

**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

**DIRECT PURCHASER PLAINTIFFS' REPORT REGARDING STATUS OF APPEALS,  
CLAIMS PROCESS, AND UPDATED ACCOUNTING OF MOTION FOR PAYMENT  
OF ATTORNEYS' FEES, REIMBURSEMENT OF LITIGATION EXPENSES, AND  
CLASS REPRESENTATIVE SERVICE AWARDS**

Pursuant to the Supplemental Statement (ECF No. 7825) dated July 25, 2025, the Direct Purchaser Plaintiffs (“DPPs”) respectfully submit this report providing the Court with (1) the status of the appeals of three DPP settlements; (2) the status of the claims process to distribute DPP settlement funds; and (3) an updated accounting of DPPs’ pending Motion for Payment of Attorneys’ Fees, Reimbursement of Litigation Expenses, and Class Representative Service Awards submitted on May 1, 2024 (“Fee Motion,” ECF No. 7232).

**I. THE COURT OF APPEALS HAS AFFIRMED THIS COURT’S FINAL APPROVAL OF ALL THREE SETTLEMENTS AT ISSUE**

In two separate appeals the Restaurant DAPs appealed this Court’s final approval of the Simmons, HRF, and Koch settlements. *See* ECF Nos. 7121 (Simmons), 7357 (HRF and Koch). On April 1, 2025, the Seventh Circuit issued an opinion affirming final approval of the Simmons settlement. *Boston Market Corp., et al. v. Mountainaire Farms, Inc., et al.*, No. 24-1030, Dkt. No. 104 (7th Cir. Apr. 1, 2025). On August 6, 2025, the Seventh Circuit issued an opinion affirming final approval of the HRF and Koch settlements. *Boston Market Corp., et al. v. Koch Foods, Inc., et al.*, No. 24-2422, Dkt. No. 31 (7th Cir. Aug. 6, 2025). The Restaurant DAPs took no further action following the issuance of the opinions, and the deadline to file a further appeal has run.<sup>1</sup>

**II. THE CLAIMS PROCESS IS COMPLETE AND DPPS ARE PREPARED TO DISTRIBUTE THE NET SETTLEMENT PROCEEDS TO QUALIFIED CLAIMANTS**

On March 15, 2024, this Court approved the notice plan and claims process to members of the Direct Purchaser Certified Class. *See* ECF No. 7179. The notice plan provided Class members with direct notice, as well as reasonable publication notice, and included information on (1) how to make a claim, (2) how to get more information, and (3) the relevant deadlines. *See id.*; *see also*

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<sup>1</sup> Co-Lead Class Counsel also received written confirmation from counsel for the Restaurant DAPs that no further action would be taken with regard to the appeals.

ECF No. 7174 (proposed notice). Following the Order, the Claims Administrator, A.B. Data, Ltd., implemented the notice plan and claims process, and notice was disseminated to the members of the Direct Purchaser Class on April 1, 2024. The deadline to submit a claim was June 1, 2024. ECF No. 7179.

Following an automated and manual review to identify duplicate and otherwise ineligible claims, and a manual review of thousands of pages of documentation and accompanying data files from claimants that disagreed with or wished to supplement Defendants' purchase data, the Claims Administrator determined there are 1,272 claims eligible to receive a *pro rata* payment. *See* Declaration of Eric Schachter, ECF No. 7487-1 at ¶¶ 4-7. The claims process is now complete.

Because resolution of the pending Fee Motion is necessary to determine the amount of settlement proceeds to be distributed to qualified claimants, DPPs propose to move for approval of a distribution plan 45 days after the pending Fee Motion is decided.

### **III. UPDATED ACCOUNTING OF THE NET SETTLEMENT FUND AND THE REQUESTED FEES AND LITIGATION EXPENSES**

Co-Lead Class Counsel have directed the settlement administrator and escrow agent to deposit the settlement proceeds for the below listed settlements that are pending distribution to the DPP Class into interest-bearing accounts, which has resulted in over \$10 million in additional settlement proceeds for the benefit of the DPP Class since each settlement was funded into escrow. Interest continues to accrue. As of the filing of this brief, the Net Settlement Fund on which the DPPs propose Class Counsel's fee request should be based is calculated as follows:

	<b>As-Filed Amount</b>	<b>Updated Amount (if applicable)</b>
Mar Jac Settlement Fund	\$7,975,000.00	<i>No Change</i>
Harrison Poultry Settlement Fund	\$3,300,000.00	<i>No Change</i>
Simmons Settlement Fund	\$8,018,991.00	<i>No Change</i>
Mountaire Settlement Fund	\$15,899,826.00	<i>No Change</i>
O.K. Foods Settlement Fund	\$4,856,333.00	<i>No Change</i>
House of Raeford Settlement Fund	\$27,500,000.00	<i>No Change</i>
Koch Settlement Fund	\$47,500,000.00	<i>No Change</i>
<b><u>Total of Settlements at Issue</u></b>	<b><u>\$115,050,150.00</u></b>	<b><u>No Change</u></b>
Interest Earned on the Settlements at Issue	\$2,975,355.20	\$10,883,208.54
Litigation Expenses paid by the Settlements at Issue	(\$6,010,950.20)	(\$9,564,190.13)
<i>Second Expense Reimbursement (ECF No. 7086)</i>	<i>(\$4,469,346.65)</i>	<i>No Change</i>
<i>Pending Expense Reimbursement (ECF No. 7232)</i>	<i>(\$1,029,448.72)</i>	<i>No Change</i>
<i>Claims/Notice Administrator (Paid and Incurred)</i>	<i>(\$407,720.15)</i>	<i>(\$623,600.88)</i>
<i>Escrow Agent Fees</i>	<i>(\$29,000.00)</i>	<i>(\$43,000.00)</i>
<i>Taxes</i>	<i>(\$75,434.68)</i>	<i>(\$3,398,793.88)</i>
Requested Future Litigation Expenses	(\$100,000.00)	<i>No Change</i>
Requested Class Representative Service Awards	(\$75,000.00)	<i>No Change</i>
<b><u>Net Settlement Fund</u></b>	<b><u>\$111,839,555.00</u></b>	<b><u>\$116,194,168.41</u></b>

Because of the appeals noted above, a significant amount of time has passed since the Court approved the settlements listed below, which are the subject of the DPP Fee Motion. Now that the appeals are resolved, this Fee Motion is ripe for resolution. The amount of the requested award (33 1/3% of the Net Settlement Fund) as of the filing of this brief is \$38,731,389.47. Because interest continues to accrue and estimated taxes are due in the beginning of December 2025, DPPs will file a notice with the Court with an updated accounting of the Net Settlement Fund 30 days after the Court's order on the Fee Motion.

Date: November 13, 2025

/s/ Michael H. Pearson

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