

**If you purchased any Pork product directly from a Pork producer for use or delivery in the United States from June 29, 2014, through June 30, 2018, 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 that a new settlement (the “Settlement”) has been reached on behalf of Direct Purchaser Plaintiffs with Defendant Hormel Foods Corporation (“Hormel Foods” or “Settling Defendant”).
- On March 29, 2023, Judge John R. Tunheim issued an Order certifying a class of direct purchasers defined as: “All persons and entities who directly purchased one or more of the following types of pork, or products derived from the following types of pork, from Defendants, or their respective subsidiaries or affiliates, for use or delivery in the United States from June 29, 2014 through June 30, 2018: fresh or frozen loins, shoulders, ribs, bellies, bacon, or hams. For this lawsuit, pork excludes any product that is marketed as organic or as no antibiotics ever (NAE); any product that is fully cooked or breaded; any product other than bacon that is marinated, flavored, cured, or smoked; and ready-to-eat bacon.” (the “Certified Class”).
- Direct Purchaser Plaintiffs allege that Hormel Foods combined and conspired to suppress competition and to allow Hormel Foods and other Pork producers to charge supra-competitive prices for Pork products during the Class Period, in violation of federal law.
- Hormel Foods strongly denies that it is liable for the claims alleged in this lawsuit and believes it has meritorious defenses to the claims presented. The Court has made no substantive determination of the Direct Purchaser Plaintiffs’ claims against Hormel Foods.
- The Settlement between the Direct Purchaser Plaintiffs and Hormel Foods is on behalf of the Certified Class, and only applies to Hormel Foods and does not dismiss claims against other Defendants in the case entitled *In re Pork Antitrust Litigation*, D. Minn. Case No. 0:18-cv-01776.
- If approved by the Court, the Settlement will resolve Direct Purchaser Plaintiffs’ lawsuit against Hormel Foods, will avoid litigation costs and risks to both parties, and will release Hormel Foods from liability to members of the Certified Class.
- The Settlement requires Hormel Foods to pay \$4,856,000. In addition to this monetary payment, Hormel Foods will agree to authenticate certain business records and make its personnel available for trial to the same extent those witnesses are made available to the non-settling Defendants.
- Your legal rights are affected whether you act or don’t act. Please read this notice carefully.
- In addition to seeking approval of the Hormel Foods Settlement, Co-Lead Class Counsel will seek an interim payment of up to \$1,460,600 for litigation expenses from the Hormel Foods and Seaboard settlements to be paid *pro rata* based on the settlement amounts.

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT**

<b>DO NOTHING AND PARTICIPATE IN THE SETTLEMENT</b>	The deadline to opt out of the Certified Class has passed. If you are a Class Member and did not exclude yourself in response to the prior class certification notice, you will be bound by and eligible to participate in the Hormel Foods Settlement, including any monetary distribution to qualified purchasers. The Settlement will resolve your claims against Hormel Foods by the Certified Class about the Released Claims (as defined in the Settlement Agreement). You are also bound by any future judgments or settlements with Non-Settling Defendants.
<b>ATTEND THE FAIRNESS HEARING</b>	Ask to speak in Court about the fairness of the Settlement with Hormel Foods.
<b>OBJECT TO THE SETTLEMENT AND/OR THE REQUEST FOR PAYMENT OF LITIGATION EXPENSES</b>	If you did not exclude yourself from the Certified Class or the Seaboard Settlement, you may write to the Court about why you don’t like the Settlement with Hormel Foods and/or the request for payment of litigation expenses. Objections must be postmarked by <b>August 3, 2024</b> .

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### 1. Why did I receive a notice?

The Court has directed this notice to be sent to the Certified Class to provide details about the proposed Settlement with Hormel Foods.

Defendants, including Hormel Foods, produce Pork products. Defendants' records show that you may have purchased Pork products directly from one or more of the Defendants for use or delivery in the United States between June 29, 2014, and June 30, 2018. The Defendants are detailed in Question 2 below. The Court authorized this notice because you have a right to know about the Settlement of certain claims against Hormel Foods in this class action lawsuit and your options before the Court decides whether to approve the Settlement between Hormel Foods and Direct Purchaser Plaintiffs. If the Court approves the Settlement, then after any objections and appeals are resolved, you will be bound by the judgment and terms of the Settlement.

