

**IN THE 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

The Honorable Thomas M. Durkin

Magistrate Judge Jeffrey T. Gilbert

**DECLARATION OF TAYLOR FOULK IN SUPPORT OF
DIRECT PURCHASER PLAINTIFFS' MOTION FOR APPROVAL OF SECOND
DISTRIBUTION OF NET SETTLEMENT PROCEEDS**

I, Taylor Foulk, declare as follows:

1. I am a Project Manager with A.B. Data, Ltd. (“A.B. Data”). I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. A.B. Data was selected by Direct Purchaser Plaintiffs as the Notice and Settlement Administrator in this matter and has completed numerous rounds of notice to Class members, including the completed Court-approved notice plans to inform Class members about the settlements with the Mar Jac, Harrison Poultry, Simmons, Mountaire, O.K. Foods, House of Raeford (“HRF”), Koch, and Foster Farms, Perdue, Case, Claxton, Wayne Farms, Agri Stats, and Sanderson Farms Defendants. A.B. Data’s duties also included, among other things, establishing and maintaining a toll-free telephone helpline and website dedicated to this Action and receiving and processing Claim Forms and Direct Purchaser Antitrust Purchase Audit Request Forms (“Purchase Audit Request Forms”) along with supporting documentation.

3. A.B. Data has completed processing all claims received. This declaration describes A.B. Data’s administrative determinations accepting and rejecting the Claim Forms in support of *Direct Purchaser Plaintiffs’ Memorandum in Support of Motion for Second Distribution of Net Settlement Proceeds*.

CLASS MEMBER DATA

4. As described in A.B. Data’s prior declarations, A.B. Data worked closely with Co-Lead Class Counsel¹ and their data team to develop a list of Class Members that would receive notice. The list of unique potential Class Members (“Class List”) now contains 27,060 entries.

¹ All capitalized terms not defined herein have the meanings given to them in the concurrently filed Memorandum in Support of Motion for Second Distribution of Net Settlement Proceeds.

5. The Class List also contains data showing Class Members' purchases during the Class Period from producer Defendants or collected during the previous notice and/or claims process.

6. A.B. Data prepopulated the Claim Forms for each Class Member using the purchase data in its records. The Claim Forms contain a unique ID that could be utilized to file claims online through the Settlement Website. Class Members were permitted to supplement the prepopulated amounts by submitting a Purchase Audit Request Form, along with supporting documentation.

7. Class Members for whom purchase data was not available were able to complete and submit a Purchase Audit Request Form along with supporting documentation.

8. Class Members who filed a claim in earlier settlements or received a payment from the first distribution were not required to submit another Claim Form to be eligible to participate.

APRIL 2024 NOTICE CAMPAIGN

9. The *Declaration Of Eric Schachter In Support Of Direct Purchaser Plaintiffs' Motion For Preliminary Approval Of Settlements With Defendants Foster Farms, Perdue, Case, Claxton, Wayne Farms, Agri Stats, And Sanderson Farms* (ECF No. 7174) ("Schachter Notice Plan Declaration") described the implementation of the Notice Plan to provide notice to Class Members about the settlements and the claims process. Similar to previous notice plans implemented in this Action, this Notice Plan featured a combination of: direct notice by electronic mail ("email") or mail to potential Class Members, print advertising on ProgressiveGrocer.com, MeatPoultry.com, PoultryTimes.com, SupermarketNews.com, Winsightgrocerybusiness.com, FastCasual.com, and ShelbyReport.com, and a toll-free telephone number and case-specific website to address Class Member inquiries.

10. As described in the July 9, 2024 *Declaration Of Eric Schachter In Support Of*

Direct Purchaser Plaintiffs' Motion For Final Approval Of Settlements With Defendants House of Reaford and Kock (ECF No. 7317) describing the implementation of the notice plan described in the Schacter Notice Plan Declaration, on April 1, 2024, A.B. Data mailed the Court-approved Long-Form Notice and either a prepopulated Claim Form (for Class Members for whom purchase information was available) or a blank Purchase Audit Request Form (for Class Members for whom purchase information was not available) (collectively, the "Notice Packet") via U.S. First-Class Mail to 27,060 Class Members (known direct purchasers) identified during the previous notice plans in this litigation. Of these Notice Packets, 370 were returned as undeliverable, subject to an advanced address search with 206 Notice Packets remained to updated addresses.

