

**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 LORRI STAAL IN SUPPORT OF  
DIRECT PURCHASER PLAINTIFFS' MOTION FOR  
FIRST DISTRIBUTION OF NET SETTLEMENT PROCEEDS**

I, Lorri Staal, declare as follows:

1. I am Vice President of Operations of JND Legal Administration (“JND”), the Settlement Administrator appointed by the Court to administer the settlements with Defendants Fieldale, Peco, George’s, Amick, Pilgrim’s, and Tyson. (See ECF Nos. 980 (Fieldale), 3394 (Peco, George’s and Amick), 4259-2 (Pilgrim’s and Tyson)). As Vice President, I help to oversee settlement administrations handled by JND, including this matter.

2. This Declaration describes the implementation of the Settlement Class claims administration process, as described in the Declaration of Jennifer Keough in Support of Direct Purchaser Plaintiffs’ Motion for Preliminary Approval of the Settlements with Defendants Pilgrim’s Pride Corp., Tyson Foods, Inc., Tyson Chicken, Inc., Tyson Breeders, Inc., and Tyson Poultry, Inc., dated February 1, 2021 (ECF No. 4259-2) and in the Declaration of Jennifer Keough in Support of Direct Purchaser Plaintiffs’ Motion for Final Approval of the Settlements with Defendants Pilgrim’s Pride Corp., Tyson Foods, Inc., Tyson Chicken, Inc., Tyson Breeders, Inc., and Tyson Poultry, Inc., dated June 15, 2021 (the “Final Approval Declaration”).<sup>1</sup>

3. This Declaration is based on my personal knowledge and information provided to me by Class Counsel and experienced JND employees working under my supervision. If called on to do so, I could and would testify competently thereto.

**CLASS MEMBER DATA**

4. As described in JND’s prior declarations, in connection with the Settlements with Fieldale, Amick, George’s and Peco, JND worked closely with Class Counsel and their data expert to develop a list of Class members that would receive notice. As further described in the Final

---

<sup>1</sup> All capitalized terms not defined herein have the meanings given to them in the Final Approval Declaration.

Approval Declaration, after significant collaboration, a list comprised of 26,676 unique potential Class members was developed.

5. For the Settlements with Pilgrim's Pride and Tyson, JND uploaded the records for the 26,676 Class members into a new database. JND removed any excluded entities, such as government agencies, and added all persons who had requested notice through the Settlement Website or otherwise. A net total of 2,206 records was added to the prior class list, bringing the number of records of potential Class members in the Pilgrim's Pride and Tyson Settlements to 28,882 (the "Class List").

6. In the course of the litigation, the Producer Defendants produced data (to the extent available) to Class Counsel showing their customers' purchases of affected Broiler products during the Class Period. Using the updated Class List, Class Counsel and their data expert provided JND with this purchase data for each Class member with respect to each of the 21 Producer Defendants and Co-Conspirators. As further explained in the Final Approval Declaration, where Class Counsel's data expert determined that Class member records were related, the records were associated and assigned a "standardized" name and each associated record was assigned the exact same purchase data. Notwithstanding this standardization, each Class member's name and contact information remained as a distinct record in JND's database. Class Counsel's data expert provided purchase data for 11,418 records, which comprised 9,513 unique standardized customer names.

7. Using the purchase data provided by the data expert, JND prepopulated the Claim Forms with each Class member's annual Broilers purchase information during the relevant time periods. The Claim Forms also contained a personal Access Code that could be utilized to file claims online through the Settlement Website. Class members were permitted to challenge the prepopulated amounts by submitting a Purchase Audit Request Form ("Audit Form"), along with

supporting documentation. JND also prepared blank Claim Forms for Class members for whom purchase data was not available.

### **NOTICE CAMPAIGN**

8. As described in the Final Approval Declaration, on March 16, 2021 JND commenced a notice mailing campaign. The mailing consisted of a package containing the Court-approved Long Form Notice and either a prepopulated Claim Form (for Class members for which the data expert provided purchase information) or a blank Claim Form (collectively, the “Notice Packet”). JND mailed Notice Packets to 26,811 potential Class members for whom JND had address information.

9. Also on March 16, 2021, JND commenced an email campaign and sent the Court-approved Email Notice to Class members for whom email addresses were available. The Email Notice included the Class member’s personal Access Code for filing a claim online through the Settlement Website, as further explained below. JND sent a total of 11,996 Email Notices.

10. JND mailed reminder postcards on April 9, 2021 and on April 30, 2021 to potential Class members who, at the time of the mailings, had not filed a claim or exclusion request. The postcards reminded Class members of the May 17, 2021 deadline to request exclusion, object or file a claim.

11. On April 9, 2021, April 30, 2021 and May 10, 2021, JND sent reminder email notices to potential Class members, to the extent JND had valid email addresses. Like the postcard reminder notices, the emails reminded Class members of the upcoming deadlines.

