

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

IN RE BROILER CHICKEN ANTITRUST
LITIGATION,

Case No.: 1:16-cv-08637

The Honorable Thomas M. Durkin

This Document Relates To:

THE DIRECT PURCHASER PLAINTIFF
ACTION

**ORDER GRANTING DIRECT PURCHASER PLAINTIFFS'
MOTION FOR FIRST DISTRIBUTION OF NET SETTLEMENT PROCEEDS**

The Court, having reviewed Direct Purchaser Plaintiffs' Motion for an Order approving an initial distribution of the Net Settlement Fund to qualified claimants, the concurrently filed Memorandum and supporting declarations, and all other evidence and arguments presented, hereby finds that the motion should be **GRANTED**.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Court has jurisdiction over the subject matter of this litigation, including the actions within this litigation, and over the parties to the Settlement Agreements, including all members of the Settlement Class (also referred to herein as the "Class") and the Settled Defendants.

2. The Court previously granted final approval of all the Settlement Agreements, and found that due and adequate notice of the Settlements was provided to the Class. This Court granted final approval to the DPPs' settlement with Fieldale on November 16, 2018 (ECF No. 1414); Amick on October 26, 2020 (ECF No. 3934); Peco and George's on October 27, 2020 (ECF No. 3944); and Pilgrim's and Tyson on June 29, 2021 (ECF No. 4789). The Settled Defendants have paid a total of \$169,601,600.00 into the Settlement Fund.

3. On February 25, 2021, this Court approved the claims process and appointed JND Claims Administration as the Claims Administrator.¹ (ECF No. 4341.) The claims review process was fair, adequate and reasonable, providing a full and fair opportunity for potential Class members to submit a valid claim. The Court finds that JND has carried out the claims administration process in a reasonable manner and consistent with orders of this Court. JND has offered claimants reasonable notice of claim deficiencies and an opportunity to cure them.

¹ The Court approved the claims process in conjunction with preliminary approval of the Pilgrim's and Tyson Settlements. The Court also appointed JND as the Claims Administrator of the prior Settlements. (*See* ECF Nos. 980 (Fieldale), 3394 (Peco, George's and Amick).)

4. The Settlement Administrator incurred a total of \$1,165,597.10 in costs and expenses in administering the Settlements, processing and auditing claims, and related expenses. The Court holds that these costs and expenses were reasonably incurred in the ordinary course of administering the Settlements and were necessary given the nature and scope of the case. Based on JND’s extensive experience, the estimate that its remaining work to the completion of final distribution will cost \$200,000.00 is reasonable.

5. The Court holds that the amounts charged by the Escrow Agent were reasonable given the nature and scope of the case. The Escrow Agent shall be paid up to \$2,500.00 per settlement through the end of the distribution.

6. The Court finds that the Net Settlement Fund is properly accounted for as follows:

Description	Amount
Funding by Fieldale	+ \$2,250,000.00
Funding by Peco	+ \$4,964,600.00
Funding by George’s	+ \$4,097,000.00
Funding by Amick	+ \$3,950,000.00
Funding by Pilgrim’s	+ \$75,000,000.00
Funding by Tyson	+ \$79,340,000.00
Settlement Fund	= \$169,601,600.00
Earned Interest (through January 31, 2022)	+ \$109,863.58
Escrow Fees (through January 31, 2022)	- \$32,000.00
Claims Administration Costs (through January 31, 2022)	- \$1,165,597.10
Claims Administration Costs (Anticipated)	- \$200,000.00
Additional Bank Fees Through End Of Distribution	- \$15,000.00
Attorneys’ Fees (Paid)	- \$55,008,866.67
Litigation Expenses (Paid)	- \$4,500,000.00
Incentive Awards (Paid)	- \$75,000.00
Net Settlement Fund	= \$108,714,999.81

7. The Court hereby authorizes distribution of the Net Settlement Funds to all qualified claimants, including late claims as set forth in the Motion. All ineligible claims are hereby denied.

8. This Court retains continuing jurisdiction over the administration and distribution of the settlement proceeds.

IT IS SO ORDERED.

DATED: February 11, 2022



HON. THOMAS M. DURKIN