

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

IN RE PORK ANTITRUST LITIGATION

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

This Document Relates To:

THE DIRECT PURCHASER PLAINTIFF  
ACTION

**DECLARATION OF ERIC  
SCHACHTER IN SUPPORT OF  
MOTION FOR FINAL APPROVAL  
OF THE CLASS ACTION  
SETTLEMENT BETWEEN  
DIRECT PURCHASER  
PLAINTIFFS AND SMITHFIELD  
FOODS, INC.**

I, Eric Schachter, declare as follows:

1. I am a Vice President of A.B. Data, Ltd.’s Class Action Administration Division (“A.B. Data”). Pursuant to the Court’s August 5, 2021, Order Granting Motion for Preliminary Approval of the Class Action Settlement Between Direct Purchaser Plaintiffs and Smithfield Foods, Inc.<sup>1</sup> (ECF No. 870, the “Preliminary Approval Order”), 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 implementation of the notice plan, as proposed in my Declaration of Eric Schachter in Support of Motion for Preliminary Approval of the Class Action Settlement Between Direct Purchaser Plaintiffs and Smithfield (ECF No. 832, the “Initial Declaration”).

### **NOTICE**

3. Using the 68,160 potential Class Member names and contact information used for notice in the previous settlement with JBS in this Action, A.B. Data consolidated certain records at the request of potential Class Members and records previously reported as undeliverable by the United States Postal Service (“USPS”), which ultimately resulted in 55,532 unique potential Class Member records to use for direct notice.

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<sup>1</sup> Unless otherwise noted, all capitalized terms shall have the same meaning as in the Settlement Agreement between Direct Purchaser Plaintiffs and Smithfield.

4. Prior to commencing direct notice, A.B. Data standardized and updated, where applicable, the potential Class Member mailing addresses using data from the USPS National Change of Address Database. As a result of this work, on September 3, 2021, A.B. Data caused the Court-approved Long-Form Notice to be sent by USPS First-Class Mail to the 55,532 potential Class Member mailing addresses.

5. As of the date of this Declaration, A.B. Data has tracked 3,791 Long-Form Notices to be undeliverable as addressed. Of these, 1,001 Long-Form Notices have been remailed to updated addresses obtained through either the USPS, an authorized representative of the intended recipient, or third-party information services to which we subscribe.

6. On September 3, 2021, A.B. Data caused the Email Notice to be sent by email to 1,728 known potential Class Member email addresses. To maximize deliverability, A.B. Data used certain best practices, such as avoiding attachments and certain key words likely to trigger SPAM and junk filters and sending the emails in batches over a period of days. Of the 1,728 emails sent, 1,597 were successfully delivered.

7. To supplement the direct notice efforts, A.B. Data caused the Publication Notice to publish in the October 2021 editions of *Nation's Restaurant News* and *Supermarket News*, trade journals targeting supply chain executives and food industry professionals. A.B. Data also effectuated a thirty-day digital media banner ad campaign on [www.nrn.com](http://www.nrn.com) and [www.supermarketnews.com](http://www.supermarketnews.com).

8. The Long-Form Notice, Email Notice, and Summary Notice were written in plain language that clearly and concisely described, among other things: the definition of the Class; the binding effects of remaining part of the Class; the benefits of the Settlement; Co-

Lead Counsel's contact information; instructions on how to exclude or object; the costs and fees that Co-Lead Counsel would seek to be paid from the Settlement fund; and that additional information and pleadings were available online at [www.PorkAntitrustLitigation.com](http://www.PorkAntitrustLitigation.com).

### **SETTLEMENT WEBSITE**

9. On September 3, 2021, A.B. Data caused the case-specific Settlement website, [www.PorkAntitrustLitigation.com](http://www.PorkAntitrustLitigation.com), to be updated to include information regarding the settlement with Smithfield. The website provides general information in English and Spanish regarding the case and its current status, as well as downloadable copies of the notice documents, the Settlement Agreement, the Preliminary Approval Order, and the operative Complaint. The website is accessible 24 hours a day, 7 days a week.

### **TELEPHONE HELPLINE**

10. On September 3, 2021, A.B. Data caused the case-specific toll-free phone number, 866-797-0864, to be updated to include information regarding the new settlement. The toll-free phone line provides callers with an Interactive Voice Response system and live operators in both English and Spanish. An automated attendant answers all calls initially and presents callers with a series of choices to respond to basic questions. If callers need further help, they have the option to be transferred to an operator during business hours.

### **EXCLUSIONS AND OBJECTIONS**

11. The Long-Form Notice informed potential Class Members that requests for exclusion were to be submitted to A.B. Data by mail or email such that they were postmarked or received by November 2, 2021. As of the date of this Declaration, A.B. Data has received 94 requests for exclusion, many of which included various affiliated entities and partial

assignments. The 94 requests for exclusion included various affiliated entities. The list of all entities (inclusive of affiliated entities) that requested exclusion is attached as **Exhibit A**. The list of the requests with partial assignments is attached as **Exhibit B**.

12. The Long-Form Notice informed potential Class Members seeking to object to part or all of the proposed Settlement that they could do so by submitting a written request that is received by the Parties and filed with the Court no later than November 2, 2021. As of the date of this Declaration, A.B. Data has not received and is not aware of any objections.

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

Executed this 12th day of January 2022.



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Eric Schachter