

**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

**DECLARATION OF MICHAEL H. PEARSON IN SUPPORT OF
DIRECT PURCHASER PLAINTIFFS'
MOTION FOR FIRST DISTRIBUTION OF NET SETTLEMENT PROCEEDS**

I, Michael H. Pearson, declare and state as follows:

1. I am a Partner of the law firm of Pearson, Simon & Warshaw, LLP. This Court has appointed my firm, together with Lockridge Grindal Nauen P.L.L.P., as Interim Co-Lead Counsel for the Direct Purchaser Plaintiff Class (“DPPs”) in this litigation.

2. I am an attorney responsible for the handling of this matter. I am personally familiar with the facts set forth in this declaration. If called as a witness I could and would competently testify to the matters stated herein.

3. I submit this Declaration in support of Plaintiffs’ Motion for First Distribution of Net Settlement Proceeds, filed simultaneously herewith.

4. The Settled Defendants have paid a total of \$169,601,600.00 into the Settlement Fund. This money has been earning interest since deposited. I have personally reviewed invoices and statements, and confirmed the amounts that make up the Net Settlement Fund as set forth in Section II.B. of the memorandum of law in support of DPPs’ Motion filed concurrently herewith.

5. With respect to the payment of late claims, Interim Co-Lead Counsel’s position is that all late claims should be paid. Payment of these late claims will have a *de minimus* effect on the payment to qualified claimants who filed timely claims.

6. Where a claimant either did not have a pre-populated claim form, or disagreed with their pre-populated data, JND reviewed the claim submission in detail with the help of Class Counsel and their data expert to confirm validity. When addressing any claim modifications, deficiencies, and/or purchase audit requests, JND provided notice to the affected Class members and Interim Co-Lead Counsel, and gave the claimant an opportunity to cure any deficiencies. JND investigated and handled each issue on an individual basis and resolved it in a timely manner. As of the filing of this Motion there are no outstanding disputes or issues.

7. Interim Co-Lead Class Counsel agrees with JND's determinations, and proposes that the Court approve JND's determinations concerning the denial of ineligible claims and the payment of eligible claims.

8. JND has provided to Interim Co-Lead Counsel invoices detailing the fees and expenses it has incurred to administer the notice and claims of the direct purchaser Class members. Interim Co-Lead Counsel have already paid from the Settlement Fund \$1,165,597.10 to JND after review and approval of their bills. JND's fees, including the anticipated cost of completing this initial distribution, are \$1,365,597.10.

9. The dollar value of claims made as a percentage of the overall Settlement Class sales is very high for an antitrust case, with each of the six settlements exceeding a 50% claims rate by dollar value of the total Class sales.

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

Executed on this 11th day of February, 2022 at Sherman Oaks, California.

/s/ Michael H. Pearson
Michael H. Pearson