

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE BROILER CHICKEN ANTITRUST  
LITIGATION

Case No: 1:16-cv-08637  
Judge Thomas Durkin

THE KROGER CO., ALBERTSONS  
COMPANIES, INC., HY-VEE, INC.,

Individual Case No. 1:18-cv-04534

Plaintiffs,

vs.

TYSON FOODS, INC., *et al*,

Defendants.

SAVE MART SUPERMARKETS,

Individual Case No. 1:19-cv-02805

Plaintiff,

vs.

TYSON FOODS, INC., *et al*,

Defendants.

ASSOCIATED GROCERS OF THE SOUTH,  
INC., MEIJER, INC.; MEIJER  
DISTRIBUTION, INC.; OSI RESTAURANT  
PARTNERS, LLC; PUBLIX SUPER  
MARKETS, INC., SUPERVALU INC.,  
UNIFIED GROCERS, INC., ASSOCIATED  
GROCERS OF FLORIDA, INC., and  
WAKEFERN FOOD CORPORATION,

Individual Case No: 1:18-cv-04616

Plaintiffs,

vs.

TYSON FOODS, INC., *et al*,

Defendants.

**ORDER DISMISSING**  
**CLAIMS WITH PREJUDICE OF TYSON DEFENDANTS**

The parties in the above-styled action, through counsel, stipulate to the following and respectfully request this Court’s approval of their stipulation:

This Stipulation is between Plaintiffs The Kroger Co., Albertsons Companies, Inc., Hy-Vee, Inc. and Save Mart Supermarkets (collectively, the “Kroger DAPs”), Plaintiffs Associated Grocers Of The South, Inc., Meijer, Inc., Meijer Distribution, Inc., OSI Restaurant Partners, LLC, Publix Super Markets, Inc., Supervalu Inc., Unified Grocers, Inc., Associated Grocers of Florida, Inc., and Wakefern Food Corporation (collectively, the “AGS DAPs”), and Defendants Tyson Foods, Inc., Tyson Chicken, Inc., Tyson Breeders, Inc. and Tyson Poultry, Inc. (collectively “Tyson”).

1. This Stipulation relates to *The Kroger Co., et al. v. Tyson Foods, Inc., et al.*, Case No. 1:18-cv-04534, and *Save Mart Supermarkets v. Tyson Foods, Inc., et al.*, Case No. 1:19-cv-02805 (collectively the “Kroger DAP Action”), and *Associated Grocers of the South, Inc. et al., v. Tyson Foods, Inc., et al.*, Case No. 1:18-cv-04616 (the “AGS DAP Action”).

2. In accordance with Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the Kroger DAPs, the AGS DAPs, and Tyson stipulate and agree to the dismissal, with prejudice, of the Kroger DAPs’ claims and the AGS DAPs’ claims asserted against Tyson in the Kroger DAP Action and the AGS DAP Action (including as set forth against Tyson in the Amended DAP Consolidated Complaint, ECF No. 4244), with each side bearing its own attorneys’ fees and costs. The Stipulation of Dismissal, with prejudice, has no bearing on the Kroger DAPs’ claims or the AGS DAPs’ claims against Defendants other than Tyson.

So Ordered Thomas M. Dulkan Dated: October 18, 2021  
United States District Judge

Dated: October 18, 2021

Respectfully submitted,

By: s/ *William J. Blechman*  
Richard Alan Arnold, Esquire  
William J. Blechman, Esquire  
Douglas H. Patton, Esquire  
Samuel J. Randall, Esquire  
Michael A. Ponzoli, Esquire  
KENNY NACHWALTER, P.A.  
1441 Brickell Avenue  
Suite 1100  
Miami, Florida 33131  
Tel: (305) 373-1000  
Fax: (305) 372-1861  
E-mail: rarnold@knpa.com  
wblechman@knpa.com  
dpatton@knpa.com  
srandall@knpa.com  
mponzoli@knpa.com

*Counsel for Plaintiffs The Kroger Co.,  
Albertsons Companies, Inc., Hy-Vee, Inc.  
and Save Mart Supermarkets*

By: s/ *David P. Germaine*  
Joseph M. Vanek, Esquire  
Paul E. Slater, Esquire  
David P. Germaine, Esquire  
SPERLING & SLATER, P.C.  
55 West Monroe Street  
Suite 3200  
Chicago, Illinois 60603  
Tel: (312) 641-3200  
Fax: (312) 641-6492  
E-mail: jvanek@sperling-law.com  
pes@Sperling-law.com  
dgermaine@sperling-law.com

Phillip F. Cramer, Esquire  
SHERRARD ROE VOIGT & HARBISON, PLC  
150 3rd Avenue South  
Suite 1100  
Nashville, Tennessee 37201  
Tel: (615) 742-4200  
E-mail: pcramer@srvhlaw.com

*Counsel for Plaintiffs Associated Grocers  
of the South, Inc., Meijer, Inc., Meijer  
Distribution, Inc., OSI Restaurant  
Partners, LLC, Publix Super Markets, Inc.,  
Supervalu Inc. Unified Grocers, Inc.,  
Associated Grocers of Florida, Inc., and  
Wakefern Food Corp.*

By: s/ *Rachel J. Adcox*  
Rachel J. Adcox, Esquire  
AXINN, VELTROP & HARKRIDER LLP  
1901 L Street, N.W.  
Washington, D.C. 20036  
Tel: (202) 912-4700  
E-mail: radcox@axinn.com

*Counsel for Defendants Tyson Foods,  
Inc., Tyson Chicken, Inc., Tyson Breeders,  
Inc. and Tyson Poultry, Inc.*