

**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
PRELIMINARY APPROVAL OF THE SETTLEMENTS WITH
THE HOUSE OF RAEFORD AND KOCH DEFENDANTS**

Direct Purchaser Plaintiffs (“Plaintiffs”) have entered into Settlement Agreements with House of Raeford and Koch. On October 13, 2023, this Court held a hearing on Direct Purchaser Plaintiffs’ Motion for Preliminary Approval of the Settlements with the House of Raeford and Koch Defendants (“Motion”). The Court, having reviewed the Motion, its accompanying memorandum and the exhibits thereto, the Settlement Agreements, and the file, hereby **ORDERS AND ADJUDGES:**

Preliminary Approval of the Settlements

1. This Court has jurisdiction over this action and each of the parties to the Settlement Agreements. Upon review of the record, the Court finds that the proposed Settlement Agreements, which were arrived at by arm’s length negotiations by highly experienced counsel, fall within the range of possible approval and are hereby preliminarily approved, subject to further consideration at the Court’s Fairness Hearing. The Court finds that the Settlement Agreements are preliminarily determined to be fair, reasonable, adequate, and in the best interests of the Certified Class, raises no obvious reasons to doubt its fairness, and raises a reasonable basis for presuming that the Settlements and its terms satisfy the requirements of Federal Rules of Civil Procedure 23(c)(2) and 23(e) and due process so that notice of the Settlements should be given to the Certified Class.

2. The Settlements were entered into on behalf of the Class certified by this Court in its order dated May 27, 2022, ECF No. 5644 (the “Certified Class”):

All persons who purchased raw Broilers directly from any of the Defendants or their respective subsidiaries or affiliates either fresh or frozen, in the form of: whole birds (with or without giblets), whole cut-up birds, or parts (boneless or bone in) derived from the front half of the whole bird, for use or delivery in the United States from December 1, 2008 until July 31, 2019.

3. The Court previously appointed the law firms of Lockridge Grindal Nauen P.L.L.P., and Pearson Warshaw, LLP (then known as Pearson, Simon & Warshaw, LLP) as Co-Lead Class Counsel for the Certified Class.

Notice Plan

4. The Court will review a plan of notice at a later date following the completion of the Track 1 trial either by verdict or settlement with the remaining defendant. In the interim, A.B. Data Ltd. is hereby appointed as Settlement Administrator and US Bank is hereby appointed as the Escrow Agent for the Settlements.

5. On January 4, 2023, the Court approved a notice program that provided a final opportunity for Certified Class members to exclude themselves. *See* ECF No. 6195. As Certified Class members have already been provided an opportunity to exclude themselves, the Court finds that an additional opportunity to opt out is not warranted and is not required here.

Schedule for Class Notice and the Fairness Hearing

6. At a later date after reviewing and approving a notice plan, the Court will set a schedule for the dissemination of notice to the class, for Certified Class members to object to the Settlements, and for the Court's Fairness Hearing, at which time the Court will determine whether the Settlement Agreements should be finally approved as fair, reasonable, and adequate.

Other Provisions

7. Terms used in this Order that are defined in the Settlement Agreements are, unless otherwise defined herein, used as defined in the Settlement Agreements.

8. If the Settlement Agreements are not finally approved, then it and all proceedings in connection therewith shall be vacated, and shall be null and void, except insofar as expressly provided otherwise in the Settlement Agreements, and without prejudice to the *status quo ante* rights of Plaintiffs, the Settling Defendants, and the members of the Class. The parties shall also comply with any terms or provisions of the Settlement Agreements applicable to termination, rescission, or the Settlements otherwise not becoming Final.

IT IS SO ORDERED.

DATED: December 6, 2023

A handwritten signature in cursive script that reads "Thomas M Durkin".

HON. THOMAS M. DURKIN