11. On the same day, the Email Notice, which included a unique ID for online claims filing, was sent to 15,010 email addresses associated with potential Class Members, 9,685 of which were successfully delivered. A.B. Data also caused the Publication Notice to be published in industry publications, and placed banner display advertisements on industry websites.

CLAIM FORM REVIEW

12. Class Members could submit a Claim Form online at the Settlement Website or through the mail. If Class Members filed a claim in the earlier settlements, they were not required to file another claim. Class Members were required to submit their Claim Forms by June 1, 2024.

13. After the filing of the *Declaration of Eric Schachter Regarding Claims Process* (ECF No. 7487-1) ("Schachter Claims Declaration"), A.B. Data located or received a total of 2 additional claims resulting in an updated claim count from 439,370 as reported previously to 439,372. One claim was determined to be valid and payable and one claim was determined to be ineligible.

14. As of February 27, 2026, A.B. Data has received and processed a total of 439,372

claims. Of the 439,372 Claim Forms received, 438,067 were determined to be not payable for various reasons (such as those submitted by non-direct purchasers, excluded parties, and/or internet bots; were duplicative, missing substantive information, incomplete, withdrawn; or had zero dollars in approved purchases).

15. A breakdown of the 1,305 valid and payable claims eligible to receive a distribution from the current Net Settlement Fund and/or redistribution from the prior Settlement Fund are as follows:

(a) There are a total of 1,221 previously paid claims with purchases totaling \$175,311,662,665.07. These claims consist of 1,178 claims with purchases totaling \$175,293,975,821.66 who cashed the check issued in the initial distribution, qualify for both a subsequent redistribution of the prior settlement fund, and are eligible for distribution from the current Net Settlement Fund. The updated recognized loss for these claims is \$175,340,572,834.07. The balance (43 claims) from previously qualified claimants who did not cash the check issued in the initial distribution and therefore do not qualify for a subsequent redistribution of the prior settlement fund, but are eligible for this distribution have purchases totaling \$17,686,843.41. A.B. Data did not receive any update to the recognized loss for these claims.

(b) There are a total of 62 claims from new claimants who agreed with their known purchases and had a recognized loss, totaling \$46,776,123,299.74 in eligible purchases,²

(c) After the execution and filing of the Schachter Claims Declaration, A.B. Data received additional information or otherwise amended 14 of the 22 claims where new

² The additional valid claim referenced in paragraph 13 is contained in this category and results in a change from the 61 claims with a recognized loss of \$46,292,403,881.49 to 62 claims with a recognized loss of \$46,776,123,229.74, resulting in a total increase to the recognized loss amount of \$483,719,348.25, approximately 1% of the recognized loss in this subcategory.

claimants either supplemented or adjusted their known purchases. This resulted in an increase of the recognized losses associated with these claims from \$4,012,553,663.36 as originally reported in the Schacter Claims Declaration to \$6,638,690,161.35, a change of \$2,626,136,497.99.³

PURCHASE AUDIT REQUEST FORM PROCESSING

16. Information from each Purchase Audit Request Form, including the claimant's contact information and listed purchase information, was entered into the case-specific database and matched to known Class Members, if applicable. Purchase data provided by the claimant to support their Purchase Audit Request Form was further reviewed as described below.

17. For Purchase Audit Request Forms that were submitted by claimants who self-identified and for whom no prepopulated data was available, A.B. Data compared the information the claimant provided against Defendants' purchase data to determine if data for that claimant was available. Whether A.B. Data located a match or similar entity, or could not locate a match, A.B. Data escalated these claims to Co-Lead Class Counsel and their data team for confirmation. When a match was confirmed, the claimant's record was updated accordingly in the case-specific database.

THE DEFICIENCY PROCESS

18. A.B. Data reviewed all Claim Forms, Purchase Audit Request Forms, and supporting documents.

19. A.B. Data utilized internal codes ("flags") to identify and classify claims with deficiency or ineligibility conditions. For example, if a claimant did not properly sign a form, the

³ At the time the Schachter Claim Declaration was submitted, recognized loss was calculated based on the approved value of documentation submitted often resulting in lower awards than the defendant data. The updated recognized loss is based on the higher of the defendant data or approved documentation provided.

applicable flag was applied to denote the deficiency. A.B. Data used flags to document missing form information (or facial deficiencies), duplicate claims, Purchase Audit Request Forms with missing documentation, ineligible products, and indirect purchases, among other conditions. Appropriate flags were assigned to these claims and checked several times as they were processed. Also, A.B. Data worked closely with Co-Lead Class Counsel to review deficient and ineligible claims and supporting documentation.

