

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

IN RE BROILER CHICKEN ANTITRUST  
LITIGATION

Case No.: 1:16-cv-08637

This Document Relates To:

THE DIRECT PURCHASER PLAINTIFF  
ACTION

**DECLARATION OF ERIC  
SCHACHTER IN SUPPORT OF  
DIRECT PURCHASER  
PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF  
THE SETTLEMENT WITH  
SIMMONS FOODS, INC. AND  
SIMMONS PREPARED FOODS,  
INC.**

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 as the Notice and Settlement Administrator<sup>1</sup> in this matter and recently completed the Court-approved notice plan to inform potential Class Members that a Class has been Certified pursuant to the Memorandum Opinion and Order entered by this Court on May 27, 2022 (Dkt. 5644). 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.

2. In consultation with Class Counsel, I have prepared a proposed settlement notice and administration plan for the newly reached Settlement with the Simmons Defendants. This Declaration will describe the proposed notice plan and how it will meet the requirements of Rule 23 of the Federal Rules of Civil Procedure and provide due process to the potential members of the Class. This Declaration is based upon my personal knowledge and upon information provided to me by Class Counsel, my associates, and A.B. Data staff members.

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<sup>1</sup> Unless otherwise noted, all capitalized terms shall have the same meaning as in the Settlement Agreement between Direct Purchaser Plaintiffs and Simmons.

3. I have implemented and coordinated some of the largest and most complex class action notice and administration plans in the country. The scope of my work includes notification, claims processing, and distribution plans in all types of class actions, including but not limited to consumer, antitrust, securities, ERISA, insurance, and government agency settlements.

4. A.B. Data has also been appointed as notice, claims, and/or settlement administrator in hundreds of high-volume consumer, antitrust, civil rights, insurance, ERISA, securities, and wage and hour class action cases. A profile of A.B. Data's background and capabilities, including representative case and client lists, is included as **Exhibit A**.

5. The objective of the proposed notice plan is to provide the best practicable notice under the circumstances to potential members of the Class. The Class is defined as follows:

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. Specifically excluded from the Class are the Defendants; the officers, directors or employees of any Defendant; any entity in which any Defendant has a controlling interest; and any affiliate, legal representative, heir or assign of any Defendant; any federal, state governmental entities, any judicial officer presiding over this action and the members of her/her immediate family and judicial staff, any juror assigned to this action; and any co-conspirator identified in this action.

#### **NOTICE PLAN**

6. The proposed notice plan (which is substantially similar to the notices previously disseminated in this case) includes direct notice by mail and/or email to approximately 28,000 potential Class members identified through previous rounds of notice. To supplement this direct notice and reach the potential members of the Class who may not receive direct notice, A.B. Data will implement a media campaign as discussed below.

7. Direct notice will be provided via a Long-Form Notice, attached as **Exhibit B**, that will be mailed to approximately 25,000 Class members with a known mailing address. It is the intent and plan to send notice to all known potential Class members, but specifically to members of the Mar Jac Settlement Class, Harrison Poultry Settlement Class, and the Certified Class. The Long-Form Notice will also be posted on the case-specific website, [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com). A Short-Form Notice, attached as **Exhibit C**, will be formatted as an email and sent to the approximately 6,300 Class members with a known email address.

8. The Long-Form Notice and Short-Form Notice sent directly to potential members of the Class will include summary information concerning the Settlement Agreement, including: that this is a class action; the Class definition in plain and engaging language (“If you purchased Broiler chicken directly from a Broiler chicken producer for use or delivery in the United States from December 1, 2008, through July 31, 2019, a class action settlement may affect your rights.”); that the Action alleges antitrust violations and price-fixing claims; that a member of the Class may appear through an attorney if the member wants; that members of the Class can no longer request exclusion from the Class; that members of the Class can object to the Settlement if they so choose; the time and manner for submitting an objection; and the binding effect of a judgment on the Class. The Short-Form Notice will also include a hyperlink to [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com) to access the more detailed Long-Form Notice and additional important documents and information.

9. For email notice, A.B. Data implements certain best practices to increase deliverability and bypass SPAM and junk filters, and we will be able to verify how many emails were successfully delivered. For the mailed Long-Form Notice, A.B. Data will track any mail

returned as undeliverable by the United States Postal Service (“USPS”), and using third-party information providers to which we subscribe, attempt to ascertain an updated address and resend the Long-Form Notice accordingly.

10. To supplement the direct notice efforts, A.B. Data will effectuate a media campaign by causing digital advertisements to appear on websites relevant to the Class. This media campaign is substantially similar to the media campaigns previously used in this case. More specifically, A.B. Data will run digital ad campaigns on ProgressiveGrocer.com, MeatPoultry.com, PoultryTimes.com, SupermarketNews.com, Winsightgrocerybusiness.com, FastCasual.com and ShelbyReport.com. The digital ads are expected to run on these websites for four weeks. A sample banner ad is attached as **Exhibit D**. Comparable alternatives will be considered if any of these proposed websites will not accept legal notices or if inventory is not available at the time of placement.

#### **WEBSITE AND TELEPHONE**

11. To assist potential members of the Class in understanding the terms of the Settlement Agreement, the current case-specific toll-free telephone number and website from previous settlements in this matter will continue to be maintained with updated information concerning the Settlement.

12. The toll-free telephone number will continue to be equipped with an automated interactive voice response system that presents callers with a series of choices to hear prerecorded information. The prerecorded information will be updated with information concerning the Settlement. If callers need further help, they will have an option to speak with a live operator during business hours.

13. The case-specific website, [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com), will be updated to include the relevant information and documents related to the Settlement and the motion for payment of attorneys' fees, reimbursement of current and ongoing litigation expenses, and service awards.

### **CONCLUSION**

14. It is my opinion, based on my individual expertise and experience and that of my A.B. Data colleagues, that the proposed notice plan is designed to effectively reach potential members of the Class, will deliver plain language notices that will capture the attention of the reader, and will provide relevant information in an informative and easy to understand manner that is necessary to effectively understand the rights and options under the terms of the Settlement Agreement. This proposed notice plan conforms to the standards employed by A.B. Data in notification plans designed to reach potential class members of settlement groups or classes that are national in scope and reach narrowly defined entities and demographic targets. For all these reasons, in my opinion, the proposed notice plan satisfies the requirements of Rule 23 and due process.

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

Executed this 1<sup>st</sup> day of June 2023 in Milwaukee, Wisconsin.



Eric Schachter

# EXHIBIT A

**Class  
Action  
Administration**



**Headquarters**

600 A.B. Data Drive  
Milwaukee, WI 53217  
P: 866-217-4470  
F: 414-961-3099

**New York**

One Battery Park Plaza  
32<sup>nd</sup> Floor  
New York, NY 10004  
P: 646-290-9137

**Washington DC**

915 15<sup>th</sup> St., NW, Ste. 300  
Washington, DC 20005  
P: 202-618-2900  
F: 202-462-2085

**Florida**

5080 PGA Boulevard, Ste. 209  
Palm Beach Gardens, FL 33418  
P: 561-336-1801  
F: 561-252-7720


**Israel**

19 Weissburg Street  
Tel Aviv 69358  
Israel  
P: +972 (3) 720-8782




# CAPABILITIES

## About A.B. Data

 Founded in 1981, **A.B. Data has earned a reputation** for expertly managing the complexities of class action administration in consumer, antitrust, securities, Securities and Exchange Commission (SEC) enforcement actions, and ERISA, Attorneys General, employment, civil rights, insurance, environmental, wage and hour, and other class action cases. **A.B. Data's work in all aspects of class action administration** has been perfected by decades of experience in hundreds of class action cases involving billions of dollars in total settlements. Dedicated professionals deliver **A.B. Data's all-inclusive services**, working in partnership with its clients to administer their class action cases effectively, efficiently, and affordably, regardless of size or scope.

