

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

IN RE PORK ANTITRUST LITIGATION

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

This Document Relates To:

THE DIRECT PURCHASER PLAINTIFF  
ACTION

**[AMENDED PROPOSED]  
ORDER GRANTING DIRECT  
PURCHASER PLAINTIFFS'  
MOTION FOR  
REDISTRIBUTION OF NET  
SETTLEMENT PROCEEDS**

The Court, having reviewed Direct Purchaser Plaintiffs' Status Report (ECF No. 2144) and Further Status Report (ECF No. 2186) regarding the First Distribution of the Net Settlement Fund to qualified claimants and supporting declaration, and all other evidence and arguments presented, finds and orders as follows:

1. The Court has jurisdiction over the subject matter of this litigation, including the actions within this litigation, and all parties thereto.

2. The Court granted final approval of the settlement with the JBS Defendants on July 26, 2021. ECF No. 838. The Court granted final approval of the settlement with the Smithfield Defendants on January 31, 2022. ECF No. 1154. Notice to the DPP Class of these settlements was approved by the Court and successfully implemented by A.B. Data, Ltd. (the Court-appointed Settlement Administrator, ECF Nos. 631, 845) each time. ECF Nos. 838, 1154. Smithfield and JBS paid a total of \$101,864,300.00 into the Settlement Fund.

3. On July 22, 2022, this Court granted Direct Purchaser Plaintiffs' Motion for Interim Payment of Attorneys' Fees, Current and Ongoing Litigation Expenses, and Service Awards. ECF No. 1424. These Court-approved attorney's fees, litigation expenses, and service awards, along with taxes and claims administration costs, were paid from the Settlement Fund and resulted in the distributable Net Settlement Fund of \$64,047,950.48. *See* ECF Nos. 2015 at ¶ 5 (setting forth the accounting of the Net Settlement Fund), 2058 (setting forth the final distributable amount).

4. On March 7, 2022, this Court approved the claims process. ECF No. 1208. The Court previously found that A.B. Data carried out the claims administration process in

a manner consistent with orders of this Court, and has offered claimants reasonable notice of claim deficiencies and an opportunity to cure them. ECF No. 2015.

5. On August 25, 2023, the Court approved the distribution of the Net Settlement Fund. ECF No. 2015.

6. On October 18, 2023, the Settlement Administrator commenced the distribution of the Net Settlement Fund. The Court finds that the distribution was carried out in accordance with the Order (ECF No. 2015).

7. Any settlement proceeds that remain unclaimed as of July 1, 2024 shall be transferred into an interest-bearing escrow account and distributed *pro rata* to qualified claimants in a future distribution. The Court authorizes Co-Lead Class Counsel to transfer \$8,197,348.12 to the aforementioned interest-bearing escrow account at the time this Order is issued as this amount is not subject to the ongoing distribution and set to be distributed in the future. Any remaining funds shall be transferred to the same account following the July 1, 2024 cut off. Although the money shall be held in one account, the amount to be paid to qualified claimants will be based on their *pro rata* share of each of the settlements and paid in addition to (1) any *pro rata* share of the Seaboard net settlement funds, and (2) any future recoveries by the DPP Class. Prior to any distribution of the Seaboard net settlement funds and any other future recoveries, DPPs shall move the Court to approve a plan of distribution for those funds.

8. The Court has reviewed and authorizes the payment of taxes as necessary for the *In re Pork Antitrust Litigation* Qualified Settlement Fund. Any future taxes incurred as

a result of the transfer of the surplus into an interest-bearing account are hereby authorized to be paid from the surplus as necessary.

9. This Court retains continuing jurisdiction over the administration and distribution of the settlement proceeds.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

Honorable John R. Tunheim  
United States District Court  
District of Minnesota