20. Claimants with claims that were determined to have defects were given the opportunity to cure their claims and have the flags removed. The deficiency process involved contacting claimants and responding to communications from these claimants by email and/or telephone. This process was intended to help claimants properly complete their otherwise deficient submissions so they could be eligible to participate in the settlements.

21. If the claims were not cured, the claim was determined to be ineligible for payment from the Net Settlement Fund.

22. Of the total claims processed, A.B. Data initially determined there were 438,067 claims and requests that were deficient because the claim or request:

(a) Did not list the amount purchased of qualifying chicken types on the Purchase Audit Request Form;

(b) Did not provide an authorization letter (if filing as a third-party payor or counsel on behalf of a Class Member);

(c) Did not provide individualized qualifying types of chicken purchases on the Purchase Audit Request Form;

(d) Did not submit any adequate or complete supporting documents with their Purchase Audit Request Form; and/or

(e) Was a duplicate of another claim.

(f) Was submitted by non-direct purchasers and/or internet bots attempting to defraud the claim process.

23. A.B. Data sent emails with deficient (or otherwise inadequate) claims (the “deficiency notices”) to claimants. The deficiency notices provided the reason(s) the claim was deficient, instructions on how the claimant could cure the deficiency(ies), and the deadline to do so. These emails advised claimants that they needed to submit appropriate information and/or documentary evidence to complete their claim or it would be recommended for rejection to the extent that they did not cure the deficiency condition(s).

24. As of November 2024, A.B. Data received 20 submissions from claimants that attempted to cure their deficiencies. A.B. Data carefully reviewed each submission to determine whether it cured the deficiency and validated the record. Sometimes claimants submitted several rounds of documentation to support their claim. When appropriate, A.B. Data conferred with Co-Lead Class Counsel and its data team to determine whether the additional submissions were sufficient to support a given claim. Of the 20 responses, 18 cured their deficiency in whole or in part and 453 deficiencies were not cured or curable.⁴

25. Duplicate claims were initially reviewed and researched before they were determined to be ineligible. When an exact duplicate was identified (for example, where a claim was submitted online to A.B. Data and the original hard copy was sent by mail and received at a later date), it was flagged for rejection. When claims were filed by the same claimant with a standardized name, A.B. Data evaluated the contact information provided by the claimant to

⁴ 2 claims or audits that were not cured and reverted to purchase data and 451 duplicate claims that were rejected see paragraph 46 below.

determine whether the claims were filed by the same entity. If these claimants' addresses were different, A.B. Data reached out to the claimant(s) to determine which claim should "survive" and which should be consolidated and rejected.

26. A.B. Data sent letters via First-Class Mail to claimants and emails to third-party filers whose claims were determined to be ineligible (the "ineligibility notices"). The ineligibility notices provided the reasons a claim was determined to be ineligible, instructions on how the claimant could respond, and the deadline to do so.

27. Claimants' responses to deficiency and ineligibility notices were scanned into the case-specific database and associated with the corresponding claims.

SUPPORTING DOCUMENTS REVIEW/AUDIT

28. A.B. Data reviewed and/or audited all supporting documents submitted with Purchase Audit Request Forms, such as invoices and structured transactional data. Both programmatic and manual reviews were utilized.

29. Specifically, A.B. Data reviewed the supporting purchase information included with each claim to verify if the amount claimed was made for qualifying purchases. A.B. Data methodically reviewed each submission during several rounds and tabulated the purchase data to verify the claimed purchase amounts and verify eligible purchases. After A.B. Data's processing team completed their initial review, claims were again reviewed by a member of A.B. Data's operations team responsible for administration of this matter, and the claims were finally reviewed by A.B. Data's quality assurance team.

30. Claims with documents where qualifying purchases were able to be verified were updated in the case-specific database. When claim submissions showed assignment agreements, assigned purchases were credited to the assignee's claim and debited from the assignor's claim, as

appropriate.

31. Claims could be marked as deficient in whole or in part if the supporting documents included purchases for non-qualifying types of chicken, that were from a distributor or entity that was not a Defendant (or one of its respective subsidiaries or affiliates), that were not made for use or delivery in the United States, and/or were not made during the Class Period.

32. Also, A.B. Data worked closely with Co-Lead Class Counsel to resolve questions about specific purchase data, including whether certain products were eligible, for example, if product descriptions in the claimant's data were unclear. When Co-Lead Class Counsel determined that a claimant had verified purchases, A.B. Data recorded the approved amount in the case-specific database. When Co-Lead Class Counsel determined that the claimed amounts were not proven, the claim was marked as deficient.