**A.B. Data offers unmatched resources and capacity** and is capable of expertly administering any class action notice, settlement, and/or fund administration. Whether notifying millions of class members in the United States or throughout the world, processing millions of claims, distributing payments digitally via A.B. Data's Digital PayPortal<sup>SM</sup>, or printing and distributing millions of checks, **A.B. Data matches its talent and technology** to the specific needs of its clients, delivering unparalleled service on time and on budget without ever compromising quality.

## Location, Ownership Structure

 **A.B. Data is an independently owned**, more than 40-year-old, Milwaukee, Wisconsin-based company that prides itself on its vast expertise and industry-leading innovations. We like to remind our clients and partners that we're not just a class action administration company, but a group of experienced, dedicated professionals who believe that relationships are just as important as the accurate and timely management of class action administrations. In other words, we are people who do business with people.

## Services

 **Every A.B. Data client is deserving of the best job we can put forward.** A.B. Data makes class action administration easy for our clients with clarity, convenience, and efficiency. Our priority is to navigate the intricacies of our clients' matters and deliver successful results by using our solid expertise, advanced technology, and top-quality products and services. We pay attention to the details and get it right the first time.

We aim to provide our clients the full experience of a truly collaborative working relationship. It is why we believe much of our success originates from our philosophy of "people doing business with people."



## Services

### All Digital — From Notice to Distribution

**A.B. Data is uniquely positioned to design, implement, and maintain notice and settlement administration programs** using an innovative, "all-digital" approach that replaces the more traditional and less efficient methods of administration, such as newspaper ads, mailed notices, and paper checks. Many of our recent proposed notice plans and claim programs utilize the latest technologies such as microtargeted digital ads for notice, streamlined online claims, and distributing settlement funds electronically using a digital paywall. These methods provide significant cost savings, are consistent with the amendments to Rule 23 that are now in effect, and importantly provide much-needed alignment of class action notice and administration with current consumer behaviors.

### Pre-Settlement Consultation

**The pre-settlement consultation is a collaborative session** designed to help A.B. Data clients prepare a stronger case. Our support teams simplify the task of sorting through a maze of documents during investigation and discovery, streamlining the process and preserving fund assets. From there, we assist with fully interactive media packages for court presentations and settlement negotiations. A.B. Data works closely with our clients, offering expert testimony on documents, processing, class and notice manageability, and proposed plans of allocation.

### Media Services

**A.B. Data continues to earn our reputation** as the early innovator in integrating advanced micro-targeting techniques, including contextual targeting, behavioral targeting, and predictive modeling. Coupled with inventive digital media strategies to drive claims, case-specific banner ad development, class member research, and comScore analysis services, our multi-tiered media programs are designed to cost-effectively deliver notice to potential class members and increase claims rates.

### Notice Administration

**In A.B. Data, clients have a comprehensive resource** with a depth of experience in direct notice. Our compliance and understanding of Rule 23 of the Federal Rules of Civil Procedure are crucial in meeting the "plain language" legal requirements for any campaign. From our sophisticated digital media capabilities and extensive global experience with class member research, our experts create notice documents that are easily understandable and cost-efficient to produce. We consult with our clients to deliver notice documents from multi-page, mailed, or emailed notice packets to concise postcards that establish the most influential and cost-effective means of communicating with potential claimants.

## Claims Processing

**A.B. Data continues to bring game-changing technologies** to improve the speed and precision in claims processing. Our robust system for online claims submissions allows us to meticulously verify data and documentation, preserve and authenticate claims, and calculate and verify settlement amounts. In addition, our data network infrastructure includes on-site data storage, backup, contingency plans, and security for electronic and hard copy claim filings. It is all part of a total commitment to be the most innovative and comprehensive resource in the industry. At A.B. Data, we take pride in having the in-house capacity to process millions of pages, as well as the organizational integrity to treat every claim as if it were the only one.

## Contact Center

**A.B. Data's Contact Center is comprised of a full staff** that is trained on and equipped with online and telecommunication systems to monitor and connect with class members. Associates routinely monitor class member communication for all class action administrations, including antitrust, consumer, and securities.

Utilizing monitoring software, associates watch multiple social media channels simultaneously, allowing for instantaneous routing of inquiries and interaction with claimants. Detailed and concise analytical reports outlining Contact Center activities are always provided.

Our Contact Center and case websites are capable of handling millions of class member engagements, as recently displayed in a campaign which garnered over 1.2 million website visits in two months and had more than 72,500 Facebook engagements. Facebook comments and threads are monitored and claimants are guided to the website for more information. Google AdWords and display advertising have also brought hundreds of thousands of visitors to various case websites.

A.B. Data's Contact Center also has Spanish language associates in-house and we can accommodate any language, given proper lead time. Traditional call center facilities are also available, if needed.

## Case Websites

**We offer a state-of-the-art technology platform** that supports every step of our class action administration process. Our expert marketing professionals design customized case-specific websites that provide potential class members easy access to case information, critical documents, important deadlines, as well as the capability to file claim forms and register for future mailings about the case. Claimants can use the website to elect to receive their settlement payments by mail or by one of several digital payment options, all accessible by mobile devices.

## Settlement Fund Distribution

**From complete escrow services to establishment of qualified settlement funds**, check printing and mailing, electronic cash or stock distribution and tax services, A.B. Data has always provided a full-service solution to Settlement Fund Distribution. Our IT team has decades of experience in developing and implementing fast, secure databases and claims administration systems that ensure class members receive the correct amount in their settlement disbursement. Today's digital capabilities allow even greater convenience for class members. In certain instances, claimants can now elect to

instantaneously receive settlement payments through popular digital-payment options, such as PayPal, Amazon, and virtual debit cards.

## A.B. Data's Leadership



A.B. Data's administration team is composed of the following key executives, who collectively have decades of experience settling and administering class actions:

**Bruce A. Arbit, Co-Managing Director** and one of the founders of the A.B. Data Group, serves as Chairman of the Board and oversees the day-to-day operations of the A.B. Data Group of companies, employing almost 400 people in the United States and Israel. Mr. Arbit is also Chairman of the Board of Integrated Mail Industries, Ltd. and has served as a member of the Board of Directors of University National Bank and State Financial Bank. He is the past Chairman of Asset Development Group, Inc., Home Source One, and American Deposit Management and is a member of the National Direct Marketing Association, the Direct Marketing Fundraising Association, and the American Association of Political Consultants. He was named 1996 Direct Marketer of the Year by the Wisconsin Direct Marketing Association.

A.B. Data's work in class action litigation support began with the Court selecting A.B. Data to oversee the restitution effort in the now-famous Swiss Banks Class Action Case, the International Commission on Holocaust Era Insurance Claims, and every other Holocaust Era Asset Restitution program, in which it was the company's job to identify, contact, and inform survivors of the Holocaust. A.B. Data delivered by reaching out to millions of people in 109 countries who spoke more than 30 languages. Since those days, Mr. Arbit has guided the class action division through phenomenal growth and success. Today, A.B. Data manages hundreds of administrations annually that distributes billions of dollars to class members.

**Thomas R. Glenn, President**, Mr. Glenn's management of A.B. Data's Class Action Administration Company includes designing and implementing notice plans and settlement administration programs for antitrust, securities, and Securities and Exchange Commission settlements and SEC disgorgement fund distributions, as well as consumer, employment, insurance, and civil rights class actions. Mr. Glenn previously served as Executive Vice President at Rust Consulting and has more than 30 years of executive leadership experience.