12. In addition to the direct notices, as detailed in the Final Approval Declaration, JND caused the Court-approved Publication Notice to be published in five industry publications.

Further, JND implemented an internet advertising campaign that included banner display advertisements linking to the Settlement Website on seven different industry websites.

### **SETTLEMENT WEBSITE**

13. JND has continued to maintain the Settlement Website, [www.broilerchickenantitrustlitigation.com](http://www.broilerchickenantitrustlitigation.com), which continues to host copies of important case documents related to the Settlements, answers to frequently asked questions, and contact information for Class Counsel and the Settlement Administrator. The website content, along with the Long Form Notice, Claim Form and Audit Form, are available in both English and Spanish.

14. During the claims period, the Settlement Website featured an online Claim Form with document upload capabilities for the submission of Claim Forms and supporting documents, as needed. JND prepopulated the online Claim Form with the Class member's name, contact information and purchase data where possible. Class members were able to access their Claim Form using their personal Access Code (printed on their hard copy Claim Form and in their Email Notice). If the Class member agreed with the purchase information, no further information or documentation had to be submitted and their submission was complete. If they disagreed with the amounts, they were able to complete an Audit Form electronically.

15. As of February 7, 2022, the Settlement Website has tracked a total of 59,540 unique users who registered 227,164 page views.

### **TOLL-FREE INFORMATION LINE AND EMAIL INBOX**

16. JND has continued to maintain the case-specific toll-free number (1-866-552-1178), which individuals may call to obtain information regarding the Settlements. Callers have the opportunity at each stage to speak to a live operator familiar with the Settlements who can respond

to common questions and provide assistance. The line is available 24 hours a day, seven days a week in both English and Spanish. Operators are available during business hours. As of February 7, 2022, the toll-free number has received 1,946 calls.

17. JND has also continued to maintain the informational email inbox, [info@broilerchickenantitrustlitigation.com](mailto:info@broilerchickenantitrustlitigation.com), where individuals are able to contact JND to request information about the Settlements and the claims process. As of February 7, 2022, the case inbox has received 2,891 emails.

### **OBJECTIONS AND EXCLUSIONS**

18. As noted in the Final Approval Declaration, the Notices informed recipients that any Class member who wanted to object to part or all of the proposed Pilgrim's Pride and Tyson Settlements could do so by submitting a written statement on or before May 17, 2021. No objections were received.<sup>2</sup>

19. The Long Form Notice, Mail Notice, Email Notice and Reminder Notices all stated that any Class member who wanted to exclude themselves from the Pilgrim's Pride and Tyson Settlement Classes ("opt out") was required to email or mail a letter to JND so that it was submitted or postmarked by May 17, 2021.

20. JND has received a total of 155 opt-out requests, all of which were timely. Of the 155 opt-out requests, 150 opted out of the Pilgrim's Pride settlement and 154 opted out of the Tyson settlement. The entities that requested to opt out and any named affiliates and assignees were listed in the exhibits to the Order Granting Direct Purchaser Plaintiffs' Motion for Final Approval of the Settlements with Defendants Pilgrim's Pride Corp., Tyson Foods, Inc., Tyson Chicken, Inc., Tyson Breeders, Inc., and Tyson Poultry, Inc., dated June 29, 2021 (ECF No. 4789).

---

<sup>2</sup> Similarly, there were no objections to the Fieldale, Peco, George's or Amick Settlements.

21. All entities that opted out from any of the Settlements were coded accordingly in JND's case database.

### **CLAIM REVIEW**

22. Claim Intake. Class members were able to submit their Claim Forms via mail, email or online through the Settlement Website.

23. As of the date of this Declaration, JND received a total of 2,925 Claim Forms (including claims submitted by Class members requesting audits of their prepopulated data). Of those, 2,852 Claim Forms were submitted timely and 73 Claim Forms were submitted after the May 17, 2021 submission and postmark deadline. Of the 73 late claims, 28 claims were determined to be otherwise valid. Of these, 14 Claim Forms were filed within three days of the filing deadline of May 17, 2021 and all but two Claim Forms were filed by August 3, 2021; one Claim Form was filed in October 2021 and one was filed in November 2021. All of the otherwise valid late claims that were filed after the first week in June 2021 accepted their prepopulated Claim Forms and did not delay the claim review process.

24. Of the Claim Forms submitted, 1,290 accepted the amounts in their prepopulated Claim Forms.<sup>3</sup> In addition, 1,516 Claim Forms were submitted by claimants that self-identified and did not have prepopulated data.

25. In addition to the Claim Forms described above, JND received 119 audit requests, wherein Class members disputed the purchase amounts reflected in their prepopulated Claim forms.

