for attorneys' fees based on their services in this litigation. Any payment to the attorneys will be subject to Court approval. You will not be responsible for paying Co-Lead Counsel directly.

14. How do I get more information?

This notice summarizes the Certified Class. More details are available on the website. You can find copies of the Order Certifying the Class, other important documents, and information about the current status of the litigation by visiting www.overchargedforchicken.com.

PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.