**Eric Miller, Senior Vice President**, as a key member of A.B. Data's Class Action Administration Leadership Team, oversees the Case Management Department and supervises the operations and procedures of all of A.B. Data's class action administration cases. Mr. Miller is recognized in the class action administration industry as an expert on securities, SEC, consumer, product recall, product liability, general antitrust, pharmaceutical antitrust, and futures contract settlements, to name a few settlement types. Prior to joining A.B. Data, Mr. Miller served as the Client Service Director for Rust Consulting, responsible there for its securities practice area. He has more than 20 years of operations, project management, quality assurance, and training experience in the class action administration industry. In addition, Mr. Miller manages A.B. Data's office in Palm Beach Gardens, Florida.

**Eric Schachter, Senior Vice President**, is a member of A.B. Data's Class Action Administration Leadership Team. He has over 15 years of experience in the legal settlement administration services industry. Mr. Schachter's responsibilities include ensuring successful implementation of claims administration services for A.B. Data's clients in accordance with settlement agreements, court orders, and service agreements. He also works closely with Project Managers to develop plans of administration to provide the highest level of effective and efficient delivery of work product. A frequent speaker on claims administration innovation and best practices at industry events nationwide, Mr. Schachter has a bachelor's degree in sociology from Syracuse University, earned his law degree at Hofstra University School of Law, and was previously an associate at Labaton Sucharow LLP in New York City.

**Elaine Pang, Vice President, Media**, oversees the Media Department and is responsible for the direction, development, and implementation of media notice plans for A.B. Data's clients. Ms. Pang brings more than 15 years of experience in developing and implementing multifaceted digital and traditional media for high profile complex legal notice programs. She uses her experience in class actions and advertising to provide the best practicable notice plans for large scale campaigns across domestic and international regions, and she leverages her expertise to better understand the evolving media landscape and utilize cutting-edge technology and measurement tools. Prior to entering the class action industry, Ms. Pang worked with many leading reputable brands, including General Mills, Air Wick, Jet-Dry, Comedy Central, Madison Square Garden, Radio City Music Hall, and Geox. She earned her MBA from Strayer University and holds a BS in Marketing from Pennsylvania State University. Ms. Pang's credentials include Hootsuite Social Marketing Certification, Google Adwords and Analytics Certification, and IAB Digital Media Buying and Planning Certification.

**Paul Sauberer, Vice President of Quality**, is responsible for overseeing quality assurance and process management, working diligently to mitigate risk, ensure exceptional quality control, and develop seamless calculation programming. Mr. Sauberer brings more than 20 years of experience as a quality assurance specialist with a leading claims-processing company where he developed extensive knowledge in securities class action administration. He is recognized as the class action administration industry's leading expert on claims and settlement administrations of futures contracts class actions.

**Justin Parks, Vice President**, is a member of A.B. Data's Class Action Administration Leadership Team. Mr. Parks brings extensive experience in client relations to A.B. Data's business development team. Mr. Parks has over 15 years of experience in the legal settlement administration services industry and has successfully managed and consulted on notice plans and other administrative aspects in hundreds of cases. Mr. Parks is uniquely experienced in Data Privacy matters, having consulted with clients on numerous matters stemming from data breaches as well as violations of the Illinois Biometric Information Privacy Act (BIPA), including some of the first ever Biometric Privacy related settlements in history. Mr. Parks' knowledge and understanding of the class action industry, as well as his client relationship skills, expand A.B. Data's capacity to achieve its business development and marketing goals effectively.

**Steve Straub, Senior Director of Operations**, started with A.B. Data in 2012 as a Claims Administrator. He moved through the ranks within the company where he spent the past five years as Senior Project Manager managing many of the complex commodities cases such as *In re LIBOR-Based Financial Instruments Antitrust Litigation*, *In re London Silver Fixing, Ltd. Antitrust Litigation*, and *Laydon v. Mizuho Bank, Ltd., et al.* Mr. Straub's performance in these roles over the past ten years, along with his comprehensive knowledge of company and industry practices and first-person experience leading the project management team, has proven him an invaluable member of the A.B. Data team.

In his role as Claimant Operations Director, his responsibilities include developing efficiencies within the operations center, which includes mailroom, call center, and claims processing areas. His areas of expertise include business process development, strategic/tactical operations planning and implementation, risk analysis, budgeting, business expansion, growth planning and implementation, cost reduction, and profit, change, and project management. Mr. Straub is well-versed in the administration of securities, consumer, and antitrust class action settlements. He earned his Juris Doctor degree from Seton Hall University School of Law in Newark, New Jersey.

**Jack Ewashko, Director of Client Services**, brings twenty years of industry and brokerage experience to his role with A.B. Data. He is an accomplished client manager adept at facilitating proactive communications between internal and outside parties to ensure accurate and timely deliverables. Mr. Ewashko previously held positions at two claim administration firms where he oversaw the securities administration teams and actively managed numerous high-profile matters, including the \$2.3 billion foreign exchange litigation. He notably served as Vice President, FX and Futures Operations at Millennium Management, a prominent global alternative investment management firm. As he progressed through trading, analytic, management, and consultancy roles at major banks and brokerage firms, Mr. Ewashko gained hands-on experience with vanilla and exotic securities products, including FX, commodities, mutual funds, derivatives, OTC, futures, options, credit, debt, and equities products. In the financial sector, he also worked closely with compliance and legal teams to ensure accuracy and conformity with all relevant rules and regulations regarding the marketing and sale of products, as well as the execution and processing of trades. He has held Series 4, Series 6, Series 7, and Series 63 licenses, and has been a member of the Futures Industry Association (FIA) and Financial Industry Regulatory Authority (FINRA). Mr. Ewashko earned his Bachelor of Business Administration from Long Island University, Brooklyn, New York.

**Brian Devery, Director of Client Services**, brings more than a decade of experience in class action administration and project management, as well as over two decades of experience as an attorney (ret.). Mr. Devery currently focuses on consumer, antitrust, employment, and other non-securities based administrations. In addition to driving project administration, he is focused on the implementation of process improvement, streamlining, and automation. Mr. Devery is admitted to practice law in State and Federal Courts of New York with his Juris Doctorate earned from the Maurice A. Deane School of Law at Hofstra University, Hempstead, New York.

**Adam Walter, PMP, Senior Project Manager**, has nearly fifteen years of experience managing the administration of securities class action settlements and SEC disgorgements totaling more than \$4 billion. He has managed settlement programs in engagements involving some of the largest securities class action settlements and is a key contributor to the development of administration strategies that meet the evolving needs of our clients. His responsibilities include developing case administration strategies to ensure that all client and court requirements and objectives are met, overseeing daily operations of case administrations, ensuring execution of client deliverables, providing case-related legal and administration support to class counsel, overseeing notice dissemination programs, implementing complex claims-processing and allocation methodologies, establishing quality assurance and quality control procedures, and managing distribution of settlement funds. Mr. Walter holds a bachelor's degree in business administration from Florida Atlantic University, Boca Raton, Florida. He also has been an active member of the Project Management Institute since 2010 and is PMP®-certified.

