

**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.

PILGRIM'S PRIDE CORPORATION, *et al*,

Defendants.

SAVE MART SUPERMARKETS,

Individual Case No. 1:19-cv-02805

Plaintiff,

vs.

PILGRIM'S PRIDE CORPORATION, *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.

PILGRIM'S PRIDE CORPORATION, *et al*,

Defendants.

ORDER DISMISSING
CLAIMS WITH PREJUDICE OF PILGRIM'S PRIDE CORPORATION

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 Defendant Pilgrim's Pride Corporation ("Pilgrim's").

1. This Stipulation relates to *The Kroger Co., et al. v. Pilgrim's Pride Corporation, et al.*, Case No. 1:18-cv-04534, and *Save Mart Supermarkets v. Pilgrim's Pride Corporation, et al.*, No. 1:19-cv-02805 (collectively the "Kroger DAP Action"), and *Associated Grocers of the South, Inc., et al. v. Pilgrim's Pride Corporation, et al.*, 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 Pilgrim's stipulate and agree to the dismissal, with prejudice, of the Kroger DAPs' claims and the AGS DAPs' claims asserted against Pilgrim's in the Kroger DAP Action and the AGS DAP Action (including as set forth against Pilgrim's 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 Pilgrim's.

So Ordered



United States District Judge

Dated: October 25, 2021

Dated: October 25, 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

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.

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

By: s/ *Carrie C. Mahan*
 Carrie C. Mahan (#459802)
 Christopher J. Abbott (#1014487)
 WEIL GOTSHAL & MANGES LLP
 2001 M Street, N.W.
 Suite 600
 Washington, D.C. 20036
 Tel: (202) 682-7000
 Fax: (202) 857-0940
 E-mail: carrie.mahan@weil.com
 christopher.abbott@weil.com

Counsel for Defendant Pilgrim's Pride Corporation

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