

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

*IN RE BROILER CHICKEN ANTITRUST  
LITIGATION*

This Document Relates To:

Commercial and Institutional Indirect  
Purchaser Actions

Case No. 1:16-cv-08637

Hon. Thomas M. Durkin  
Magistrate Judge Jeffrey T. Gilbert

**ORDER GRANTING COMMERCIAL AND INSTITUTIONAL INDIRECT  
PURCHASER PLAINTIFFS' MOTION FOR APPROVAL OF CLASS NOTICE PLAN**

Before the Court is Commercial and Institutional Indirect Purchaser Plaintiffs' ("CIIPPs") Motion for Approval of Class Notice Plan, which seeks an order directing notice to a Certified Class consisting of "all entities that purchased Broilers indirectly from a Defendant or named co-conspirator in an Indirect Purchaser State for their own use in commercial food preparation from January 1, 2009, until July 31, 2019" (the "Certified Damages Class"). CIIPPs also seek to notice "all entities that purchased Broilers indirectly from a Defendant or named co-conspirator in the United States for their own use in commercial food preparation from January 1, 2009, until July 31, 2019 (the "Certified Injunctive Class"). Both classes were certified in connection with Judge Thomas M. Durkin's May 27, 2022 Order Granting Class Certification. The Certified Classes affect only the remaining Defendants in this action (the "Non-Settling Defendants"), which includes:

- Koch Foods, Inc., JCG Foods of Alabama, LLC, JCG Foods of Georgia, LLC, Koch Meat Co., Inc. (collectively, "Koch Foods");
- Perdue Farms, Inc., Perdue Foods LLC (collectively, "Perdue");
- Sanderson Farms, Inc., Sanderson Farms, Inc. (Foods Division), Sanderson Farms, Inc. (Production Division), Sanderson Farms, Inc. (Processing Division) (collectively, "Sanderson Farms");
- Wayne Farms LLC;
- Mountaire Farms, Inc., Mountaire Farms, LLC, Mountaire Farms of Delaware, Inc. (collectively, "Mountaire");
- Foster Farms, LLC, Foster Poultry Farms (collectively, "Foster Farms");
- House of Raeford Farms, Inc.;
- Simmons Foods, Inc., Simmons Prepared Foods, Inc. (collectively, "Simmons");
- O.K. Foods, Inc., O.K. Farms, Inc., O.K. Industries, Inc. (collectively "O.K. Foods");
- Norman W. Fries, Inc. d/b/a Claxton Poultry FarmsHarrison Poultry, Inc.; and
- Agri Stats, Inc.;
- Case Foods, Inc., Case Farms, LLC, Case Farms Processing, Inc. (collectively, "Case Foods").

Having considered (1) CIIPPs' Motion, (2) its accompanying memorandum and supporting documents, (3) the Declaration of Eric Schachter, and (4) the proposed notice plan and forms of notice attached thereto, and good cause appearing therefor,

IT IS HEREBY ORDERED as follows:

1. A.B. Data, Ltd. (“AB Data”) is hereby appointed to serve as Class Notice Administrator for purposes of disseminating notice to the Classes certified by the Court in its May 27, 2022 Order Granting Plaintiffs’ Motion for Class Certification (ECF No. 5644) of the pendency of this action as a class action.

2. CIIPPs’ counsel and A.B. Data shall proceed with the notice plan as set forth in the memorandum and supporting materials, according to the following schedule which will govern notice and final approval proceedings:

Event	Date
Notice campaign begins through direct notice via mail and email and implementation of a digital publication notice campaign.	30 days from order directing notice
Deadline for Class Member to submit an Exclusion Request.	60 days from when the notice campaign begins
CIIPPs’ counsel shall file with the Court a list of all persons and entities who have timely and validly requested exclusion from the Class. The Court will exclude all persons and entities who submit timely and valid requests for exclusion.	14 days from the deadline for exclusion requests

3. The Court hereby approves the Short Form Notice and Long Form Notice.


4. The Court may, for good cause, extend any of the deadlines set forth in this Order without further notice to Class members. In the event that any such extension would cause the Opt-Out Deadline to fall after the last date on which summary judgment motions may be heard, then the deadline for summary judgment hearings, and any then-scheduled hearing on any summary judgment motion, shall be continued until at least one court day after the new Opt-Out Deadline.

5. Except for those potential members of the CIIPP 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 CIIPP Class for all purposes in this Action. All members of the CIIPP Class shall be bound by the Class Certification Order and by all subsequent proceedings, settlements, orders, and judgments 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. No CIIPP Class member who elects to opt out of the CIIPP Class pursuant to these provisions will be entitled to relief under or be affected by any subsequent CIIPP Class settlement, if any, or CIIPP Class judgment in this Action.

6. CIIPPs' counsel and A.B. Data shall expend money from the existing settlement escrow accounts of the "Settling Defendants" for purposes of providing notice and claims administration.

**IT IS SO ORDERED.**

DATED: January 4, 2023

  
\_\_\_\_\_  
HON. THOMAS M. DURKIN  
UNITED STATES DISTRICT JUDGE