**Eric Nordskog, Senior Project Manager**, started with A.B. Data in 2012 on the operations team, managing dozens of team leads and claims administrators in the administration of legal cases and actions. In 2017, Mr. Nordskog was promoted to Project Manager, due in part to his proven ability to add consistency and efficiency to the e-claim filing process with new streamlined processes and audit practices. Today, as Senior Project Manager, he directs many of A.B. Data's securities, insurance, and

consumer cases. He regularly oversees the administration of large insurance cases, such as two recent Cigna Insurance matters that involved complex calculations and over one million class members each. He is also the primary hiring and training manager for new project managers and coordinators. Mr. Nordskog earned his Juris Doctor degree from Marquette University Law School, Milwaukee, in 2001.

**Bruce Holman, Senior Project Manager**, began working with A.B. Data in 2020, bringing his many years of claims administration management experience to the team. Mr. Holman oversees many of A.B. Data's labor and employment cases, acting as a consultant to A.B. Data's clients and offering strategy approaches to his fellow project managers and the class action administration team. His industry knowledge and expertise have made him an invaluable member of the A.B. Data team.

**Eric Schultz, MCSE, Information Technology Manager and Security Team Chairperson**, has been with A.B. Data for more than 19 years, and is currently responsible for overseeing all information technology areas for all A.B. Data divisions across the United States and abroad, including network infrastructure and architecture, IT operations, data security, disaster recovery, and all physical, logical, data, and information systems security reviews and audits required by our clients or otherwise. As a Microsoft Certified Systems Engineer (MCSE) with more than 25 years of experience in information technology systems and solutions, Mr. Schultz has developed specializations in network security, infrastructure, design/architecture, telephony, and high-availability network systems.

## Secure Environment



**A.B. Data's facilities provide the highest level of security** and customization of security procedures, including:

- A Secure Sockets Layer server
- Video monitoring
- Limited physical access to production facilities
- Lockdown mode when checks are printed
- Background checks of key employees completed prior to hire
- Frequency of police patrol – every two hours, with response time of five or fewer minutes
- Disaster recovery plan available upon request

## Data Security



**A.B. Data is committed to protecting the confidentiality, integrity, and availability of personal identifying information** and other information it collects from our clients, investors, and class members and requires that its employees, subcontractors, consultants, service providers, and other persons and entities it retains to assist in distributions do the same. A.B. Data has developed an Information Security Policy, a suite of policies and procedures intended to cover all information security issues and bases for A.B. Data, and all of its divisions, departments, employees, vendors, and clients. A.B. Data has also recently taken the necessary, affirmative steps toward compliance with the EU's General Data Protection Regulation and the California Consumer Privacy Act.

A.B. Data has a number of high-profile clients, including the Securities and Exchange Commission (SEC), the United States Department of Justice, the Attorneys General of nearly all 50 states, other agencies of the United States government, and the Government of Israel, as well as direct banking and payment services companies with some of the most recognized brands in United States financial services and some of the largest credit card issuers in the world.

We are therefore frequently subjected to physical, logical, data, and information systems security reviews and audits. We have been compliant with our clients' security standards and have also been determined to be compliant with ISO/IEC 27001/2 and Payment Card Industry (PCI) data-security standards, the Gramm-Leach-Bliley Act (GLB) of 1999, the National Association of Insurance Commissioners (NAIC) Regulations, the Health Insurance Portability and Accountability Act (HIPAA) of 1996, and the Health Information Technology for Economic and Clinical Health Act (HITECH).

The Government of Israel has determined that A.B. Data is compliant with its rigorous security standards in connection with its work on Project HEART (Holocaust Era Asset Restitution Taskforce).

A.B. Data's fund distribution team has been audited by EisnerAmper LLP and was found compliant with class action industry standards and within 99% accuracy. EisnerAmper LLP is a full-service advisory and accounting firm and is ranked the 15th-largest accounting firm in the United States.

In addition, as part of PCI compliance requirements, A.B. Data has multiple network scans and audits from third-party companies, such as SecurityMetrics and 403 Labs, and is determined to be compliant with each of them.

## Fraud Prevention and Detection



**A.B. Data is at the forefront of class action fraud prevention.**

A.B. Data maintains and utilizes comprehensive proprietary databases and procedures to detect fraud and prevent payment of allegedly fraudulent claims.

We review and analyze various filing patterns across all existing cases and claims. Potential fraudulent filers are reported to our clients as well as to the appropriate governmental agencies where applicable.

## Representative Class Action Engagements



**A.B. Data and/or its team members have successfully administered** hundreds of class actions, including many major cases. Listed below are just some of the most representative or recent engagements.

### Consumer & Antitrust Cases

- *In re EpiPen Marketing, Sales Practices and Antitrust Litigation*

- *In re Broiler Chicken Antitrust Litigation - Commercial (Indirect)*
- *In re Broiler Chicken Antitrust Litigation - Indirect*
- *In re Broiler Chicken Antitrust Litigation - Direct*
- *In re Pork Antitrust Litigation - Directs*
- *In re Pork Antitrust Litigation - Indirects*
- *Peter Staley, et al. v. Gilead Sciences, Inc., et al.*
- *In re: Opana ER Antitrust Litigation*
- *In re Ranbaxy Generic Drug Application Antitrust Litigation*
- *In re Valeant Pharmaceuticals Int'l, Inc. Third-Party Payor Litigation*
- *Staley, et al., v. Gilead Sciences*
- *In Re: Generic Pharmaceuticals Pricing Antitrust Litigation - Direct Purchasers*
- *Beef Direct Purchaser Antitrust Litigation*
- *BCBSM, Inc. v. Vyera Pharmaceuticals, et al. (Daraprim)*
- *In re Automobile Antitrust Cases I and II*
- *Olean Wholesale Grocery Cooperative, Inc., et al. v. Agri Stats, Inc., et al. (Turkey)*
- *Integrated Orthopedics, Inc., et al. v. UnitedHealth Group, et al.*
- *In Re: Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litigation*
- *Vista Healthplan, Inc., et al. v. Cephalon, Inc., et al. (Provigil)*
- *Jeffrey Koenig, et al. v. Vizio, Inc.*
- *Wit, et al. v. United Behavioral Health*
- *Weiss, et al. v. SunPower Corporation*
- *Smith, et al. v. FirstEnergy Corp., et al.*
- *Resendez, et al. v. Precision Castparts Corp. and PCC Structural, Inc.*
- *Julian, et al. v. TTE Technology, Inc., dba TCL North America*
- *Eugenio and Rosa Contreras v. Nationstar Mortgage LLC*
- *Phil Shin, et al. v. Plantronics, Inc.*
- *In re: Qualcomm Antitrust Litigation*
- *In re Resistors Antitrust Litigation*
- *The Hospital Authority of Metropolitan Government of Nashville and Davidson County, Tennessee v. Momenta Pharmaceuticals, Inc. and Sandoz Inc. ("Lovenox Antitrust Matter")*
- *William Kivett, et al. v. Flagstar Bank, FSB, and DOES 1-100, inclusive*
- *Adelphia, Inc. v. Heritage-Crystal Clean, Inc.*
- *LLE One, LLC, et al. v. Facebook, Inc.*
- *Bach Enterprises, Inc., et al. v. Advanced Disposal Services South, Inc., et al.*
- *JWG Inc., et al. v. Advanced Disposal Services Jacksonville, L.L.C., et al.*
- *State of Washington v. Motel 6 Operating L.P. and G6 Hospitality LLC*
- *In re GSE Bonds Antitrust Litigation*
- *Wave Lengths Hair Salons of Florida, Inc., et al. v. CBL & Associates Properties, Inc., et al.*
- *In re Loestrin 24 FE Antitrust Litigation*
- *Office of the Attorney General, Department of Legal Affairs, State of Florida v. Pultegroup, Inc. and Pulte Home Company, LLC*
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## For More Information

For more detailed information regarding A.B. Data's experience, services, or personnel, please see our website at [www.abdataclassaction.com](http://www.abdataclassaction.com).

