

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

*IN RE BROILER CHICKEN ANTITRUST
LITIGATION*

Case No. 1:16-cv-08637

This Document Relates To:

All Actions

**THE COMMERCIAL AND INSTITUTIONAL
INDIRECT PURCHASER PLAINTIFFS'
AMENDMENTS BY INTERLINIATION TO THEIR
THIRD AMENDED CONSOLIDATED CLASS ACTION COMPLAINT (ECF 253)**

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, and pursuant to the Stipulation (*ECF 403*) and the Order (*ECF 410*) regarding Simmons Prepared Foods, Inc., and also pursuant to the Stipulation (*ECF 476*) and Order (*ECF 479*) regarding Foster Poultry Farms, the Commercial and Institutional Indirect Purchaser Plaintiffs (CIIPs) hereby amend their operative pleading (*ECF 253*), by interlineation. The CIIPs state as follows:

1. If the Court requires, the CIIPs would submit a complete version of the pleading (incorporating these inserts into the document). If a new version is not required at this time for the purpose of making these changes, the CIIPs will incorporate these inserts into the next version of their pleading, whenever they are next filing a complaint in this case.

2. The inserts by interlineation both follow two paragraphs on Page 16 of the CIIPs' Third Amended and Consolidated Class Action Complaint (*ECF 253*). The inserts by interlineation are as follows:

¶ **59A:** Foster Poultry Farms is a privately-held California corporation headquartered in Livingston, California. Foster Poultry Farms is a related entity of Foster Farms, LLC.

During the Class Period, Foster Poultry Farms (and/or its predecessors, wholly-owned or controlled subsidiaries, or affiliates) was engaged in the processing, distribution, sale, pricing, and/or marketing of Broilers, directly or through wholly-owned or controlled affiliates, to purchasers in the United States. Defendant Foster Farms, LLC and Foster Poultry Farms are collectively referred to as “Foster Farms” in this complaint.

¶ 61A: Simmons Prepared Foods, Inc. is a privately-held Arkansas corporation headquartered in Siloam Springs, Arkansas. Simmons Prepared Foods, Inc. is a wholly-owned subsidiary of Simmons Foods, Inc. During the Class Period, Simmons Foods, Inc. exclusively sold the chicken it produced to Simmons Prepared Foods, Inc., which in turn sold the chicken in various forms to its customers. Simmons Prepared Foods, Inc. (and/or its predecessors, wholly-owned or controlled subsidiaries, or affiliates) was engaged in the processing, distribution, sale, pricing, and/or marketing of Broilers, directly or through wholly-owned or controlled affiliates, to purchasers in the United States. Defendants Simmons Foods, Inc. and Simmons Prepared Foods, Inc. are collectively referred to as “Simmons” or “Simmons Foods” in this complaint.

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Dated: October 16, 2017

/s/ Thomas A. Doyle

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CERTIFICATE OF SERVICE

I certify that, on October 16, 2017, I caused a copy of the foregoing document to be served on Counsel for all parties via the Court's ECF system.

/s/ Thomas A Doyle