You may have received notices and submitted claims with respect to prior settlements reached in this litigation. The prior notices and claims only relate to those settling Defendants. You are receiving this Notice because a Settlement has now been reached with Hormel Foods. Your rights and options are set forth in this notice.

### 2. What is this lawsuit about?

This class action is called *In re Pork Antitrust Litigation*, D. Minn. Case No. 0:18-cv-01776 and is pending in the United States District Court for the District of Minnesota. U.S. District Court Judge John R. Tunheim is in charge of this class action. Direct Purchaser Plaintiffs allege that Defendants and their co-conspirators conspired and combined to fix, raise,

maintain, and stabilize the price of Pork products, beginning at least as early as June 29, 2014, with the intent and expected result of increasing prices of Pork products in the United States, in violation of federal antitrust laws.

Direct Purchaser Plaintiffs previously reached settlements with Defendants JBS USA Food Company Holdings (“JBS”), Smithfield Foods, Inc. (“Smithfield”), and Seaboard Foods, LLC (“Seaboard”). The Court granted final approval to the JBS settlement on July 27, 2021, the Smithfield settlement on January 31, 2022, and the Seaboard settlement on March 5, 2024. Direct Purchaser Plaintiffs have now reached a new proposed Settlement with Defendant Hormel Foods. Hormel Foods has denied all allegations of wrongdoing in this lawsuit and would allege numerous defenses to Direct Purchaser Plaintiffs’ claims if the case against it were to proceed.

The Direct Purchasers’ case on behalf of the Certified Class is proceeding against all other Defendants, known as the “Non-Settling Defendants.” The Non-Settling Defendants are Clemens Food Group, LLC; The Clemens Family Corporation; Triumph Foods, LLC; Tyson Foods, Inc.; Tyson Prepared Foods, Inc.; Tyson Fresh Meats, Inc.; and Agri Stats, Inc.<sup>1</sup> Those Non-Settling Defendants may be subject to separate settlements or judgments. If applicable, you will receive a separate notice regarding the progress of the litigation and any resolution of claims against the Non-Settling Defendants.

### **3. 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.” Individual 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.

### **4. Why is there a Settlement?**

The Court did not decide in favor of Direct Purchaser Plaintiffs or Hormel Foods. Direct Purchaser Plaintiffs believe they may have won at trial and possibly obtained a greater recovery. Hormel Foods believes the Direct Purchaser Plaintiffs would not have succeeded at a trial. But litigation involves risks to both sides, and therefore, Direct Purchaser Plaintiffs and Hormel Foods have agreed to the Settlement. The Settlement requires Hormel Foods to pay money for the benefit of the Class, and the settlement with Hormel Foods will assist the Direct Purchaser Plaintiffs in their ability to prove their claims at trial as the case proceeds against the remaining Defendants. Direct Purchaser Plaintiffs and their attorneys believe the Settlement is in the best interests of all Class Members.

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

The Certified Class is defined as:

**All persons and entities who directly purchased one or more of the following types of pork, or products derived from the following types of pork, from Defendants, or their respective subsidiaries or affiliates, for use or delivery in the United States from June 29, 2014, through June 30, 2018: fresh or frozen loins, shoulders, ribs, bellies, bacon, or hams. For this lawsuit, pork excludes any product that is marketed as organic or as no antibiotics ever (NAE); any product that is fully cooked or breaded; any product other than bacon that is marinated, flavored, cured, or smoked; and ready-to-eat bacon.**

If you are a member of the Certified Class, you may also be eligible to participate in any additional settlements which may arise with the Non-Settling Defendants.

### **6. Are there exceptions to being included?**

Yes. Specifically excluded from the Certified 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 the Certified Class are any federal, state, or local governmental entities, any judicial officer presiding over this action and the members of his/her immediate family and judicial staff, and any juror assigned to this action.

