

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

IN RE PORK ANTITRUST
LITIGATION

Case No. 18-cv-01776 (JRT-HB)

Honorable John R. Tunheim

This Document Relates To:

**STATUS UPDATE REGARDING
DIRECT PURCHASER
PLAINTIFFS' CLAIMS
PROCESS**

THE DIRECT PURCHASER
PLAINTIFF ACTION

The Direct Purchaser Plaintiffs (“DPPs”) respectfully submit this status update to the Court regarding the previously-approved claims process.

On March 7, 2022, this Court approved the notice plan and claims process to JBS and Smithfield Settlement Class members. *See* ECF No. 1208 (Order approving Notice Plan and Claims Process, “Order”). The notice plan and claims process provided Settlement Class members with direct notice and included individualized and pre-populated claim forms, as well as information on (1) how to make a claim, (2) how to get more information, and (3) the relevant deadlines. Following the Order, the Claims Administrator implemented the Notice Plan and Claims Process, and the pre-populated documents were disseminated to the Settlement Class members on April 15, 2022. The current deadline to submit a claim is June 14, 2022. *Id.* To date, several claims have already been received.

On May 9, 2022, Interim Co-Lead Counsel was informed that there was a calculation error in connection with the generation of the pre-populated claim forms which resulted in the purchase amounts from Tyson being overstated for some Settlement Class

members. Upon learning of the issue, Interim Co-Lead Counsel immediately conferred with the Settlement Administrator to adopt and implement corrective action.

With regard to claims that have already been submitted and that are affected by the calculation error, Interim Co-Lead Counsel and the Claims Administrator have begun informing those Claimants of the miscalculation—including via mail (*see* Postcard Correspondence attached hereto as Exhibit 1)—and are providing them an opportunity to assess and respond to the corrected amounts.¹ The Claims Administrator will allow these Claimants 30 additional days—until July 14, 2022—to either (1) accept the corrected amounts, or (2) challenge or supplement the corrected amounts by submitting the Court-approved Purchase Audit Request Form and back-up documents. If the Claimant does not respond, the Claims Administrator will use the corrected purchase amount to calculate their *pro rata* share of the distribution.

With regard to not-yet-submitted claims, Interim Co-Lead Counsel and the Claims Administrator have already updated the online pre-populated claim form for each impacted Settlement Class member and posted the following bulletin:

ON MAY 19, 2022 TYSON PURCHASE AMOUNTS WERE CORRECTED AND MAY DIFFER FROM AMOUNTS PRINTED ON PRE-POPULATED CLAIM FORMS. PLEASE CAREFULLY REVIEW THE INFORMATION CONTAINED HERE, INCLUDING THE ACKNOWLEDGEMENT REGARDED THE CORRECTED PURCHASE AMOUNTS AT THE TIME OF CLAIM SUBMISSION. IF YOU HAVE ANY QUESTIONS, CONTACT THE CLAIMS ADMINISTRATOR AT (866) 797-0864 OR info@PorkAntitrustLitigation.com.

¹ The majority of Settlement Class members were not impacted by this miscalculation. Those unimpacted Settlement Class members and Claimants will not be contacted about the error, and will be required to abide by the Court-approved procedures and deadlines.

Any impacted Settlement Class member who files a claim online after this date will be notified of the issue and their corrected purchase amounts will be displayed. Consistent with the Court-approved claims process, these Claimants will have the option of (1) accepting their corrected total, including a check box acknowledgement of the corrected Tyson purchase amount, or (2) requesting an extension of time until July 14, 2022 (an additional 30 days) to submit a Purchase Audit Request Form. The Claims Administrator will grant any requests for an extension of time received prior to the original claim deadline (June 14, 2022). Any Settlement Class members who file a timely claim via mail containing a calculation error will be sent a copy of the Postcard Correspondence attached as Exhibit 1.

Interim Co-Lead Counsel will continue to work with the Claims Administrator and closely monitor the ongoing claims process. Should the Court require additional information regarding the claims prices, Interim Co-Lead Counsel is available. In any event, Interim Co-Lead Counsel will prepare and submit a further status report on June 29, 2022 (*see* Order, ECF No. 1208).

Date: May 20, 2022

/s/ W. Joseph Bruckner

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EXHIBIT 1

Pork Direct Antitrust Litigation
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IMPORTANT UPDATE REGARDING
IN RE PORK ANTITRUST LITIGATION, CASE NO. 0:18-CV-01776
(THE DIRECT PURCHASER PLAINTIFF ACTION)

Unique ID: _____

On or about April 15, 2022, you were sent a Notice and Claim Form related to previously-approved Settlements reached in a class action antitrust lawsuit filed on behalf of Direct Purchasers of Pork in the United States with Settling Defendants Smithfield Foods, Inc. (“Smithfield”) and JBS USA Food Company, JBS USA Food Company Holdings, and Swift Pork Company (collectively, “JBS”). The Claim Form that was sent to you was pre-populated to reflect the amounts of your Pork purchases from all Defendants, based on a review of Defendants’ records. You had the option to accept the pre-populated purchase amounts or, if you disagreed with or wanted to supplement those amounts, provide additional purchase information and supporting documentation.

It has come to our attention that the pre-populated purchase information for Tyson Foods, Inc., Tyson Prepared Foods, Inc., and Tyson Fresh Meats, Inc. (“Tyson”) reflected on your Claim Form may have been incorrect. To access the corrected Tyson purchase amounts, please use the Unique ID on the front of this postcard to log on to www.PorkAntitrustLitigation.com, review your corrected purchase information electronically. This postcard provides you with further options regarding your claim.

If you take no further action, the amount that you receive from the Settlements will be calculated based on a pro rata share of the corrected amounts.

If you do not agree with the corrected amounts, we are providing you with a continuance until July 14, 2022 to complete the Purchase Audit Request form posted on www.PorkAntitrustLitigation.com or complete an updated online claim.

You can find other important documents and information about the current status of the litigation by visiting www.PorkAntitrustLitigation.com. You may also contact the Settlement Administrator at info@PorkAntitrustLitigation.com or toll-free at 1-866-797-0864.