# EXHIBIT B

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

**If you purchased raw Broiler chicken directly from a Broiler chicken producer for use or delivery in the United States from December 1, 2008 through July 31, 2019, a class action settlement may affect your rights.**

*A federal court authorized this notice. This is not a solicitation from a lawyer.*

- An additional settlement has been reached in a class action antitrust lawsuit filed on behalf of Direct Purchaser Plaintiffs (“Plaintiffs”) of Broiler chicken. The new settlement is with Defendants Simmons Foods, Inc. and Simmons Prepared Foods, Inc. (collectively, “New Settlement” with “Simmons” or the “New Settling Defendant”). Previous settlements (the “Previous Settlements”) were reached on behalf of Plaintiffs with Defendants Tyson Foods, Inc., Tyson Chicken, Inc., Tyson Breeders, Inc., and Tyson Poultry, Inc. (collectively, “Tyson”); Pilgrim’s Pride Corporation (“Pilgrim’s Pride”); Peco Foods, Inc. (“Peco”); George’s, Inc. and George’s Farms, Inc. (collectively, “George’s”); Amick Farms, LLC (“Amick”); Fieldale Farms Corporation (“Fieldale Farms”); Mar-Jac Poultry, Inc., Mar-Jac Poultry MS, LLC, Mar-Jac Poultry AL, LLC, Mar-Jac AL/MS, Inc., Mar-Jac Poultry, LLC, and Mar-Jac Holdings, Inc. (collectively, “Mar-Jac”), and Harrison Poultry, Inc. (“Harrison Poultry”) (collectively, the “Previous Settling Defendants”). Together, the New Settling Defendant and Previous Settling Defendants are referred to as “Settling Defendants.”
- The proposed New Settlement is with Simmons only and does not dismiss claims against other Defendants. The settlements with the Previous Settling Defendants have been given final approval by the Court. Eleven other Defendants remain in the case, and Plaintiffs’ lawsuit will continue against them in the case entitled *In re Broiler Chicken Antitrust Litigation*, N.D. Ill. Case No. 1:16-cv-08637.
- If approved by the Court, the New Settlement will resolve Plaintiffs’ claims that Simmons conspired in restraint of trade, the purpose and effect of which were to suppress competition and to allow the Simmons and other Broiler chicken producers to charge supra-competitive prices for Broilers from December 1, 2008, through July 31, 2019 (the “Class Period”), in violation of federal law. Simmons has not admitted any liability and continues to deny the legal claims alleged in this lawsuit. If approved, the New Settlement will avoid litigation costs and risks to Plaintiffs and Simmons, and will release Simmons from liability to the Class members.
- The New Settlement require Simmons to pay \$8,018,991 to benefit the certified Direct Purchaser Plaintiff Class. Together with the amounts paid by the Previous Settling Defendants (Tyson \$79,340,000; Pilgrim’s Pride \$75,000,000; Peco \$4,964,600; George’s \$4,097,000; Amick \$3,950,000; Fieldale Farms \$2,250,000; Mar-Jac \$7,975,000; and Harrison Poultry \$3,300,000), total settlements in the Direct Purchaser Plaintiffs’ case are \$188,895,591 (the “Settlement Proceeds”).
- Your legal rights are affected whether you act or don’t act. Please read this notice carefully.

**Questions? Read on and visit [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com) or call toll-free 1-866-552-1178.**



**YOUR LEGAL RIGHTS AND OPTIONS FOR THE NEW SETTLEMENT**

<b>OBJECT</b>	You may write to the Court about why you don't like the New Settlement with Simmons or the motion for reimbursement of expenses. Objections must be postmarked by [REDACTED], 2023. The deadline to object to the substantive terms of the settlements with the Previous Settling Defendants has already passed.
<b>ATTEND THE FAIRNESS HEARING</b>	You may request to speak in Court about the fairness of the New Settlement by providing notice by [REDACTED], 2023.
<b>DO NOTHING</b>	You will remain part of the New Settlement and you may participate in any monetary distribution to qualified purchasers. The New Settlement will resolve your claims against Simmons, and you will give up your rights to sue or to continue suing Simmons about the Released Claims (as defined in the Settlement Agreement). You will be bound by the judgment.

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**BASIC INFORMATION**

**1. Why did I receive a notice?**

All Defendants, including the Settling Defendant, produce Broiler chicken. Records from all Defendants show that you may have purchased Broiler chicken products directly from one or more Defendants and/or alleged Co-Conspirators for use and delivery in the United States between December 1, 2008, and July 31, 2019. The list of Defendants and alleged Co-Conspirators is in Question 2 below and in the operative Complaint available for download at [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com).

The Court authorized this notice because you have a right to know about the proposed New Settlement (see Question No. 9 below), Co-Lead Class Counsel’s upcoming request for reimbursement of up to \$3.5 million in incurred litigation expenses (see Question No. 15 below), and about your options as the Court considers these matters. If the Court approves the New Settlement, and after any objections or appeals are resolved, you will be bound by the judgment and terms of the New Settlement. This notice explains the lawsuit, the New Settlement, and your legal rights under the New Settlement.

**2. What is this lawsuit about?**

This class action, *In re Broiler Chicken Antitrust Litigation*, N.D. Ill. Case No. 1:16-cv-08637, is pending in the United States District Court for the Northern District of Illinois. U.S. District Court Judge Thomas M. Durkin presides over this class action.

Plaintiffs allege that Defendants and their Co-Conspirators conspired to fix, raise, maintain, and stabilize the price of Broilers, beginning at least as early as January 1, 2008. Plaintiffs allege that Defendants implemented their conspiracy in various ways, including via coordinated supply restrictions, sharing competitively sensitive price and production information, and otherwise manipulating Broiler prices, with the intent and expected result of increasing prices of Broilers in the United States, in violation of federal antitrust laws.

On May 27, 2022, Judge Thomas M. Durkin issued an Order certifying a class of direct purchasers defined as: “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.” (the “Class”).

