

COURT-APPROVED LEGAL NOTICE

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.

*Para una notificación en español, llame gratis al 1-866-797-0864
o visite nuestro website www.PorkAntitrustLitigation.com.*

The purpose of this notice is to inform you of your rights related to (i) the pendency of a class action lawsuit entitled *In re Pork Antitrust Litigation*, D. Minn. Case No. 0:18-cv-01776, pending in the United States District Court for the District of Minnesota (the “Court”); and (ii) that a new settlement has been reached on behalf of Direct Purchaser Plaintiffs (the “Settlement”) with Defendant Seaboard Foods LLC (“Seaboard” or “Settling Defendant”). **A more detailed notice is available at www.PorkAntitrustLitigation.com.**

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”). Defendants have not admitted any liability and continue to deny the legal claims alleged in this lawsuit.

The Settlement between the Direct Purchaser Plaintiffs and Seaboard is on behalf of the Certified Class, only applies to Seaboard, 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. The Settlement requires Seaboard to pay \$9,750,000. In addition to this monetary payment, Seaboard has agreed to provide specified cooperation in the Direct Purchaser Plaintiffs’ continued prosecution of the litigation. The Court has not decided whether Seaboard did anything wrong, and Seaboard denies any wrongdoing.

The notice provides Class Members with an opportunity to opt out of the Settlement, the Certified Class defined above, or both. If you exclude yourself from both the Settlement and the Certified Class, you will not receive any of the Settlement benefits and cannot participate in any future settlements on behalf of the Certified Class and will not be bound by any future judgments. If you exclude yourself from only the Certified Class, but not the Settlement, you will receive the benefits of the Settlement, but cannot participate in any future settlements on behalf of the Certified Class and will not be bound by any future judgments other than the judgment against Seaboard if the Seaboard settlement is approved by the Court. If you exclude yourself from only the Settlement, you will not receive any of the Settlement benefits and you will remain in the Certified Class and be bound by future settlements or judgments involving the Certified Class against any non-settling Defendants. **At this time, there is no claim form, plan of distribution, or Co-Lead Class Counsel fees or expenses to be addressed. The Certified Class does not affect the previous settlements reached in this litigation.**

WHO IS INCLUDED?

The Certified Class is defined above. 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 this 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. In addition to Seaboard, the Non-Settling Defendants in this lawsuit for purposes of this notice include Clemens Food Group, LLC, The Clemens Family Corporation, Hormel Foods Corporation, Triumph Foods, LLC, Tyson Foods, Inc., Tyson Prepared Foods, Inc., Tyson Fresh Meats, Inc., and Agri Stats, Inc. (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.)

If you are not sure you are included, you can get more information, including a detailed notice, at www.PorkAntitrustLitigation.com or by calling toll-free 1-866-797-0864.

WHAT IS THIS LAWSUIT ABOUT?

Direct Purchaser Plaintiffs allege that Defendants and their co-conspirators conspired and combined to fix, raise, maintain, and stabilize the price of Pork with the intent and expected result of increasing prices of Pork in the United States, in violation of federal antitrust laws. Direct Purchaser Plaintiffs previously reached a settlement with Defendants JBS USA Food Company Holdings (“JBS”) and Smithfield Foods, Inc. (“Smithfield”). The Court granted final approval to the JBS settlement on July 27, 2021, and the Smithfield settlement on January 31, 2022. Direct Purchaser Plaintiffs have now reached a new proposed Settlement with Defendant Seaboard. Seaboard 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 besides JBS, Smithfield, and Seaboard, known as the “Non-Settling Defendants.” 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 other Defendants.

WHAT DOES THE SETTLEMENT PROVIDE?

Under the terms of the Settlement Agreement, Seaboard will pay \$9,750,000 to resolve all Class Members' claims against Seaboard Released Parties for the Released Claims (as those terms are defined in the Settlement Agreement). In addition to this monetary benefit, Seaboard has also agreed to provide specified cooperation in the Direct Purchaser Plaintiffs' continued prosecution of the litigation. Co-Lead Class Counsel are not seeking to recover attorneys' fees, litigation expenses, or class representative incentive awards at this time, and do not plan to distribute net settlement proceeds from the Seaboard Settlement to the Class Members at this time, but will do so at a future date subject to further notice and Court approval.

WHAT ARE YOUR RIGHTS AND OPTIONS?

- You do not need to take any action to both remain a member of the Certified Class and participate in, and be bound by, the Settlement with Seaboard. As a Certified Class Member, you will also be able to participate in any future settlement or judgment obtained by Direct Purchaser Plaintiffs against other Defendants in the case.
- If you do not wish to remain a member of the Certified Class, and do not want to be legally bound by or participate in the Seaboard Settlement, you must exclude yourself from both the Seaboard Settlement and the Certified Class by November 24, 2023.
- If you do not wish to remain a member of the Certified Class, but wish to participate in the Seaboard Settlement, you must exclude yourself from the Certified Class by November 24, 2023.
- If you do not want to be legally bound by or participate in the Seaboard Settlement, but wish to participate in the Certified Class, you must exclude yourself from the Seaboard settlement by November 24, 2023.

If you exclude yourself from the Settlement, you can't get money from the Settlement. If you don't exclude yourself from the Settlement, you may still object to the Settlement Agreement by November 24, 2023. The detailed notice explains how to exclude yourself or object. Details may also be found on the FAQs page of the litigation website. The Court will hold a hearing in this case (*In re Pork Antitrust Litigation*, Case No. 0:18-cv-01776) on February 27, 2024, at 10:00 a.m. Central Time, to consider whether to approve the Settlement with Seaboard. You may ask to speak at the hearing, but you don't have to.

This notice is only a summary. You can find more details about the litigation or the Settlement with Seaboard at www.PorkAntitrustLitigation.com or by calling toll-free 1-866-797-0864. Please do not contact the Court.