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<sup>1</sup> The Court dismissed Indiana Packers Corporation from this lawsuit with prejudice, but if you purchased Pork directly from Indiana Packers between June 29, 2014, and June 30, 2018, you are a member of the Certified Class.

Anyone who previously excluded themselves from the Certified Class is also not included. The Court approved the list of those entities who excluded themselves from the Certified Class on January 24, 2024 (ECF No. 2086).

If you are in one of these categories described above, you are not a member of the Certified Class and not eligible to participate in the Settlement.

#### **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 Settlement with Hormel Foods.

No distribution of the Hormel Foods settlement proceeds is set or approved at this time. The lawyers will file a motion with the Court at a later time for approval of a plan of distribution for the Seaboard and Hormel Foods settlement proceeds and possibly other recoveries. You will be notified of any future distribution.

#### **8. What does the Settlement with Hormel Foods provide?**

If the Settlement is approved, Hormel Foods will pay \$4,856,000 to resolve all Class Members' claims against Hormel Foods for the Released Claims (as defined in the Settlement Agreement). In addition to this monetary benefit, in the settlement Hormel Foods also agreed to authenticate certain business records and make personnel available to the same extent personnel are made available to the non-settling Defendants.

#### **9. What are the Settlement benefits being used for?**

A portion of the Settlement proceeds are being used for the administration of the notice of the Settlement to potential members of the Certified Class by the Settlement Administrator. The remainder of the Settlement proceeds will remain available for any future notice, distribution to members of the Certified Class, or attorneys' fees, litigation expenses, and service awards to Direct Purchaser Plaintiffs and their counsel. At this time, Direct Purchaser Plaintiffs and their counsel will seek an interim payment of litigation expenses of up to \$1,460,600 to be paid from the Seaboard and Hormel Foods settlement proceeds *pro rata*. They are not currently seeking attorneys' fees or class representative service awards at this time. However, they will ask for additional litigation expenses, attorneys' fees, and service awards in the future, subject to additional notice to you and approval by the Court.

Co-Lead Class Counsel do not intend to distribute any net proceeds from the Settlement to qualifying members of the Certified Class at this time but will do so in the future. You will be provided further notice of any such distribution.

As a member of the Certified Class, should additional settlements be reached, or a judgment be issued by the Court, regardless of whether it is in favor of the Plaintiffs or the Non-Settling Defendants, the Court's orders apply to you and legally bind you.

#### **10. Can I still exclude myself from the Certified Class?**

No. The option to exclude yourself from the Certified Class, this Settlement, or future Settlements has passed. If you did not exclude yourself from the Certified Class previously, you are a Class Member and cannot ask to be excluded from this Settlement or any future settlements or judgments obtained by Direct Purchaser Plaintiffs with other Non-Settling Defendants in the case.

#### **11. If I didn't exclude myself from the Certified Class, can I sue Hormel Foods for the same thing later?**

No. Unless you previously excluded yourself from the Certified Class, you gave up the right to sue Hormel Foods for the claims that are subject to the release in the Settlement Agreement with Hormel Foods. You can access the Settlement Agreement with Hormel Foods, including the release language, on the settlement website: [www.PorkAntitrustLitigation.com](http://www.PorkAntitrustLitigation.com).

## **OBJECTING TO THE SETTLEMENT**

## 12. How do I tell the Court that I don't like the Settlement with Hormel Foods or the request for payment of litigation expenses?

You can object to the Settlement if you don't like part or all of it. You can also object to the request for payment of litigation expenses. The Court will consider your views.

To object, you must send a letter or other written statement saying that you object to the Settlement with Hormel Foods and/or the request for payment of litigation expenses in *In re Pork Antitrust Litigation* and the reasons why you object. Be sure to include your full name, the name of your business which purchased Pork, current mailing address, and email address. Your objection must be signed. You may include or attach any documents that you would like the Court to consider. By submitting an objection, you agree to be bound by the jurisdiction of the district court presiding over the case for the purpose of your objection, including for the purpose of any appropriate discovery. Do not send your written objection to the Court or the judge. Instead, mail the objection to the Settlement Administrator, Co-Lead Class Counsel, and counsel for Hormel Foods at the addresses listed below. Your objection must be postmarked no later than **August 3, 2024**.