The Defendants and alleged Co-Conspirators named in Plaintiffs’ Fifth Consolidated Amended Complaint are producers of Broiler chicken and Broiler chicken products in the United States. The Defendants and alleged Co-Conspirators include: Fieldale Farms Corporation; Koch Foods, Inc.; JCG Foods of Alabama, LLC; JCG Foods of Georgia, LLC; Koch Meat Co., Inc.; Tyson Foods, Inc.; Tyson Chicken, Inc.; Tyson Breeders, Inc.; Tyson Poultry, Inc.; Pilgrim’s Pride Corporation; Perdue Farms, Inc.; Perdue Foods LLC; Sanderson Farms, Inc.; Sanderson Farms, Inc. (Foods Division); Sanderson Farms, Inc. (Production Division); Sanderson Farms, Inc. (Processing Division); Wayne Farms, LLC; Mountaire Farms, Inc.; Mountaire Farms, LLC; Mountaire Farms of Delaware, Inc.; Peco Foods, Inc.; Foster Farms, LLC; Foster Poultry Farms; House of Raeford Farms, Inc.; Simmons Foods, Inc.; Simmons Prepared Foods, Inc.; George’s, Inc.; George’s Farms, Inc.; O.K. Foods, Inc.; O.K. Farms, Inc.; O.K. Industries, Inc.; Claxton Poultry Farms, Inc.; Norman W. Fries, Inc.; Harrison Poultry, Inc.; Mar-Jac Poultry, Inc.; Mar-Jac Poultry MS, LLC; Mar-Jac Poultry AL, LLC; Mar-Jac AL/MS, Inc.; Mar-Jac Poultry, LLC; Mar-Jac Holdings, Inc.; Amick Farms, LLC; The Amick Company, Inc.; Amick-OSI Broilers, LLC; Amick-OSI Processing, LLC; Case Foods, Inc.; Case Farms, LLC; Case Farms Processing, Inc.; Agri Stats, Inc.; Keystone Foods, LLC; Keystone Foods Corporation; Equity Group Eufaula Division, LLC; Equity Group Kentucky Division LLC; Equity Group – Georgia Division LLC; Allen Harim USA, Ltd.; Allen Harim Foods, LLC; Allen Harim Farms, LLC; JCG Industries, Inc.; JCG Properties, Inc.; JCG Land Holdings, LLC; JCG Foods LLC; Koch Foods of Cumming LLC; Koch Foods of Gainesville LLC; JCG Farms of Georgia LLC; Koch Foods of Mississippi LLC; Koch Farms of Mississippi LLC; Koch Freezers LLC; Koch Properties of Mississippi LLC; Koch Foods of Alabama LLC; Koch Farms of Alabama LLC; JCG Farms of Alabama LLC; Koch Foods of Ashland LLC; Koch Farms of Ashland LLC; Koch Farms of Gadsden LLC; Koch Foods of Gadsden LLC; Koch Foods of Cincinnati LLC; Koch Foods LLC; Koch Farms LLC; Koch Farms of Chattanooga LLC; Koch Foods of Chattanooga LLC; Koch Foods of Morristown LLC; Koch Farms of Morristown LLC; Tyson Sales & Distribution, Inc.; Perdue Foods, Inc.; Harvestland Holdings, LLC; Perdue Food Products, Inc.; Perdue Farms, LLC; Perdue Farms Incorporated; WFSP Foods, LLC; George’s Chicken, LLC; George’s Family Farms, LLC; George’s Foods, LLC;

Questions? Call the Settlement Administrator toll-free at 1-866-552-1178 or visit [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com)

George's of Missouri, Inc.; George's Processing, Inc.; Peco Farms of Mississippi, LLC; PFS Distribution Company; Merit Provisions, LLC; GC Properties, LLC; Pilgrim's Pride of Nevada, Inc.; PPC Marketing, Ltd.; Pilgrim's Pride Corporation of West Virginia, Inc.; Foster International Trading Company, Inc.; Napoleon Poultry Supply, LLC; O.K. Broiler Farms Limited Partnership; House of Raeford Farms of Louisiana, LLC; Johnson Breeders, Inc.; Columbia Farms of Georgia, Inc.; Raeford Farms of Louisiana, LLC; and Columbia Farms, Inc.

The Court previously gave final approval to settlements between the Plaintiffs and Tyson, Pilgrim's Pride, Fieldale Farms, Peco, George's, Amick, Mar-Jac, and Harrison Poultry. The Court has now preliminarily approved a settlement with Simmons. The Direct Purchaser Plaintiffs' case is proceeding against all other Defendants who have not settled the case. If applicable, you will receive a separate notice regarding any resolution of claims against other Defendants.

Simmons has not admitted any liability, continue to deny the legal claims alleged in this lawsuit, and would allege numerous defenses to the Plaintiffs' claims if the case against them were to proceed. Nevertheless, Simmons has agreed to settle this action to avoid the further expense, inconvenience, disruption, and burden of this litigation and any other present or future litigation arising out of the facts that gave rise to this litigation, to avoid the risks inherent in uncertain complex litigation and trial, and thereby to put to rest this controversy.

### **3. What is a class action, and who is involved?**

In a class action lawsuit, one or more people or businesses called class representatives sue on behalf of others who have similar claims, all of whom together are a "class." Individual class members do not have to file a lawsuit to participate in the class action settlement, or be bound by the judgment in the class action. One court resolves the issues for everyone in the class, except for those who exclude themselves from the class.

### **4. Why are there settlements in this case?**

The Court did not decide in favor either of Plaintiffs or New Settling Defendant. Plaintiffs believe they may win at trial and possibly obtain a greater recovery. New Settling Defendant believes they may win at trial and that Plaintiffs might recover nothing against them. But trials involve risks to both sides, and therefore Plaintiffs and Simmons have agreed to settle the case. The New Settlement requires Simmons to pay money for the benefit of the Class members. Plaintiffs and their attorneys believe the New Settlement is in the best interests of all Class members.

### **5. What if I received previous communications regarding this lawsuit?**

You may have already received notice regarding settlements with the Previous Settling Defendants and the Court's determination that this lawsuit will proceed as a class action (the Class Certification notice). You are permitted to participate in the New Settlement with Simmons regardless of whether you excluded yourself from the settlements with the Previous Settling Defendants. However, if you excluded yourself in response to the Class Certification notice sent earlier this year, then you cannot participate in the New Settlement with Simmons.

You may have received other communications regarding this lawsuit, including solicitations by other attorneys seeking to represent you as a Direct Action Plaintiff in an individual lawsuit against Defendants. Contrary to what you may have been told in such solicitations, you do not need to file an individual lawsuit to protect your rights in this litigation. You also may have received solicitations from persons seeking to purchase your claim or represent you as a Class member.

None of these communications regarding Direct Action Plaintiffs, filing individual lawsuits, or purchasing your claim have been approved by the Court and—unlike this notice—they did not come from Court-appointed Class Counsel for the Direct Purchaser Plaintiffs. You should carefully review this notice and your rights as a Class member. In addition, you do not need to retain or pay anyone in order to receive the benefits provided to Class members in this lawsuit.

If you have questions about this litigation and your rights as a Class member, please contact Class Counsel, whose contact information is listed in Question 12 below.

## **THE CLASS**

### **6. Am I part of the Class?**

Questions? Call the Settlement Administrator toll-free at 1-866-552-1178 or visit [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com)

The Court decided that Class members are defined as follows:

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.

If you satisfy these criteria, then you are a Class member, subject to the exceptions listed in Question 7 below.

While the New Settlement is only with Simmons, the Class includes persons (including businesses and companies) who purchased Broiler chicken from **any** of the Defendants or their alleged Co-Conspirators. If you are a Class member and did not exclude yourself in response to the Class Certification notice sent earlier this year, you will be eligible to participate in the New Settlement.

#### **7. Are there exceptions to being included in the Class?**

Yes. Specifically excluded from this Class are the Defendants; the officers, directors, or employees of any Defendant; any entity in which any Defendant has a controlling interest; and any affiliate, legal representative, heir, or assign of any Defendant. Also excluded from this Class are any federal, state, or local governmental entities, any judicial officer presiding over this action and the members of his/her immediate family and judicial staff, any juror assigned to this action, and any alleged Co-Conspirator identified in this action.

If you are in one of these categories, you are not a Class member and not eligible to participate in the New Settlement.

#### **8. I'm still not sure if I'm included.**

If you are still not sure if you are included, please review the detailed information contained in the Settlement Agreement, available at the settlement website, [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com) (the "Settlement Website"). You may also call the Settlement Administrator at 1- 866-552-1178 or call or write to Class Counsel at the phone numbers or addresses listed in Question 12 below.

### **THE SETTLEMENT BENEFITS**

#### **9. What does the Settlement provide?**

If the New Settlement is approved, Simmons will pay \$8,018,991. Of the Previous Settling Defendants, Tyson has paid \$79,340,000, Pilgrim's Pride has paid \$75,000,000, Peco has paid \$4,964,600, George's has paid \$4,097,000, Amick has paid \$3,950,000, Fieldale Farms has paid \$2,250,000, Mar-Jac has paid \$7,975,000, and Harrison Poultry has paid \$3,300,000. Collectively, all settlements to date provide \$188,895,591 in Settlement Proceeds.

