

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

IN RE BROILER CHICKEN ANTITRUST
LITIGATION

No. 1:16-cv-08637

Honorable Thomas M. Durkin
Magistrate Judge Jeffrey T. Gilbert

This Document Relates To:

All End-User Consumer Plaintiff Actions

**ORDER REGARDING
DECEMBER 20, 2021 FINAL APPROVAL HEARING**

The Court has entered orders granting preliminary approval to settlements between the End-User Consumer Plaintiffs (EUCPs) and Defendants Tyson,¹ Peco,² George's,³ Fieldale,⁴ Pilgrim's⁵ and Mar-Jac.⁶ See ECF Nos. 4451 (Tyson, Peco, George's and Fieldale); 4938 (Pilgrim's and Mar-Jac). During a telephonic hearing on August 12, 2021, the Court also granted oral approval to the EUCPs' proposed notice plan for these settlements, subject to several proposed edits to the notice documents. The Court later entered an order setting a

¹ Defendants Tyson Foods, Inc., Tyson Chicken, Inc., Tyson Breeders, Inc. and Tyson Poultry, Inc.

² Defendant Peco Foods, Inc.

³ Defendants George's, Inc., and George's Farms, Inc.

⁴ Defendant Fieldale Corporation.

⁵ Defendant Pilgrim's Pride Corporation.

⁶ Defendants Mar-Jac Poultry, Inc.; Mar-Jac AL/MS, Inc.; Mar-Hac Holdings, Inc; Mar-Jac Poultry AL, LLC; Mar-Jac Poultry MS, LLC; and Mar-Jac Poultry, LLC.

hearing on December 20, 2021 at 9:00 a.m. Central time during which it will consider the EUCPs' anticipated motions for final approval ("Fairness Hearing"). *See* ECF No. 4948.

For the avoidance of any doubt, this order memorializes the issues that the Court expects to consider during the Fairness Hearing and sets interim deadlines in anticipation of the Fairness Hearing. The Court hereby ORDERS:

1. During the Fairness Hearing on December 20, 2021, this Court will consider whether to grant final approval to the settlements it has preliminarily approved between the EUCPs and Defendants Tyson, Peco, George's Fieldale, Pilgrim's and Mar-Jac.

2. Upon review of the record, the Court has found that the proposed form of the class notice and the proposed manner of disseminating the notice met the requirements of due process and Rule 23(c)(2)(B). Accordingly, the Court has approved, as to form and content, the notices of settlement attached to the Declaration of Eric Schachter and the manner of disseminating notice to the Settlement Class, as set forth in the Schachter Declaration (Class Notice), subject to the modifications discussed during the August 12, 2021 telephonic hearing. *See* ECF No. 4921-2. The Court has also approved the proposed claim form attached to the Schachter Declaration and the plan for allocation to the Settlement Class, as set forth in the Schachter Declaration.

3. The Court has appointed A.B. Data as the settlement notice administrator and the administrator of the settlement funds and authorized A.B. Data to commence all aspects of the Class Notice, as more fully set forth in the Schachter Declaration. All reasonable costs of settlement administration shall be paid out of the settlement funds, subject to Court review and approval.

4. Class members who wish to exclude themselves from any of these settlements

are required to submit an appropriate and timely request for exclusion, and class members who wish to object to any of these settlements must submit an appropriate and timely written statement of the grounds for objection.

5. Class members who wish to appear by telephone to object to any of these settlements may do so at the Fairness Hearing. Dial-in information and instructions have been posted publicly on the Court's docket at ECF No. 4948. Any updates to these instructions will be posted publicly on the Court's docket.

6. The Court orders the following schedule of interim deadlines leading to the Fairness Hearing:

EVENT	DATE
Last day for Co-Lead Counsel to move for attorneys' fees, expenses and service awards for named representatives	October 27, 2021
Last day for members of a settlement class to request exclusion from the settlement class, to object to settlement, and to file notices to appear at the Fairness Hearing	November 10, 2021
Co-Lead Counsel shall provide the settling defendants with a list of all persons and entities who have timely and adequately requested exclusion from a settlement class	November 17, 2021
Co-Lead Counsel shall file a motion for final approval of the settlements and all supporting documents, as well as responses to any objections to the settlement or attorneys' fees	December 6, 2021
Fairness Hearing at which the Court will consider whether to grant final approval to the settlements and any request for the award of attorneys' fees and expenses to Co-Lead Counsel and/or service awards for named class representatives	December 20, 2021, at 9:00am
Distribution of settlement proceeds to settlement class members who have submitted valid claims	TBD after the Court has decided whether to grant final approval and, if granted, any objections and/or appeals have been resolved

7. The Actions with respect to EUCPs' Claims shall remain stayed as to the Released Parties (as those term are defined in the settlement agreements) except as necessary to effectuate the settlements addressed in this order.

IT IS SO ORDERED.

DATED: October 29, 2021

A handwritten signature in cursive script that reads "Thomas M. Durkin".

HONORABLE THOMAS M. DURKIN
UNITED STATES DISTRICT JUDGE