### **Settlement Administrator:**

Pork Antitrust Litigation  
ATTN: OBJECTIONS  
c/o A.B. Data, Ltd.  
P.O. Box 173001  
Milwaukee, WI 53217

### **Direct Purchaser Plaintiffs'**

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## 13. Can I object to the previous settlements?

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

### THE LAWYERS REPRESENTING YOU

## 14. Do I have a lawyer in this case?

The Court has appointed Lockridge Grindal Nauen P.L.L.P. and Pearson Warshaw, LLP as Co-Lead Class Counsel for the Certified Class. Their contact information is provided above in Question 12.

If you are a Class Member, you do not need to hire your own lawyer because Co-Lead Class Counsel is working on your behalf.

## 15. How will the lawyers be paid?

Co-Lead Class Counsel are asking the Court to approve an interim payment of litigation expenses of up to \$1,460,600 from the Hormel Foods and Seaboard settlements. The motion for interim payment of litigation expenses will be filed with the court by July 3, 2024, and a copy will be made available for review on the settlement website: [www.PorkAntitrustLitigation.com](http://www.PorkAntitrustLitigation.com). In the future, Co-Lead Class Counsel may ask the Court to award attorneys' fees, additional reimbursement of reasonable and necessary litigation expenses, and class representative service awards from the Settlement or any other settlement or recovery in this litigation. At such time, and prior to any Court approval, Class

Members will be provided with notice of the amount of fees or expenses sought by Co-Lead Class Counsel and the opportunity to be heard by the Court. You will not have to pay any fees or costs out-of-pocket.

## THE COURT'S FAIRNESS HEARING

### 16. When and where will the Court decide whether to approve the Settlement?

The Court will hold a hearing to decide whether to approve the Settlement (the "Fairness Hearing"). You may attend and you may ask to speak, but you don't have to. The Court will hold a Fairness Hearing on September 19, 2024, at 10:00 a.m. Central Time, at the United States District Court for the District of Minnesota, Courtroom 15, 300 South Fourth Street, Minneapolis, MN 55415. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate, as well as approval of Co-Lead Counsel's motion for interim payment of litigation expenses. If there are objections, the Court will consider them. 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 Settlement. We do not know how long these decisions will take. The Fairness Hearing may take place remotely, including via telephone or video conference. The Court may also move the Fairness Hearing to a later date without providing additional notice to the Class. Updates will be posted to the litigation website regarding any changes to the hearing date or conduct of the Fairness Hearing.

### 17. Do I have to come to the hearing?

No. Co-Lead Class Counsel will answer any questions the Court may have. However, you are welcome to attend in person (or attend via telephone or video conference, if the Court holds a telephone or video hearing) 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 mail your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

### 18. May I speak at the hearing?

You may ask to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear in *In re Pork Antitrust Litigation*." Be sure to include your name, including the name of your business which purchased Pork, current mailing address, telephone number, and signature. Your Notice of Intention to Appear must be postmarked no later than **August 3, 2024**, and it must be sent to the Clerk of the Court, Co-Lead Class Counsel, and counsel for Hormel Foods. The address for the Clerk of the Court is: 300 South Fourth Street, Courtroom 15, Minneapolis, MN 55415. The addresses for Class Counsel and counsel for Hormel Foods are provided in Question 12. You cannot ask to speak at the hearing if you excluded yourself from the Certified Class.

## GETTING MORE INFORMATION

### 19. How do I get more information about the Settlement?

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can find a copy of the Settlement Agreement, other important documents, and information about the current status of the litigation by visiting [www.PorkAntitrustLitigation.com](http://www.PorkAntitrustLitigation.com). You may contact the Settlement Administrator at [info@PorkAntitrustLitigation.com](mailto:info@PorkAntitrustLitigation.com) or toll-free at 1-866-797-0864. You may also contact Co-Lead Class Counsel at the addresses, phone numbers, and email addresses provided in Question 12.

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