Simmons has agreed to provide testimony, where it reasonably can, to authenticate and provide foundation for admissibility of documents, which may assist Plaintiffs in the prosecution of their claims against the remaining Defendants in the case.

A portion of the Settlement Proceeds has been and will be used for notice and administration costs. A portion of the Settlement Proceeds will also be used to pay attorneys' fees, litigation expenses, and incentive awards that the Court chooses to award. Finally, as discussed in Question No. 15 below, by [DATE] Direct Purchaser Plaintiffs and their counsel will move the Court to reimburse them from the Simmons, Mar-Jac, and Harrison Poultry settlement proceeds *pro rata* for litigation expenses already incurred, in an amount not to exceed \$3.5 million. A copy of the motion for reimbursement of litigation expenses will be available on the Settlement Website at the time it is filed with the Court.

Class Counsel do not intend to distribute any proceeds from the New Settlement to qualifying members of the Class at this time, but instead intend to combine any distribution of the proceeds from the New Settlement with proceeds from future settlements or other recoveries in the litigation. You will be provided further notice of any such future settlements or recoveries.

#### **10. What am I giving up by staying in the Class?**

The deadline to request exclusion from the Class has already passed. Unless you excluded yourself in response to the Class Certification notice, you are in the Class, which means that you can't sue, continue to sue, or be part of any other lawsuit

against Simmons that pertain to the Released Claims (as defined in the Settlement Agreements). It also means that all Court orders will apply to you and legally bind you. The Released Claims are detailed in the Settlement Agreement, available at [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com).

**IF YOU DO NOTHING**

**11. What happens if I do nothing at all?**

Unless you previously excluded yourself from the Class, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Simmons about the claims that the New Settlement resolves, ever again. The deadline to request exclusion from the Class has already passed.

**OBJECTION PROCEDURES**

**12. How do I object to the New Settlement or request for reimbursement of litigation expenses?**

If you are a Class member and have not excluded yourself from the Class, you can object to the New Settlement with Simmons if you don't like part or all of the terms of the Settlement. With regard to Co-Lead Class Counsel's request for reimbursement of up to \$3.5 million in incurred litigation expenses, Mar Jac and Harrison Poultry Settlement Class members who have not excluded themselves may also object to this request. The Court will consider your views. To object, you must send a letter or other written statement saying that you object to the New Settlement with Simmons in *In re: Broiler Chicken Antitrust Litigation*, you are objecting to, and the reasons why you object to the New Settlement. Be sure to include your full name, the name of your business that purchased Broiler chicken, current mailing address, and email address. Your objection must be signed. You may include or attach any documents that you would like the Court to consider. Do not send your written objection to the Court or the judge. Instead, mail the objection to the Settlement Administrator, Class Counsel, and Counsel for the Settling Defendant at the addresses listed below. Your objection must be postmarked no later than [redacted], 2023. The deadline to object to the Previous Settlements with the Previous Settling Defendants has already passed.

Settlement Administrator	Class Counsel	Class Counsel
Broiler Chicken Antitrust Litigation Simmons Settlement Attn: OBJECTIONS c/o A.B. Data, Ltd. P.O. Box 173001 Milwaukee, WI 53217 (866) 552-1178	W. Joseph Bruckner Brian D. Clark Lockridge Grindal Nauen P.L.L.P. 100 Washington Ave. S., Ste. 2200 Minneapolis, MN 55401 (612) 339-6900	Clifford H. Pearson Bobby Pouya Pearson Warshaw, LLP 15165 Ventura Blvd., Suite 400 Sherman Oaks, CA 91403 (818) 788-8300

Counsel for Simmons
Lynn H. Murray SHOOK, HARDY & BACON L.L.P. 111 S. Wacker Dr., Suite 4700 Chicago, IL 60606 (312) 704-7700

**13. What is the difference between excluding myself and objecting?**

Objecting is telling the Court that you do not like something about the New Settlement. You can object only if you did not exclude yourself from the Class. Excluding yourself is telling the Court that you do not want to be part of the Class or the lawsuit. The time to exclude yourself has already passed. If you excluded yourself, you have no standing to object because the

case no longer affects you.

## **THE LAWYERS REPRESENTING YOU**

### **14. Do I have a lawyer in this case?**

The Court has appointed Lockridge Grindal Nauen P.L.L.P. and Pearson Warshaw, LLP as Class Counsel on behalf of Plaintiffs and Class members. Their contact information is provided above in Question 12. If you are a Class member, you do not need to hire your own lawyer because Class Counsel are working on your behalf, but may do so at your own expense.

If you excluded yourself from the Class, these lawyers no longer represent you. You may need to hire your own lawyer if you wish to pursue your own lawsuit against the Settling Defendants.

### **15. How will the lawyers be paid?**

You will not have to pay any attorneys' fees or costs out-of-pocket. Class Counsel are not currently seeking additional fees or Class Representative service awards, but reserve their right to do so, subject to an additional notice to the Class and Court approval.

By [DATE] Direct Purchaser Plaintiffs and their counsel will move the Court for a *pro rata* reimbursement (in proportion to the settlement amount) from the Simmons, Mar-Jac, and Harrison Poultry settlement proceeds for litigation expenses already incurred, in an amount not to exceed \$3.5 million. A copy of the motion for reimbursement of litigation expenses will be available on the Settlement Website at the time it is filed with the Court. Mar Jac and Harrison Poultry Settlement Class members, as well as Certified Class members who have not excluded themselves from the Class, may object to this request if they choose, and may do so pursuant to the instructions and deadline in Question No. 12 above.

## **THE COURT'S FAIRNESS HEARING**

### **16. When and where will the Court decide whether to approve the New Settlement?**

The Court will hold a Fairness Hearing to decide whether to approve the New Settlement at xxxx. Central time on [REDACTED], 2023. The hearing will be held via telephone, and dial in information will be available on the Court's docket and the case website. Do not go to the Court in person unless there is notice that the hearing will be conducted in person. At this hearing, the Court will consider whether the New Settlement is fair, reasonable, and adequate. The Court will also consider Co-Lead Class Counsel's expense reimbursement request. If there are objections to either the New Settlement or the expense reimbursement request, the Court will consider them. You may attend and you may ask to speak, if you make a request as instructed in Question 18, but you do not have to. The Court will listen to people who have asked to speak at the hearing. After the hearing, the Court will decide whether to approve the New Settlement. We do not know how long the Court will take to decide. The date of the hearing may change without further notice to the Class, so please check the Settlement Website for updates.

### **17. Do I have to come to the hearing?**

No. Class Counsel will answer any questions the Court may have. However, you are welcome to come at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

### **18. May I speak at the hearing?**

You may ask to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear in *In re: Broiler Chicken Antitrust Litigation*." Be sure to include your name, and the name of your business that purchased Broiler chicken, current mailing address, telephone number, and signature. Your Notice of Intention to Appear must be postmarked no later than [REDACTED], 2023, and it must be sent to the Clerk of the Court, Class Counsel, and Defense Counsel. The address for the Clerk of the Court is: Clerk of the United States District Court, Dirksen Federal Building, 219 South Dearborn Street, Chicago, IL 60604. The addresses for Class Counsel and Defense Counsel are provided in Question 12. You cannot ask to speak at the hearing if you exclude yourself from the New Settlement.

