

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST LITIGATION

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

This Document Relates To:

THE DIRECT PURCHASER PLAINTIFF  
CLASS ACTION

**DECLARATION OF ERIC SCHACHTER REGARDING  
DIRECT PURCHASER PLAINTIFFS' STATUS REPORT REGARDING  
DISTRIBUTION OF NET SETTLEMENT PROCEEDS AND MOTION FOR  
APPROVAL OF REDISTRIBUTION PLAN**

I, Eric Schachter, declare as follows:

1. I am a Senior Vice President of A.B. Data, Ltd.'s Class Action Administration Division ("A.B. Data"). Pursuant to the Court's January 13, 2021, Order Granting Motion for Preliminary Approval of the Class Action Settlement Between Direct Purchaser Plaintiffs and Defendant JBS (ECF No. 631), and the Court's August 5, 2021, Amended Order Granting Motion for Preliminary Approval of the Class Action Settlement Between Direct Purchaser Plaintiffs and Smithfield Foods, Inc. (ECF No. 870) (the "Preliminary Approval Orders"), A.B. Data was authorized to act as the Settlement Administrator in connection with the Settlement in the above-captioned action (the "Action"). I am over 21 years of age and am not a party to this Action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. This Declaration describes the distribution of the Net Settlement Fund from the Smithfield and JBS settlements, pursuant to the Court's Order Granting Direct Purchaser Plaintiffs' Motion for First Distribution of Net Settlement Proceeds, dated August 25, 2023 (ECF No. 2015) (the "Distribution Order").

3. Summarized below are A.B. Data's extensive efforts to ensure the accurate distribution of the Net Settlement Fund, as well as our multi-faceted post-distribution work to encourage the negotiation of as many payments as possible. As detailed below, 83.6% of the issued funds have been successfully negotiated.

### **The Distribution**

4. On October 18, 2023, A.B. Data commenced the distribution to the 1,462 eligible Class Members. A.B. Data sent 95 checks by Federal Express or USPS Priority

Mail Express and mailed 1,124 checks via USPS First-Class Mail. Two checks were withheld from the distribution, at the Class Member's request, due to a dispute regarding the rightful beneficiary. Class Members' checks included the notation "Non-Negotiable After 90 Days."

5. In addition, on October 18, 2023, 241 Class Members were issued payments by wire transfer.

6. Since the initial distribution on October 18, 2023, A.B. Data continues to communicate with Class Members regarding returned or uncashed checks, resulting in the voiding of 65 checks which were reissued via wire transfer.


7. As of the date of this Declaration, 306 payments have been issued via wire transfer, 1,056 checks have been cashed by Class Members, and A.B. Data continues to conduct outreach regarding 100 unnegotiated payments including the two disputed payments referenced above in paragraph four.

8. A.B. Data has performed multiple phone and email campaigns to reach Class Members regarding unnegotiated payments. Where A.B. Data was unable to contact the filer using the contact information provided in the Claim Form, A.B. Data conducted internet research in an attempt to locate additional contacts to assist in the acceptance of said payments. This effort is ongoing as noted above in paragraph seven.

9. As of the date of Declaration, \$53,531,714.70 has been successfully paid and negotiated, \$2,318,887.66 remains outstanding, and \$8,197,348.12 remains undistributed and available for redistribution resulting from a miscalculation discovered during the Settlement Administrator's final quality assurance reviews prior to distributing the Net

Settlement Fund. The miscalculation was caused by the wrong underlying approved purchase amount being associated with three claims. Each of the affected claimants was notified and sent their corrected distribution amount, which resulted in the surplus. The surplus was not included in the distribution because it would have delayed payments to all but three qualified claimants as checks had already been issued and *pro rata* amounts for wire transfers were already confirmed. This surplus amount will be combined with any additional proceeds for redistribution as set forth in the DPP's status report.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 14<sup>th</sup> day of March 2024 at Milwaukee, Wisconsin.

By:   
Eric Schachter