

# Exhibit 3

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

IN RE BROILER CHICKEN ANTITRUST  
LITIGATION,

Case No.: 1:16-cv-08637

The Honorable Thomas M. Durkin

This Document Relates To:

THE DIRECT PURCHASER PLAINTIFF  
ACTION

**ORDER APPROVING NOTICE OF CONTESTED CLASS CERTIFICATION**

This matter came before the Court on the Direct Purchaser Plaintiffs' Notice and Motion for an Order Approving Notice of the Contested Class Certification. The Court previously granted Direct Purchaser Plaintiffs' ("DPPs") motion for class certification as to the Non-settling Defendants.<sup>1</sup> Memorandum Opinion And Order at 2 & 55 (May 27, 2022) (ECF No. 5644) ("Class Certification Order"). DPPs now seek approval of the content and dissemination of their Certification Notice Plan. Having considered the submissions in support of the motion, the Court finds the motion should be GRANTED, as set forth below.

1. The Court certified the following DPP Class as to the Remaining Defendants. Class Certification Order at 3 & 55:

All persons who purchased raw Broilers [directly] from any of the Defendants or their respective subsidiaries or affiliates either fresh or frozen, in the form of: whole birds (with or without giblets),

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<sup>1</sup> "Non-settling Defendants" or "Remaining Defendants" refers to Koch Foods, Inc.; JCG Foods of Alabama, LLC; JCG Foods of Georgia, LLC; Koch Meat Co., Inc.; Perdue Farms, Inc.; Perdue Foods LLC; Sanderson Farms, Inc.; Sanderson Farms, Inc. (Foods Division); Sanderson Farms, Inc. (Production Division); Sanderson Farms, Inc. (Processing Division); Wayne Farms, LLC; Mountaire Farms, Inc.; Mountaire Farms, LLC; Mountaire Farms of Delaware, Inc.; Foster Farms, LLC; Foster Poultry Farms; House of Raeford Farms, Inc.; Simmons Foods, Inc.; Simmons Prepared Foods, Inc.; O.K. Foods, Inc.; O.K. Farms, Inc.; O.K. Industries, Inc.; Norman W. Fries, Inc. d/b/a Claxton Poultry Farms; Case Foods, Inc.; Case Farms, LLC; Case Farms Processing, Inc.; Agri Stats, Inc.

whole cut-up birds, or parts (boneless or bone in) derived from the front half of the whole bird, for use or delivery in the United States from December 1, 2008 until July 31, 2019.

Class Certification Order at 2, 3 & 55 (the “Class”). The Class also has the following exclusions:

Specifically excluded from this Class are the Defendants, the officers, directors or employees of any Defendant; any entity in which any Defendant has a controlling interest; and any affiliate, legal representative, heir or assign of any Defendant. Also excluded from this class are any federal, state or local government 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.

2. The Court approves the form and contents of the Long Form Notice (Exhibit A), the Email Notice (Exhibit B), and the sample banner ad (Exhibit C).

3. The Court finds that taken together, mailing of the Long Form Notice, emailing of the Email Notice, and Internet postings of the banner ad, are (i) the best practicable notice, (ii) reasonably calculated, under the circumstances, to apprise Class members of the certification of the Class, (iii) reasonable and constitute due, adequate, and sufficient notice to all persons entitled to receive notice, and (iv) meet all applicable requirements of Federal Rule of Civil Procedure 23 and the due process requirements of the Constitution of the United States and any other applicable requirements under federal law. The notices’ contents provide the information material for a certified class.

4. Notice to members of the Class shall be the responsibility of Class Counsel. The Court previously approved A.B. Data as the settlement administrator for previous DPP settlements. The Court appoints A.B. Data, Ltd. (“A.B. Data”) as Notice Administrator for this Certification Notice Plan.

5. The Notice Administrator shall cause Notice to be mailed by first class mail, postage prepaid, to all members of the Certified Class whose names and addresses can be derived

from information provided by the settling defendants or developed in notifying class members of DPP settlements. The Long Form Notice shall be provided to all persons who request it in response to the Email Notice or the Publication Notice. The Notice Provider is hereby directed to cause the banner ad to be published for four weeks in digital ad campaigns on ProgressiveGrocer.com, MeatPoultry.com, PoultryTimes.com, SupermarketNews.com, Winsightgrocerybusiness.com, FastCasual.com and ShelbyReport.com. Comparable alternative websites relevant to the Class may be used if any of these websites will not accept such ads or if advertising space or inventory are not available at the time the advertisements are placed.

