

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

IN RE PORK ANTITRUST
LITIGATION

This Document Relates To:

THE DIRECT PURCHASER
PLAINTIFF ACTION

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

**DECLARATION OF W. JOSEPH
BRUCKNER IN SUPPORT OF
DIRECT PURCHASER
PLAINTIFFS' MOTION FOR
APPROVAL OF NOTICE PLAN
AND CLAIMS PROCESS**

I, W. Joseph Bruckner, declare and state:

1. I am a partner of the law firm of Lockridge Grindal Nauen P.L.L.P. This Court has appointed me and my firm, together with Pearson, Simon & Warshaw, LLP, as Interim Co-Lead Counsel for Direct Purchaser Plaintiffs and the Direct Purchaser Plaintiff Class (“DPPs”) in this litigation (“Interim Co-Lead Counsel”).

2. I submit this Declaration in support of the concurrently filed Motion For Approval of Notice Plan and Claims Process.

3. On November 17, 2020, DPPs and the Defendants JBS USA Food Company, JBS USA Food Company Holdings, and Swift Pork Company (collectively, “JBS”) entered into a settlement that provided for a payment of \$24,500,000 and meaningful cooperation. The Court granted final approval of the JBS settlement on July 26, 2021. (*See* ECF No. 838.).

4. On June 29, 2021, DPPs and Smithfield Foods, Inc. (“Smithfield”) entered into a settlement that provided for a payment of \$83,000,000 and meaningful cooperation. The Smithfield settlement was subject to a \$5,635,700 reduction based on the opt-outs received during the settlement administration process. Thus, the total net amount paid by Smithfield equaled \$77,364,300. The Court granted final approval of the Smithfield settlement on January 31, 2022. (*See* ECF No. 1154.)

5. The total amount recovered to date from just two of the Defendants in this case totals \$101,864,300.

6. This multifaceted, comprehensive notice plan (which was successfully implemented for the JBS and Smithfield settlements) provides the best notice practicable

under the circumstances of this case and fully satisfies Rule 23 and due process requirements. This type of notice plan, which relies on direct notice and publication notice, has been successfully implemented in direct purchaser class actions, including in the instant case.

7. The court approved definition of Pork in the JBS and Smithfield Settlements is broader than the definition of Pork in the operative DPP Third Amended and Consolidated Complaint (ECF No. 431). In order to generate the pre-populated claims forms, the Defendants have agreed to supplement their document productions to include reasonably identifiable sales of Pork products that fall within the Settlement Class Definition by March 1, 2022.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 15th day of February, 2022, at Minneapolis, Minnesota.

/s/ W. Joseph Bruckner

W. Joseph Bruckner