---

<sup>3</sup> The figure for claimants accepting their prepopulated Claim Form includes claimants who accepted the prepopulated data but whose purchase amounts were reduced as a result of assignment agreements pursuant to which they agreed to assign claims for Broiler purchases to other entities.

26. JND carefully reviewed all Claim Forms, Audit Forms and supporting documentation, as described below.

27. Facial review of Claim Forms. Initially, JND reviewed Claim Forms for any facial deficiencies. For example, any Claim Forms missing signatures or other required information were flagged as deficient.

28. JND also programmatically reviewed the claim submissions to identify potentially duplicate claims filed by the same claimant. Where exact duplicates were identified, they were flagged for rejection. Where claims were filed by the same claimant with a standardized name, JND carefully reviewed the address information and other contact information provided by the claimants to determine whether the claims were filed by the same entity. If it was determined that these claimants' addresses were different, the claims were not immediately flagged as duplicates for rejection; rather, additional analysis was undertaken and often additional claimant outreach was required to determine which claim should "survive" and which should be consolidated and rejected.<sup>4</sup> Through this process, JND has rejected 151 claims that are either exact duplicates or were submitted for the same Class member and were consolidated.

29. JND also conducted a review to identify claimants that were ineligible because the claimant was an excluded federal, state or local government entity. All such entities were researched and reviewed with counsel. JND identified 68 claims that were submitted by excluded government entities and those claims were rejected.

---

<sup>4</sup> To the extent that duplicate submissions have not been resolved, JND will continue to work with claimants and, if necessary Class Counsel, to determine which duplicate claim to validate. In the event that a payment is approved for a claimant with a standardized name and an unresolved duplicate claim submission, the payment will be withheld until the situation is resolved. Where more than one claimant with the same standardized name submitted a validated claim, JND counted the total purchase amount only once (as the maximum amount to be paid per standardized claimant), but included every submitted claim in the claim counts herein.

30. JND reviewed claims to identify any claimants that had opted out of any of the Settlements. The names of all claimants were programmatically compared to the opt-out entities coded in JND's database, as described above. For any Settlements from which a claimant opted out, the claimant was further coded to deny the claim as to that Settlement; for Settlements from which the claimant did not opt out (if any), the claim was honored based on Defendants' data. JND received 93 claims from entities that validly opted out of one or more Settlements.

31. Finally, for Claim Forms that were submitted without prepopulated data, JND conducted a programmatic comparison against the purchase data supplied by Class Counsel to determine if data for that claimant had been provided. To the extent JND was uncertain about whether a match should be made to Class data (because of minor name differences, for example), JND requested confirmation from Class Counsel. If a match was confirmed, the Class member's record was updated accordingly in JND's database.

32. Review of Supporting Documents. For claims other than those accepting prepopulated data, JND carefully reviewed all submitted documents, such as invoices and structured transactional data. In its review, JND confirmed that the purchases were for Broiler chicken, as defined in the Settlement Agreements, and were purchases by the claimant directly from a Defendant or Co-Conspirator.

33. Where the documentation indicated that purchases were made from a distributor or otherwise from an entity that was not a Defendant or Co-Conspirator, the claim was flagged as deficient in whole or in part because these would not be qualifying direct purchases. JND also reviewed documentation to confirm that the claimed purchases were eligible purchases for Broiler products during the relevant Class periods. Where claim submissions reflected assignment

agreements, the assigned purchases were carefully credited to the assignee's claim and debited from the assignor's claim, as appropriate.

34. In most cases, the review required both a programmatic review of any transactional purchase data, as well as a manual review of the invoices and any other submitted documentation.

35. For example, many claimants submitted extensive structured data that included both eligible and ineligible purchases, such as beef or seafood products, and/or purchases from entities unrelated to the Settlements. In addition, many submissions included products that were shipped outside the United States, or were halal, kosher or organic and therefore ineligible. Where claimants did not have structured transactional data, they submitted hundreds, or even thousands, of invoices in an effort to evidence their purchases.

36. In every case, JND methodically reviewed each submission, and tabulated the purchase data in order to verify the claimed amounts and to verify that the purchases were eligible. Where the data did not fully support the claimed amount, the claim was flagged as deficient in whole or in part.

37. Each claim submission that provided facially valid supporting documentation received several rounds of review. After an initial review of each submission by JND's processing team, each submission was reviewed again by a senior member of JND's operations team.

38. Further, where a claimant with prepopulated data claimed more purchases than reflected in the prepopulated Claim Form, and where a claimant who had not received a prepopulated Claim Form claimed eligible Broiler purchases, JND reviewed the claim submission in detail with Class Counsel and their data expert to confirm validity. JND also worked closely with Class Counsel to resolve questions about specific purchase data, including whether certain products were eligible, to the extent product descriptions in the claimant's data were unclear.

