

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

IN RE BROILER CHICKEN ANTITRUST
LITIGATION

This Document Relates To:

THE DIRECT PURCHASER PLAINTIFF
ACTION

Case No.: 1:16-cv-08637

**SECOND SUPPLEMENTAL
DECLARATION OF ERIC
SCHACHTER REGARDING:
REPORT ON REQUESTS FOR
EXCLUSION**

I, Eric Schachter, declare and state as follows:

1. I am a Senior Vice President with A.B. Data, Ltd. (“A.B. Data”). A.B. Data was selected by Direct Purchaser Plaintiffs and appointed by the Court to act as the Notice Administrator in this matter, and recently completed the Court-approved notice plan (ECF No. 6195) for distribution of the Notice of Contested Class Certification. I am fully familiar with the facts contained herein based upon my personal knowledge, and if called as a witness, could and would testify competently thereto.

EXCLUSIONS

2. The Notice informed potential Class Members that requests for exclusion were to be submitted to A.B. Data by mail or email such that they were postmarked or received by April 4, 2023. As of April 4, 2023, A.B. Data had received 120 timely requests for exclusion, many of which included various affiliated entities and partial assignments, as detailed in my Supplemental Declaration (ECF 6540) dated May 4, 2023.

3. Per the Court’s Order (ECF 6729) dated July 31, 2023, two unique entities along with four affiliated entities were granted opt-out status from the Direct Purchaser Plaintiff Certified Class established pursuant to this Court’s Memorandum Opinion and Order (ECF 5644). However, pursuant to L. Hart DAPs’ Stipulation Regarding The Settlement Agreement Between Direct Purchaser Plaintiffs and Simmons (ECF No. 6734) and Services Group of America, Inc.’s statement in its motion (ECF No. 6638), these entities will remain bound by the Settlement Agreement between the Direct Purchaser Plaintiffs’ Class and Defendants Simmons Foods, Inc. and Simmons Prepared Foods, Inc.

4. The updated, and now operative, list of all entities (inclusive of affiliated entities) that requested exclusion is attached as Exhibit A.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 4th day of August 2023.



Eric Schachter