6. The Notice Administrator shall continue to maintain and operate the current case-specific toll-free telephone number and website from previous settlements in this matter. As part of that operation, the Notice Administrator shall update the website with copies of the Long Form Notice, Email Notice, and other current material from this Action. The Notice Administrator shall receive calls from the toll-free telephone line and respond appropriately to inquiries regarding the Certified Class.

7. The notice plan approved by the Court shall commence within thirty (30) days after the entry of this order (“Notice Date”). Each class member shall have the right to be excluded from the Contested Class by mailing a request for exclusion—as detailed in the Long Form Notice—to the Notice Administrator no later than sixty (60) days after the Notice Date. Requests for exclusion must comply with the instructions in the notice documents and include the following information: (a) the Class member’s name and address; (b) a statement the Class member wants to be excluded from the Direct Purchaser Certified Class in *In re Broiler Chicken Antitrust Litigation*; and (c) the Class member’s signature. Not later than fourteen (14) days after the deadline for exclusion, DPP’s

Class Counsel shall file with the Court a list of all persons and entities who have timely requested exclusion from the Contested Class.

8. Except for those potential members of the Contested Class who file a timely and proper request for exclusion, all Class Members who fit the description of the Certified Class and are not excluded by the above Class definition's exclusion will be deemed members of the Contested Class for all purposes in this Action. In the event of any further pretrial settlement(s), the Class members may not be permitted an additional opportunity to opt out. All members of the Contested Class shall be bound by the Class Certification Order and by all subsequent proceedings, settlements, orders, and judgments in this Action. No Contested Class member who elects to opt out of the Contested Class pursuant to these provisions will be entitled to relief under or be affected by any subsequent Contested Class settlement, if any, or Contested Class judgment in this Action.

**IT IS SO ORDERED,**

This 4<sup>th</sup> day of January, 2023.



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Hon. Thomas M. Durkin  
United States District Judge

# EXHIBIT A

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

**If you purchased raw Broiler chicken directly from a Broiler chicken producer for use or delivery in the United States from December 1, 2008 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*, 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 direct purchasers defined as: "All persons who purchased raw Broilers [directly] from any of the Defendants or their respective subsidiaries or affiliates either fresh or frozen, in the form of: whole birds (with or without giblets), whole cut-up birds, or parts (boneless or bone in) derived from the front half of the whole bird, for use or delivery in the United States from December 1, 2008 until July 31, 2019." (the "Certified Class").
- The 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 may 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. **At this time, there is no claim form, plan of distribution, or Class Counsel fees or expenses to be addressed. The Certified Class does not affect the previous settlements reached in this litigation.** The trial for the Certified Class is currently scheduled to start on September 11, 2023.
- 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 for which notice has not been previously provided. 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	
<b>ASK TO BE EXCLUDED</b>	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 Non-Settling Defendants for the claims set forth in this matter. Requests for Exclusion must be postmarked or received by _____, 2023.
<b>DO NOTHING</b>	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 receive a benefit.

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**1. 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.

Plaintiffs allege that Defendants and their Co-Conspirators conspired to fix, raise, maintain, and stabilize the price of Broilers, beginning at least as early as January 1, 2008. Plaintiffs allege that Defendants implemented their conspiracy in various ways, including via coordinated supply restrictions, sharing competitively sensitive price and production information, and otherwise manipulating Broiler prices, with the intent and expected result of increasing prices of Broilers in the United States, in violation of federal antitrust laws. Defendants deny the violation and deny causing damages.

The Court previously gave final approval to settlements between the Plaintiffs and Tyson, Pilgrim’s Pride, Fieldale Farms, Peco, George’s, Mar-Jac, Harrison Poultry, and Amick. The Direct Purchaser 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 Koch Foods, Inc.; JCG Foods of Alabama, LLC; JCG Foods of Georgia, LLC; Koch Meat Co., Inc.; Perdue Farms, Inc.; Perdue Foods LLC; Sanderson Farms, Inc.; Sanderson Farms, Inc. (Foods Division); Sanderson Farms, Inc. (Production Division); Sanderson Farms, Inc. (Processing Division); Wayne Farms, LLC; Mountaire Farms, Inc.; Mountaire Farms, LLC; Mountaire Farms of Delaware, Inc.; Foster Farms, LLC; Foster Poultry Farms; House of Raeford Farms, Inc.; Simmons Foods, Inc.; Simmons Prepared Foods, Inc.; O.K. Foods, Inc.; O.K. Farms, Inc.; O.K. Industries, Inc.; Norman W. Fries, Inc. d/b/a Claxton Poultry Farms; Case Foods, Inc.; Case Farms, LLC; Case Farms Processing, Inc.; Agri Stats, Inc.



