

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

<p>IN RE CATTLE ANTITRUST LITIGATION</p> <p>This document relates to:</p> <p>ALL CASES</p>	<p>Case No. 19-cv-1222 (JRT/HB)</p>
<p>KENNETH PETERSON, et al.</p> <p style="text-align: right;">Plaintiffs,</p> <p>v.</p> <p>JBS USA FOOD COMPANY HOLDINGS, et al.</p> <p style="text-align: right;">Defendants.</p>	<p>Case No. 19-cv-1129 (JRT/HB)</p>
<p>IN RE DPP BEEF LITIGATION</p> <p>This document applies to:</p> <p>ALL CASES</p>	<p>Case No. 20-cv-1319 (JRT/HB)</p>
<p>ERBERT & GERBERT’S, INC.</p> <p style="text-align: right;">Plaintiff,</p> <p>v.</p> <p>JBS USA FOOD COMPANY HOLDINGS, et al.,</p> <p style="text-align: right;">Defendants.</p>	<p>Case No. 20-cv-1414 (JRT/HB)</p>

DEFENDANTS’ JOINT MOTION TO DISMISS

Pursuant to Rule 12 of the Federal Rules of Civil Procedure, Defendants hereby jointly move the Court for an order dismissing with prejudice the most recently amended complaints in the above-captioned actions:

- The Third Consolidated Amended Class Action Complaint, *In re Cattle Antitrust Litigation*, Case No. 19-cv-1222 (JRT/HB), ECF No. 312;
- The Consumer Indirect Purchaser Plaintiffs' Corrected Third Amended Class Action Complaint, *Peterson, et al., v. JBS S.A., et al.*, Case No. 19-cv-1129 (JRT/HB), ECF No. 256;
- The Direct Purchaser Plaintiffs' Corrected Consolidated Amended Class Action Complaint, *In re DPP Beef Litigation*, Case No. 20-cv-1319 (JRT/HB), ECF No. 158; and
- The Corrected Amended Class Action Complaint, *Erbert & Gerbert's, Inc. v. Cargill, Incorporated, et al.*, Case No. 20-cv-1414 (JRT/HB), ECF No. 125.

The motion is supported by the Memorandum of Law in Support of Defendants' Joint Motion to Dismiss the Federal Claims, the State Law Memorandum in Support of Defendants' Joint Motion to Dismiss Class Action Complaints in All Cases, and all of the files, records, and proceedings herein.

Date: February 18, 2021

/s/ X. Kevin Zhao

X. Kevin Zhao, Reg. No. 0391302
Holley C. M. Horrell, Reg. No. 0399636
Davida S. McGhee, Reg. No. 0400175
GREENE ESPEL PLLP
222 S. Ninth Street, Suite 2200
Minneapolis, MN 55402
Tel.: (612) 373-0830
kzhao@greeneespel.com
hhorrell@greeneespel.com
dwilliams@greeneespel.com

Michael E. Lackey, Jr. (*pro hac vice*)
Nicole Saharsky (*pro hac vice*)
William H. Stallings (*pro hac vice*)
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006-1101
Tel.: (202) 263-3338
mlackey@mayerbrown.com
nsaharsky@mayerbrown.com
wstallings@mayerbrown.com

*Counsel for Defendants Cargill,
Incorporated and Cargill Meat Solutions
Corporation*

/s/ Donald G. Heeman

Donald G. Heeman, Reg. No. 0286023
Jessica J. Nelson, Reg. No. 0347358
Randi J. Winter, Reg. No. 0391354
SPENCER FANE
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
Tel.: (612) 268-7000
dheeman@spencerfane.com
jnelson@spencerfane.com
rwinter@spencerfane.com

/s/ Benjamin L. Ellison

Benjamin L. Ellison, Reg. No. 0392777
JONES DAY
90 South Seventh Street, Suite 4950
Minneapolis, MN 55402
Tel.: (612) 217-8862
bellison@jonesday.com

Julia E. McEvoy (*pro hac vice*)
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
Tel.: (202) 879-3939
jmcevoy@jonesday.com

Michelle K. Fischer (*pro hac vice*)
JONES DAY
901 Lakeside Avenue
Cleveland, OH 44114-1190
Tel: (216) 586-3939
mfischer@jonesday.com

Eddie Hasdoo (*pro hac vice*)
JONES DAY
77 West Wacker Drive, Suite 3500
Chicago, IL 60601-1692
Tel: (312) 269-4214
ehasdoo@jonesday.com

*Counsel for Defendant National Beef
Packing Company, LLC*

/s/ David P. Graham

David P. Graham, Reg. No. 0185462
DYKEMA GOSSETT, PLLC
4000 Wells Fargo Center
90 South 7th Street
Minneapolis, MN 55402
Tel: (612) 486-1521
dgraham@dykema.com

Stephen Neuwirth (*pro hac vice*)
Sami H. Rashid (*pro hac vice*)
**QUINN EMANUEL URQUHART &
SULLIVAN LLP**
51 Madison Avenue
New York, NY 10010
Tel.: (212) 849-7000
stephenneuwirth@quinnemanuel.com
samirashid@quinnemanuel.com

Ethan Glass, Reg. No. 0316490
**QUINN EMANUEL URQUHART &
SULLIVAN LLP**
1300 I Street NW, Suite 900
Washington, DC 20005
Tel.: (202) 538-8265
ethan.glass@quinnemanuel.com

*Counsel for Defendants JBS USA Food
Company Holdings, JBS Packerland, Inc.,
and Swift Beef Company, and Special
Appearance for JBS S.A., in the Peterson,
DPP and Erbert & Gerbert's cases*

/s/ Lewis A. Remele

Lewis A. Remele, Jr., Reg. No. 90724
Christopher R. Morris, Reg. No. 230613
BASSFORD REMELE, P.A.
100 South 5th Street, Suite 1500
Minneapolis, MN 55402
Tel.: (612) 333-3000
lremele@bassford.com
cmorris@bassford.com

William F. Hargens (*pro hac vice*)
Mark F. Enenbach (*pro hac vice*)
Patrick E. Brookhouser, Jr. (*pro hac vice*)
Matthew G. Munro (*pro hac vice*)
**MCGRATH NORTH MULLIN &
KRATZ, PC LLO**
First National Tower, Suite 3700
1601 Dodge Street

Jon B. Jacobs (*pro hac vice*)
Jeremy C. Keeney (*pro hac vice*)
PERKINS COIE LLP
700 13th Street, NW, Suite 800
Washington, DC 20005
Tel: (202) 654-1758
jbjacobs@perkinscoie.com
jkeeney@perkinscoie.com

Susan E. Foster (*pro hac vice*)
Ulrike B. Connelly (*pro hac vice*)
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Tel: (206) 359-8846
sfoster@perkinscoie.com
uconnelly@perkinscoie.com

*Counsel for Defendants Tyson Foods,
Inc., and Tyson Fresh Meats, Inc.*

Omaha, NE 68102

Tel: (402) 341-3070

whargens@mcgrathnorth.com

menenbach@mcgrathnorth.com

pbrookhouser@mcgrathnorth.com

mmunro@mcgrathnorth.com

*Counsel for Defendants JBS USA Food
Company, JBS Packerland, Inc., and Swift
Beef Company in the Cattle case and
Special Appearance for JBS S.A. in the
Cattle case*