

**UNITED STATES DISTRICT COURT
DISTRICT COURT OF MINNESOTA**

IN RE PORK ANTITRUST
LITIGATION

Case No. 0:18-cv-01776 (JRT)

This Document Relates To:

THE DIRECT PURCHASER
PLAINTIFF CLASS ACTION

**NOTICE OF MOTION AND
MOTION TO APPROVE FINAL
LIST OF OPT OUTS FROM THE
DIRECT PURCHASER
PLAINTIFF CERTIFIED CLASS**

**TO ALL PARTIES, MEMBERS OF THE DIRECT PURCHASER
PLAINTIFF CERTIFIED CLASS AND THEIR COUNSEL OF RECORD:**

On March 29, 2023, the Court granted the Direct Purchaser Plaintiffs' motion for class certification. *See* ECF No. 1887 (the "Order"). On August 25, 2023, the Court approved a plan of notice to members of the Direct Purchaser Plaintiff Certified Class of the Order, and a deadline (November 24, 2023) following dissemination of the notice for Class members to exclude themselves. *See* ECF No. 2014. Co-Lead Class Counsel and A.B. Data, Ltd. (the Court-approved notice provider, *see* ECF No. 2014) provided notice to the Certified Class as approved by the Court. *See* Declaration of Eric Schachter (filed concurrently herewith) ¶ 2.

Co-Lead Class Counsel and A.B. Data hereby submit to the Court a final list of Certified Class members that requested exclusion. *See* Exhibit C to the Schachter Decl.

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* Schachter Decl. Ex. C (late requests noted with "***"). Given the proximity to the deadline

and the fact that the deadline ran concurrently with the Thanksgiving holiday, it is the recommendation of Co-Lead Class Counsel and A.B. Data that these late requests be permitted and that the entities be allowed to opt out of the Certified Class.

The Direct Purchaser Plaintiffs respectfully request that the Court enter an order approving and adopting Exhibit C to the Schachter Declaration and find that the entities listed thereon are excluded from the Direct Purchaser Plaintiffs Certified Class.

Date: January 11, 2024

/s/ Michael H. Pearson

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