If applicable, 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 others who have similar claims, 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. Your rights and options relating to the Certified Class are set forth in this notice.

## **4. Am I part of the Certified Class?**

The Certified Class is defined as:

**All persons who purchased raw Broilers [directly] from any of the Defendants or their respective subsidiaries or affiliates either fresh or frozen, in the form of: whole birds (with or without giblets), whole cut-up birds, or parts (boneless or bone in) derived from the front half of the whole bird, for use or delivery in the United States from December 1, 2008 until July 31, 2019.**

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.BroilerChickenAntitrustLitigation.com](http://www.BroilerChickenAntitrustLitigation.com).

## **6. Is there a Settlement?**

Beyond the eight settlements noted in Section 1 above, there are no additional settlements or judgments at this time. There is no guarantee that additional settlements 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 or received a payment in this litigation?**

Any claims filed or payments received 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 additional settlements be reached, or a judgment be

issued by the Court, regardless of if it is in favor of the Plaintiffs or the Non-Settling Defendants, the Court's orders will apply to you and legally bind you. The trial for the Certified Class is currently scheduled to start on September 11, 2023.

#### **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 future settlements or judgments, or if you wish to pursue your own separate lawsuit against the Non-Settling Defendants, you must exclude yourself by submitting a written request to the Notice Administrator stating your intent to exclude yourself from the Certified Class (an "Exclusion Request"). The Court will exclude from the Certified Class any member who requests exclusion.

Your Exclusion Request must include the following: (a) your name and address; (b) a statement that you want to be excluded from the Direct Purchaser Certified Class in *In re Broiler Chicken Antitrust Litigation*; and (c) your signature. You must mail your Exclusion Request, postmarked or received by \_\_\_\_\_, 2023, to: Broiler Chicken Direct Antitrust 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 Non-Settling 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 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 the Non-Settling Defendants.

#### **12. Do I have a lawyer in this case?**

The Court has appointed Lockridge Grindal Nauen P.L.L.P. and Pearson, Simon & Warshaw, LLP 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. However, you may enter an appearance through an attorney in this case if you so desire. If you wish to pursue your own case separate from this one, or if you exclude yourself from the 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 Defendants.

#### **13. How will the lawyers be paid?**

In the event of future settlements 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.BroilerChickenAntitrustLitigation.com](http://www.BroilerChickenAntitrustLitigation.com).

**PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.**

# EXHIBIT B

Notice of Class Certification: In re Broiler Chicken Antitrust litigation

Notice Administrator <[Info@broilerchickenantitrustlitigation.com](mailto:Info@broilerchickenantitrustlitigation.com)>

### **COURT-APPROVED LEGAL NOTICE**

**If you purchased raw Broiler chicken directly from a Broiler chicken producer for use or delivery in the United States from December 1, 2008 through July 31, 2019, a class action may affect your rights.**

*Para una notificación en español, llame gratis al 1-866-552-1178  
o visite nuestro website [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.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*, 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 direct purchasers defined as: "All persons who purchased raw Broilers [directly] from any of the Defendants or their respective subsidiaries or affiliates either fresh or frozen, in the form of: whole birds (with or without giblets), whole cut-up birds, or parts (boneless or bone in) derived from the front half of the whole bird, for use or delivery in the United States from December 1, 2008 until July 31, 2019" (the "Certified Class").

The 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 may 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. At this time, there is no claim form, plan of distribution, or Class Counsel fees or expenses to be addressed. The Certified Class does not affect the previous settlements reached in this litigation. The trial for the Certified Class is currently scheduled to start on September 11, 2023.

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 for which notice has not been previously provided. 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 who purchased raw Broilers [directly] from any of the Defendants or their respective subsidiaries or affiliates either fresh or frozen, in the form of: whole birds (with or without giblets), whole cut-up birds, or parts (boneless or bone in) derived from the front half of the whole bird, for use or delivery in the United States from December 1, 2008 until July 31, 2019.*

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. If you are not sure you are

included, you can get more information, including a detailed notice, at [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com) or by calling toll-free 1-866-552-1178.

### **WHAT IS THIS LAWSUIT ABOUT?**

Plaintiffs allege that Defendants and their Co-Conspirators conspired to fix, raise, maintain, and stabilize the price of Broilers, beginning at least as early as January 1, 2008. Plaintiffs allege that Defendants implemented their conspiracy in various ways, including via coordinated supply restrictions, sharing competitively sensitive price and production information, and otherwise manipulating Broiler prices, with the intent and expected result of increasing prices of Broilers in the United States, in violation of federal antitrust laws. Defendants deny the violation and deny causing damages.

The Court previously gave final approval to settlements between the Plaintiffs and Tyson, Pilgrim's Pride, Fieldale Farms, Peco, George's, Mar-Jac, Harrison Poultry, and Amick. The Direct Purchaser 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 Koch Foods, Inc.; JCG Foods of Alabama, LLC; JCG Foods of Georgia, LLC; Koch Meat Co., Inc.; Perdue Farms, Inc.; Perdue Foods LLC; Sanderson Farms, Inc.; Sanderson Farms, Inc. (Foods Division); Sanderson Farms, Inc. (Production Division); Sanderson Farms, Inc. (Processing Division); Wayne Farms, LLC; Mountaire Farms, Inc.; Mountaire Farms, LLC; Mountaire Farms of Delaware, Inc.; Foster Farms, LLC; Foster Poultry Farms; House of Raeford Farms, Inc.; Simmons Foods, Inc.; Simmons Prepared Foods, Inc.; O.K. Foods, Inc.; O.K. Farms, Inc.; O.K. Industries, Inc.; Norman W. Fries, Inc. d/b/a Claxton Poultry Farms; Case Foods, Inc.; Case Farms, LLC; Case Farms Processing, Inc.; Agri Stats, Inc.;

If applicable, you may receive additional notices regarding the progress of the litigation and any resolution of claims against the Non-Settling Defendants. For more information on the Previous Settlements, please visit [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com).

### **IS THERE A SETTLEMENT?**

Beyond the eight Settlements referenced above, there are no additional settlements or judgments at this time. There is no guarantee that additional settlements will be reached or that a judgment in favor of Plaintiffs will be entered by the Court. Any claims filed or payments received related to prior settlements reached in this litigation are unaffected by the Court's Order regarding the Certified Class

The Court has appointed Lockridge Grindal Nauen P.L.L.P. and Pearson, Simon & Warshaw, LLP 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. However, you may enter an appearance through an attorney in this case if you so desire. If you wish to pursue your own case separate from this one, or if you exclude yourself from the 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 Defendants.

For information related to the distribution of proceeds from the Previous Settling Defendants, please visit [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com).

### **WHAT ARE YOUR RIGHTS AND OPTIONS?**

You do not need to take any action to remain a member of the Certified Class and be bound by the Courts decisions. As a Certified Class member, you may be able to participate in future settlements or judgments obtained by Direct Purchaser Plaintiffs against the Non-Settling Defendants in the case, if any future settlements or judgments occur. 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 the Non-Settling Defendants, you must exclude yourself by submitting a written request to the Notice Administrator (postmarked or received by \_\_\_\_\_, 2023) stating your intent to exclude yourself from the Certified Class (an "Exclusion Request"). The Court will exclude from the Certified Class any member who requests exclusion.

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

Your rights and options relating to the Certified Class are set forth in the detailed notice, available on [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com).

### **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.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com).

**This notice is only a summary. You can find more details at [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com) or by calling toll-free 1-866-552-1178. Please do not contact the Court.**

Broiler Chicken Antitrust Litigation  
P.O. Box 173002  
Milwaukee, WI 53217

[Unsubscribe](#)

# EXHIBIT C





# If You Purchased **BROILER CHICKEN**

Directly from a  
Broiler Chicken  
Producer for Use or  
Delivery in the U.S.  
from 12/1/08 - 7/31/19,

A Class Action  
May Affect Your Rights

**LEARN MORE HERE**

[BroilerChickenAntitrustLitigation.com](http://BroilerChickenAntitrustLitigation.com)