

**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 notice program and claims process.

Background

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, including the date to object to the Motion for Interim Payment of Attorneys’ Fees, Current and Ongoing Litigation Expenses, and Service Awards (“Fee Motion,” ECF No. 1361).

Following the Order, the Claims Administrator implemented the Notice Plan and Claims Process, and notice was disseminated to the Settlement Class members on April 15, 2022. 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. *See* Status Update Regarding Direct Purchaser Plaintiffs' Claims Process, May 20, 2022, ECF No. 1375. Impacted Settlement Class members received further communication from the Claims Administrator regarding the error and, if necessary, were given an additional 30 days to supplement their claim form with a purchase audit request form (and supporting documentation). Both the Settlement Administrator and Interim Co-Lead Counsel communicated with Settlement Class members regarding their claims and answered questions promptly.

Status of Claims Administration

The deadline to submit a claim and/or object to the Fee Motion was June 14, 2022. ECF No. 1208. To date, thousands of claims have been received by the Claims Administrator, all of which are currently being reviewed for eligibility and accuracy. This quality control process, although time intensive, is essential to accurately compensate Settlement Class members. DPPs will file a motion for an initial distribution of settlement proceeds upon completion of the claims and audit review process by the Settlement Administrator.

There Were No Objections to the Fee Motion

No objections to the Fee Motion have been received as of the filing of this status report. In addition to the notice that Class Members received of the Fee Motion, both the JBS and Smithfield settlements have gone through a full round of notice in which

Settlement Class members had a chance to object to the Settlements. That no Class member has objected to either is an impressive result for Settlements of this prominence and for such a Class of sophisticated businesses and individuals. Moreover, only a handful of the thousands of the eligible Settlement Class members have opted out of the Settlements. The reaction of the Settlement Class members through this process has been extremely positive and further supports approving the requested amounts of interim attorneys' fees, litigation expenses, and service awards sought in the Fee Motion.¹

Conclusion

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, Interim Co-Lead Counsel is available.

¹ The Court has scheduled a hearing on the Fee Motion for July 20, 2022, at 10:00 a.m.

Date: June 29, 2022

/s/ Michael H. Pearson

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