

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE PORK ANTITRUST LITIGATION,

Civil No. 18-1776 (JRT/JFD)

This Document Relates To:

THE DIRECT PURCHASER PLAINTIFF
ACTION

**ORDER ADOPTING DIRECT PURCHASER
PLAINTIFFS' FINAL LIST OF OPT OUTS
FROM THE DIRECT PURCHASER
PLAINTIFF CERTIFIED CLASS**

On March 29, 2023, the Court granted the Direct Purchaser Plaintiffs' motion for class certification. (Mem. Op. & Order ("Order") at 69, Docket No. 1887.) On August 25, 2023, the Court approved a plan of notice to members of the Direct Purchaser Plaintiff Certified Class of the Order and, following dissemination of the notice, a deadline of November 24, 2023 for Class members to request to be excluded from the Certified Class. (Order Granting Mot. Approval at 8, Docket No. 2014.)

Co-Lead Class Counsel and A.B. Data, Ltd. (the Court-approved notice provider, *see id.* at 3) provided notice to the Certified Class as approved by the Court. (Decl. of Eric Schachter ¶¶ 2–9, Jan. 11, 2024, Docket No. 2077.) Listed in Exhibit C to the Declaration of Eric Schachter are the entities that have requested to be excluded from the Certified Class. (*Id.* ¶ 10, Ex. C.) Included on the exclusion list are seven entities whose requests for exclusion were received on November 26, 2023, two days after the November 24, 2023, deadline. (*See id.* at 16–18 (late requests noted with "***").) Given the proximity to the deadline, the fact that the deadline ran concurrently with the 2023 Thanksgiving

holiday, and the recommendation of the parties, the Court will permit these seven late requests and those entities are allowed to opt out of the Certified Class.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Direct Purchaser Plaintiffs' motion to approve the final list of opt outs from the Direct Purchaser Plaintiff Certified Class [Docket No. 2076] is **GRANTED**. Upon review of the list of opt outs provided by Co-Lead Class Counsel and A.B. Data [Docket No. 2077-3], the Court hereby approves the list as final and finds that the entities listed thereon are excluded from the Direct Purchaser Plaintiff Certified Class.
2. The seven entities whose requests for exclusion were received on November 26, 2023, two days after the November 24, 2023, deadline are hereby accepted and treated as timely.

DATED: January 24, 2024
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge