

UNITED STATES DISTRICT COURT
THE DISTRICT OF MARYLAND

JUDY JIEN, *et al.*,

Plaintiffs,

v.

PERDUE FARMS, INC., *et al.*,

Defendants.

Civil Action No. SAG-19-2521

**PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENTS
BETWEEN PLAINTIFFS AND DEFENDANTS ALLEN HARIM FOODS, LLC, AMICK
FARMS, LLC, BUTTERBALL, LLC, FIELDALE FARMS CORPORATION, FOSTER
POULTRY FARMS, JENNIE-O TURKEY STORE, INC., KOCH FOODS, INC., O.K.
FOODS, INC, TYSON FOODS, INC., AND KEYSTONE FOODS, LLC,
CERTIFICATION OF SETTLEMENT CLASS, AND APPOINTMENT OF
SETTLEMENT CLASS COUNSEL**

Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, Plaintiffs Judy Jien, Kieo Jibidi, Elaisa Clement, Glenda Robinson, Emily Earnest, and Kevin West (collectively, Plaintiffs) hereby move for an Order granting preliminary approval of settlements reached between Plaintiffs and the following Defendants: Allen Harim Foods, LLC, Amick Farms, LLC, Butterball, LLC, Fieldale Farms Corporation, Foster Poultry Farms, Jennie-O Turkey Store, Inc. (JOTS), Koch Foods, Inc., O.K. Foods, Inc., Tyson Foods, Inc. and Keystone Foods, LLC (collectively, Settling Defendants). The settlement terms are memorialized in written agreements entered into Allen Harim Foods, LLC and Plaintiffs on October 9, 2024; by Amick Farms, LLC and Plaintiffs on July 3, 2024; by Butterball, LLC and Plaintiffs on August 27, 2024; by Fieldale Farms Corporation and Plaintiffs on December 9, 2024; by Foster Poultry Farms and Plaintiffs on October 3, 2024; by JOTS and Plaintiffs on August 20, 2024; by Koch Foods, Inc. and Plaintiffs on October 16, 2024; by O.K. Foods, Inc. and Plaintiffs on September 25, 2024; and

by Tyson Foods, Inc. and Keystone Foods, LLC (collectively, Tyson), and Plaintiffs on August 5, 2024. These agreements are collectively referred to herein as the Settlement Agreements.

Plaintiffs respectfully request that the Court:

- (a) Grant preliminary approval of the Settlement Agreements;
- (b) Certify the proposed Settlement Classes;
- (c) Appoint the Named Plaintiffs in this litigation—Judy Jien, Kieo Jibidi, Elaisa Clement, Glenda Robinson, Emily Earnest, and Kevin West—as class representatives of the Settlement Classes;
- (d) Appoint the law firms Hagens Berman Sobol Shapiro LLP, Cohen Milstein Sellers & Toll PLLC, and Handley Farah & Anderson PLLC (collectively serving as Interim Co-Lead Counsel) as Settlement Class Counsel;
- (e) Grant a stay of all proceedings in this litigation against the Allen Harim Released Parties, the Amick Related Parties, the Butterball Related Parties, the Fieldale Related Parties, Foster Farms Related Parties, the JOTS Related Parties, the Koch Related Parties, the O.K. Foods Related Parties, and the Tyson Released Parties (as defined in the Settlement Agreements) except as necessary to effectuate the Settlement Agreements or as otherwise agreed to by the settling parties.

This motion is made on the grounds that the Settlement Agreements, which provide a total of \$180,800,000 (180.8 million U.S. dollars) cash payment for the Settlement Class and material cooperation by the Settling Defendants in the litigation against the remaining Defendant, is fair, reasonable, and adequate, thereby satisfying the requirements of Rule 23(e) of the Federal Rules of Civil Procedure. This motion is based on the Settlement Agreements, the

memorandum in support of the motion for preliminary approval, and the declaration of Brent W. Johnson—all of which accompany this motion.

Dated: December 23, 2024

COHEN MILSTEIN SELLERS & TOLL PLLC

/s/ Brent W. Johnson

Brent W. Johnson (admitted *pro hac vice*)
Benjamin D. Brown (admitted *pro hac vice*)
Daniel H. Silverman (admitted *pro hac vice*)
Alison S. Deich (admitted *pro hac vice*)
Zachary Glubiak (D. Md. Bar # 20962)
Zachary Krowitz (D. Md. Bar # 22370)
1100 New York Avenue NW, 5th Floor
Washington, DC 20005
Telephone: (202) 408-4600
Facsimile: (202) 408-4699
bjohnson@cohenmilstein.com
bbrown@cohenmilstein.com
dsilverman@cohenmilstein.com
adeich@cohenmilstein.com
zglubiak@cohenmilstein.com
zkrowitz@cohenmilstein.com

Dated: December 23, 2024

HAGENS BERMAN SOBOL SHAPIRO LLP

/s/ Shana E. Scarlett

Shana E. Scarlett (admitted *pro hac vice*)
Rio S. Pierce (admitted *pro hac vice*)
715 Hearst Avenue, Suite 300
Berkeley, CA 94710
Telephone: (510) 725-3000
shanas@hbsslaw.com
riop@hbsslaw.com

Steven W. Berman (admitted *pro hac vice*)
Breanna Van Engelen (admitted *pro hac vice*)
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Second Avenue, Suite 2000
Seattle, WA 98101
Telephone: (206) 623-7292
steve@hbsslaw.com
breannav@hbsslaw.com

Elaine T. Byszewski (admitted *pro hac vice*)
Abigail D. Pershing (admitted *pro hac vice*)
HAGENS BERMAN SOBOL SHAPIRO LLP
301 North Lake Avenue, Suite 920
Pasadena, CA 91101

Telephone: (213) 330-7150
elaine@hbsslaw.com
abigailp@hbsslaw.com

Dated: December 23, 2024

HANDLEY FARAH & ANDERSON PLLC

/s/ George F. Farah

George F. Farah (admitted *pro hac vice*)
Rebecca P. Chang (admitted *pro hac vice*)
Nicholas J. Jackson (admitted *pro hac vice*)
33 Irving Place
New York, NY 10003
Telephone: (212) 477-8090
gfarah@hfajustice.com
rchang@hfajustice.com
njackson@hfajustice.com

Matthew K. Handley (D. Md. Bar # 18636)
Rachel E. Nadas (admitted *pro hac vice*)
HANDLEY FARAH & ANDERSON PLLC
1201 Connecticut Avenue, NW, Suite 200K
Washington, DC 20036
Telephone: (202) 559-2433
mhandley@hfajustice.com
rnadas@hfajustice.com

William H. Anderson (admitted *pro hac vice*)
HANDLEY FARAH & ANDERSON PLLC
5353 Manhattan Circle, Suite 204
Boulder, CO 80303
Telephone: (202) 559-2433
wanderson@hfajustice.com

Simon Wiener (admitted *pro hac vice*)
HANDLEY FARAH & ANDERSON PLLC
68 Harrison Avenue, Suite 604
Boston, MA 02111
Telephone: (202) 921-4567
swiener@hfajustice.com

Co-Lead Counsel for Plaintiffs and the Proposed Class

Brian D. Clark (admitted *pro hac vice*)
Stephen J. Teti (admitted *pro hac vice*)
LOCKRIDGE GRINDAL NAUEN P.L.L.P.
100 Washington Avenue South, Suite 2200
Minneapolis, MN 55401
Telephone: (612) 339-6900
Facsimile: (612) 339-0981
bdclark@locklaw.com
steti@locklaw.com

Candice J. Enders (admitted *pro hac vice*)
Julia R. McGrath (admitted *pro hac vice*)
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, PA 19103
Telephone: (215) 875-3000
Facsimile: (215) 875-4604
cenders@bm.net
jmcgrath@bm.net

*Additional Counsel for Plaintiffs and
the Proposed Class*

CERTIFICATE OF SERVICE

The undersigned attorney of record hereby certifies that on December 23, 2024, a true and correct copy of the foregoing was served by email upon all counsel of record.

Dated: December 23, 2024

/s/ Brent W. Johnson

Brent W. Johnson