33. As noted above, deficiency notices were sent to all claimants whose claims were determined to be deficient.

CLAIM DETERMINATIONS

34. A.B. Data tabulated qualifying purchases for the class periods, excluding Class Members that opted out of the previous settlements and/or certified class accordingly.⁵

35. Through the multi-layered review process described above, A.B. Data has made the following claim determinations. As of the filing of this Motion, there are no outstanding disputes or issues.

Timely Submitted and Valid Claims

36. A.B. Data validated 1,294 claims, in whole or in part, totaling

⁵ As stated in previous A.B. Data declarations, 59 Class Members opted out of the Mar-Jac and Harrison Settlement Classes and 39 Class Members opted out of the Certified Class.

\$185,229,969,279.64 in purchases.

37. There are 1,215 valid claims from the earlier settlements that did not submit a new Purchase Audit Request Form and did not request exclusion from the current settlements. Those claims total \$174,779,807,623.72 in purchases.

38. There are 58 claimants who submitted new claims who agreed with their known purchases, totaling \$4,118,269,172.14 in eligible purchases.

39. There are 21 claimants who submitted validated Purchase Audit Request Forms with approved purchase amounts that differed from their previous claim or did not have a pre-populated Claim Form totaling \$6,331,892,483.78 in purchases.

40. A.B. Data recommends that the above timely submitted and validated claims be approved by the Court.

Late But Otherwise Eligible Claims

41. A total of 11 claims were received or postmarked after June 1, 2024, the claim filing deadline. Of these, 9 were received within two weeks of the claim filing deadline.

42. Of the late claims, there are 10 valid claims from the earlier settlements that did not submit a new Purchase Audit Request Form totaling \$43,218,619,337.95 in purchases.

43. Of the late but otherwise valid claims, there is 1 claimant who submitted a validated Purchase Audit Request Forms with approved purchase amounts that differed from their previous claim or did not have a pre-populated Claim Form. That claim totals \$306,797,677.57 in purchases.

44. These late claims did not delay the claim review process, and A.B. Data recommends that the 11 late and validated claims be approved by the Court.

Total Claims

45. There are a total of 1,305 valid and payable claims, including the late claims

referenced above, totaling \$228,755,386,295.16 in purchases.⁶ A list of Claimant Numbers for claimants with validated claims, and the purchase amounts validated for each claimant and each claim's status as newly submitted or updated, is attached as **Exhibit A**.

Rejected Claims

46. After the responses to deficiency and ineligibility notices were processed and the review and audit process was completed, a total of 438,067 claims remain recommended for rejection by the Court for the following reasons:

- 437,024 claims were submitted by non-direct purchasers and/or internet bots attempting to defraud the claims process;
- 451 were Duplicate Claims;
- 78 were submitted as placeholders with no additional documentation provided;
- 454 were rejected due to not providing complete documentation;
- 58 were Withdrawn Claims; and
- 2 were Claims with no purchases meeting the class definition.

DISTRIBUTION PREPARATION

47. A.B. Data will issue payments to claimants with approved claims promptly after Court approval.

48. A.B. Data recommends that the checks sent to qualified claimants state that they are "Non-Negotiable After 90 Days" and that no check be negotiable more than 120 days after the date of the check. The additional 30 days will allow for bank processing, and a small period of time for individuals who present their checks to the bank after 90 days but the bank continues to accept the check for payment.

ADMINISTRATION EXPENSES

⁶ A.B. Data continues to review claims received and perform advanced quality assurance auditing; therefore, this amount is subject to change.

49. Co-Lead Class Counsel has received invoices detailing the work A.B. Data performed to provide notice, settlement, and claims administration with regard to the settlements with Mar Jac, Harrison Poultry, Mountaire, OK Foods, Simmons, HRF, and Koch. A.B. Data has been paid fees and expenses in the amount of \$623,600.88 through January 31, 2026. To date, A.B. Data has incurred \$5,750.21 in costs in connection with the claims process and distribution, which have not yet been paid. A.B. Data's estimated fees and expenses, including the anticipated cost of completing this distribution, are \$54,000.00.

CONCLUSION

50. A.B. Data respectfully requests that the Court approve its administrative determinations, accepting and rejecting the submitted claims and the proposed distribution plan.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 2nd day of March 2026 in Milwaukee, Wisconsin.



By: Taylor Foulk