

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

In Re Broiler Chicken Antitrust Litigation,
Case No: 16-cv-08637

POLLO OPERATIONS, INC.,

Plaintiffs,

v.

TYSON FOODS, INC., *et al.*,

Defendants.

Case No. 20-cv-07834

Judge Thomas M. Durkin
Magistrate Judge Jeffrey T. Gilbert

JOINT MOTION AND STIPULATION FOR DISMISSAL WITH PREJUDICE

WHEREAS, Pollo Operations, Inc. (referred to herein as “Pollo Tropical”) and Defendants Tyson Foods, Inc., Tyson Chicken, Inc., Tyson Breeders, Inc., Tyson Poultry, Inc., Keystone Foods LLC, Keystone Foods Corporation, Equity Group Eufaula Division, LLC, Equity Group Kentucky Division LLC, Equity Group – Georgia Division LLC, and all of their predecessors; successors; assigns; and Affiliates (as defined in the Settlement Agreement) (collectively referred to herein as “Tyson”) have agreed to resolve Pollo Tropical’s claims against Tyson.

WHEREAS, Tyson has received conditional leniency from the Antitrust Division of the U.S. Department of Justice with regard to conduct underlying the criminal antitrust charges against certain suppliers and their executives in the cases captioned *United States v. Penn et al.*; *United States v. Pilgrim’s Pride Corp.*; *United States v. Norman W. Fries, Inc. et al.*, and *United States v. McGuire, et al.* (“Criminal Investigation”);

WHEREAS, Tyson, as the leniency recipient, has provided and will continue to provide timely, fulsome, and satisfactory ongoing cooperation to Pollo Tropical with regard to those claims by Pollo Tropical that arise from the Criminal Investigation, including, but not limited to, claims arising from conduct related to Tyson's sales of Broiler Chicken Products to Pollo Tropical from 2012-2019 ("Bid-Rigging Claims") within the meaning of the Antitrust Criminal Penalty Enhancement and Reform Act, Pub. L. No. 108-237, 118 Stat. 661 ("ACPERA");

NOW, THEREFORE, pursuant to Federal Rules of Civil Procedure 15(a) and 41(a), the parties stipulate and jointly move the Court to dismiss Pollo Tropical's claims against Tyson with prejudice. The parties shall bear their respective fees and costs. The parties also respectfully request that any documents filed under seal remain under seal.

So Ordered

United States District Judge

Dated:

Respectfully submitted,

KENNY NACHWALTER, P.A.

By:  _____

AXINN, VELTROP & HARKRIDER LLP

By:  _____