Questions? Call the Settlement Administrator toll-free at 1-866-552-1178 or visit [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com)

**GETTING MORE INFORMATION**

**19. How do I get more information about the New Settlement?**

This notice summarizes the proposed New Settlement. More details are in the Settlement Agreement. You can find a copy of the Settlement Agreement, other important documents, and information about the current status of the litigation by visiting [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com). You may also contact Class Counsel at the addresses and phone numbers provided in Question 12.

**PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.**

# EXHIBIT C



**COURT-APPROVED LEGAL NOTICE**

**If you purchased raw Broiler chicken directly from a Broiler chicken producer for use or delivery in the United States from December 1, 2008 through July 31, 2019, a class action settlement may affect your rights.**

*Para una notificación en español, llame gratis al 1-866-552-1178 o visite nuestro website [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com).*

Another settlement has been reached in a class action antitrust lawsuit filed on behalf of Direct Purchaser Plaintiffs with Defendants Simmons Foods, Inc. and Simmons Prepared Foods, Inc. (“New Settlement”) with (“Simmons” or the “New Settling Defendant”). Co-Lead Class Counsel will also request in an upcoming motion reimbursement of up to \$3.5 million in incurred litigation expenses from the Simmons, Mar-Jac, and Harrison Poultry settlement proceeds *pro rata*. This Court-ordered notice may affect your rights. Please review and follow the instructions carefully. The United States District Court for the Northern District of Illinois authorized this notice. Before any money is paid, the Court will hold a hearing to decide whether to approve the New Settlement or to reimburse Co-Lead Class Counsel’s litigation expenses.

**WHO IS INCLUDED?**

Members of the Class are defined as “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.” Specifically excluded from the Class are the Defendants; the officers, directors, or employees of any Defendant; any entity in which any Defendant has a controlling interest; and any affiliate, legal representative, heir, or assign of any Defendant. Also excluded from this Class are any federal, state, or local governmental entities, any judicial officer presiding over this action and the members of his/her immediate family and judicial staff, and any juror assigned to this action. If you are not sure you are included, you can get more information, including a detailed notice, at [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com) or by calling toll-free 1-866-552-1178.

**WHAT IS THIS LAWSUIT ABOUT?**

Plaintiffs allege that Defendants and their Co-Conspirators conspired to fix, raise, maintain, and stabilize the price of Broilers, beginning at least as early as January 1, 2008. Plaintiffs allege that Defendants implemented their conspiracy in various ways, including via coordinated supply restrictions, sharing competitively sensitive price and production information, and otherwise manipulating Broiler prices, with the intent and expected result of increasing prices of Broilers in the United States, in violation of federal antitrust laws. Simmons has not admitted any liability concerning, and continues to deny, the legal claims alleged. The Court did not decide which side was right, but both sides agreed to the New Settlement to resolve the case. The case is still proceeding on behalf of the Direct Purchaser Plaintiffs against all other Defendants who have not settled with the Plaintiffs. A list of all Defendants is in the detailed notice available at [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com).

On May 27, 2022, Judge Thomas M. Durkin issued an Order certifying a class of direct purchasers defined as: “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.” (the “Class”).

You may have already received notices or correspondence related to this litigation and previous settlements in this case that were reached with Defendants Tyson Foods, Inc., Tyson Chicken, Inc., Tyson Breeders, Inc., and Tyson Poultry, Inc. (collectively, “Tyson”); Pilgrim’s Pride Corporation (“Pilgrim’s Pride”); Peco Foods, Inc. (“Peco”); George’s, Inc. and George’s Farms, Inc. (collectively, “George’s”); Amick Farms, LLC (“Amick”); Fieldale Farms Corporation (“Fieldale Farms”); Mar-Jac Poultry, Inc., Mar-Jac Poultry MS, LLC, Mar-Jac Poultry AL, LLC, Mar-Jac AL/MS, Inc., Mar-Jac Poultry, LLC, and Mar-Jac Holdings, Inc. (collectively, “Mar-Jac”), and Harrison Poultry, Inc. (“Harrison Poultry”) (collectively, the “Previous Settling Defendants”). This notice concerns the New Settlement with Simmons only, as well as Co-Lead Class Counsel’s request for reimbursement of litigation expenses. For more information on the Previous Settlements, please visit [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com).

**WHAT DOES THE SETTLEMENT PROVIDE?**

The New Settlement requires Simmons to pay \$8,018,991. Together with the amounts paid by the Previous Settling Defendants (Tyson \$79,340,000; Pilgrim’s Pride \$75,000,000; Peco \$4,964,600; George’s \$4,097,000; Amick \$3,950,000; Fieldale Farms \$2,250,000; Mar-Jac \$7,975,000; and Harrison Poultry \$3,300,000), total settlements in the Direct Purchaser Plaintiffs’ case are \$188,895,591 (the “Settlement Proceeds”).

A portion of the Settlement Proceeds has been and will be used for notice and administration costs. A portion of the Settlement Proceeds will also be used to pay attorneys’ fees, litigation expenses, and incentive awards that the Court chooses to award. Direct Purchaser Plaintiffs and their counsel will file a motion by [REDACTED], 2023, in which they will seek an amount not to exceed \$3.5 million in litigation expenses from

the Simmons, Mar-Jac, and Harrison Poultry settlement proceeds *pro rata*. Class Counsel are not currently seeking fees or Class Representative service awards, but reserve their right to do so, subject to an additional notice to the Class and Court approval. A copy of the motion for reimbursement of litigation expenses will be available on the Settlement Website.

Class Counsel do not intend to distribute any proceeds from the New Settlement with Simmons to qualifying members of the Class at this time, but instead intend to combine any distribution with proceeds from future settlements or other recoveries in the litigation. You will be provided further notice of any such future settlements or recoveries. For information related to the distribution of proceeds from the Previous Settling Defendants, please visit [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com).

#### **WHAT ARE YOUR RIGHTS AND OPTIONS?**

You do not need to take any action to remain a member of the Class and be bound by the New Settlement with Simmons. The deadline to request exclusion from the Class has already passed. Unless you excluded yourself in response to the Class Certification notice, you are in the Class, which means that you can't sue, continue to sue, or be part of any other lawsuit against Simmons that pertain to the Released Claims (as defined in the Settlement Agreements). It also means that all Court orders will apply to you and legally bind you. The Released Claims are detailed in the Settlement Agreement, available at [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com). If you are a Class member and have not excluded yourself from the Class, you can object to the New Settlement with Simmons if you don't like part or all of the terms of the Settlement. With regard to Co-Lead Class Counsel's request for reimbursement of up to \$3.5 million in incurred litigation expenses, Certified Class members as well as Mar Jac and Harrison Poultry Settlement Class members who have not excluded themselves may also object to this request. The Court will consider your views. The detailed notice, available on [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com), explains how to object. The Court will hold a hearing in this case (*In re Broiler Chicken Antitrust Litigation*, Case No. 16-cv-08637) on [REDACTED], 2023, at [REDACTED].m. Central, to consider whether to approve the New Settlements. You may ask to speak at the hearing, but you don't have to.

**This notice is only a summary. You can find more details about the Settlement at [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com) or by calling toll-free 1-866-552-1178. Please do not contact the Court.**

# EXHIBIT D



**If You Purchased**  
**BROILER CHICKENS**  
DIRECTLY FROM A  
CHICKEN PRODUCER

A Class Action  
Settlement  
May Affect Your Rights

**LEARN MORE HERE**

[broilerchickenantitrustlitigation.com](http://broilerchickenantitrustlitigation.com)