Where Class Counsel determined that a claimant had proven purchases that were not reflected in prepopulated data, JND recorded the approved amount in its database for this case. Where Class Counsel determined that the claimed amounts were not proven, JND's database was updated accordingly.

39. Deficiency Process. Once an initial review of the claim submissions and audit request submissions had been completed, JND sent deficiency notices to claimants who submitted either new Claim Forms or Audit Forms and whose submissions were determined to be deficient. The notices were sent via email, to the extent we had valid email addresses, or via first-class mail and provided the reason why the claim was deficient.

40. In addition to the deficiency notices, JND had extensive communication with many claimants, in email and phone calls, to explain in detail the nature of the claim deficiency and the information required to validate their claimed amounts. Many of these communications were with senior members of JND's staff.

41. As of the date of this Declaration, JND received approximately 326 submissions from claimants that attempted to cure their deficiencies. JND carefully reviewed each submission, using the same methodical approach described above to determine whether it cured the claim deficiency and validated the full amount of the claim. In many cases, where the initial response did not cure the claim's deficiency, claimants submitted several rounds of documentation to attempt to fully support their claim. JND carefully reviewed each submission and revised claim. Where appropriate, JND conferred with Class Counsel and its data expert to determine whether the additional submissions were sufficient to support a given claim.

42. Once claim amounts were finalized, JND tabulated qualifying purchases in two ways: for the full Class period, from January 1, 2008 to December 20, 2019, and for the Fieldale Class period, from January 1, 2008 to August 18, 2017.

43. Claim Determinations. Through the multi-layered review process described above, JND has made the following claim determinations.

44. JND has rejected 1,703 claims. The most common reasons for rejecting claims were: (i) claimants who did not accept prepopulated data either did not submit any supporting documentation or their submitted documentation was not sufficient to prove any of their claimed purchases; (ii) claimants' supporting documentation indicated that the claimed purchases were not direct and therefore not eligible; or (iv) the claim was submitted by an excluded government entity. The number of rejected claims also includes claims that were withdrawn.

45. JND validated 1,194 timely submitted claims, in whole or in part, totaling \$173,902,421,746.75 in purchases. Of these, 1,091 accepted prepopulated amounts, 52 have validated purchase amounts that differed from their prepopulated Claim Form, and 51 were submitted by claimants that did not receive prepopulated Claim Forms. JND recommends that these timely claims be approved by the Court.

46. In addition, JND received 28 claims that were filed after the May 17, 2021 claim filing deadline but were otherwise valid. As noted above, all but two of these late claims were filed by August 3, 2021 and all otherwise valid late claims filed after the first week in June accepted their prepopulated Claim Forms and did not delay the claim review process. The aggregate amount of the validated purchases of the late claims is \$2,084,171,903.93. JND recommends that the late claims be approved.

47. In sum, a total of 1,222 claims have been validated by JND, including the late claims. The purchases validated in these claims total \$175,986,593,650.68. A list of Claimant Numbers for claimants with validated claims, and the purchase amounts that have been validated for each claimant in each Settlement, is annexed hereto as Exhibit A.

48. After completing its final review of claim submissions, and after review with Class Counsel, JND sent final determination letters to all claimants to advise them of the Settlement Administrator's determinations. There are no outstanding disputes with claimants as to validated claim amounts.

49. In sum, JND has determined the following:

- 1,222 claims were determined to be valid in whole or in part, which total \$175,986,593,650.68 in validated Broiler purchases;<sup>5</sup>
- 1,703 claims were rejected for the following reasons:
  - 1,421 claims were rejected for no supporting documents or insufficient supporting documentation;
  - 151 claims were rejected or consolidated as duplicates;
  - 68 claims were submitted by excluded government entities and rejected;
  - 55 claims were withdrawn; and
  - 8 claims were rejected because the claimant opted out of all the Settlements or assigned all eligible purchases to third parties.

50. Distribution Preparation. JND will issue payments to claimants with approved claims promptly after Court approval.

---

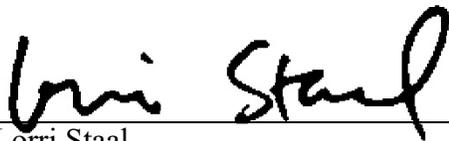
<sup>5</sup> These figures include the late claims described above.

51. JND recommends that the checks disbursed to qualified claimants bear the notation “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.

52. Through the date of this Declaration, JND has provided to Class Counsel invoices detailing the fees and expenses it has incurred to administer all the Settlements and the claims process, totaling \$1,165,597.10. To date, JND has been paid in full on its invoices. JND’s aggregate fees and expenses, including the anticipated cost of completing this initial distribution, are \$1,365,597.10.

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

Executed February 9, 2022, at Seattle, Washington.

By:   
Lorri Staal