

**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'
REQUEST FOR REDISTRIBUTION OF NET SETTLEMENT PROCEEDS**

The Court, having reviewed Direct Purchaser Plaintiffs' Status Report regarding the First Distribution of the Net Settlement Fund to qualified claimants and supporting declaration, and all other evidence and arguments presented, hereby finds as follows:

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Court has jurisdiction over the subject matter of this litigation, including the actions within this litigation, and over the parties to the Settlement Agreements, including all members of the Settlement Class (also referred to herein as the "Class") and the Settled Defendants.

2. The Court previously granted final approval of all the Settlement Agreements, and found that due and adequate notice of the Settlements was provided to the Class. This Court granted final approval to the DPPs' settlement with Fieldale on November 16, 2018 (ECF No. 1414); Amick on October 26, 2020 (ECF No. 3934); Peco and George's on October 27, 2020 (ECF No. 3944); and Pilgrim's and Tyson on June 29, 2021 (ECF No. 4789). The Settled Defendants have paid a total of \$169,601,600.00 into the Settlement Fund.

3. On February 25, 2021, this Court approved the claims process and appointed JND Claims Administration as the Claims Administrator.¹ (ECF No. 4341.) The claims review process was fair, adequate and reasonable, providing a full and fair opportunity for potential Class members to submit a valid claim. The Court finds that JND has carried out the claims administration process in a reasonable manner and consistent with orders of this Court. JND has offered claimants reasonable notice of claim deficiencies and an opportunity to cure them.

¹ The Court approved the claims process in conjunction with preliminary approval of the Pilgrim's and Tyson Settlements. The Court also appointed JND as the Claims Administrator of the prior Settlements. (*See* ECF Nos. 980 (Fieldale), 3394 (Peco, George's and Amick).)

4. The Settlement Administrator incurred a total of \$1,365,597.10 in costs and expenses in administering the Settlements, processing and auditing claims, and related expenses. The Court holds that these costs and expenses were reasonably incurred in the ordinary course of administering the Settlements and were necessary given the nature and scope of the case, and therefore shall be paid.

5. The Court finds that the Net Settlement Fund is properly accounted for, and totaled \$108,714,999.79 prior to distribution.

6. On February 11, 2022, the Court approved the distribution of the Net Settlement Fund. (ECF No. 5434.)

7. On March 31, 2022, the Settlement Administrator commence the distribution of the Net Settlement Fund. The Court finds that the distribution was carried out in accordance with the Order (ECF No. 5434).

8. Any settlement proceeds that remain unclaimed as of October 1, 2022 shall be transferred into an escrow account and earmarked for *pro rata* distribution to qualified claimants in a future distribution. Although the money shall be held in one account, the amount owed to qualified claimants will be based on their *pro rata* share of each of the six settlements and paid in addition to (1) any *pro rata* share of the Mar-Jac and Harrison settlements, and (2) any future settlements. Prior to any distribution of Mar-Jac, Harrison, and any other future settlements, DPPs shall move the Court to approve a plan of distribution for those funds. In such a future motion for distribution DPPs are to advise the Court regarding any practicality and/or feasibility issues pertaining to the redistribution funds.

9. This Court retains continuing jurisdiction over the administration and distribution of the settlement proceeds.

IT IS SO ORDERED.

DATED: August 26, 2022



Thomas M Durkin

HON. THOMAS M. DURKIN