

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE: CATTLE AND BEEF ANTITRUST
LITIGATION

MDL No. 22-3031 (JRT/JFD)

This Document Relates To:

THE DIRECT PURCHASER PLAINTIFF
ACTION

**AMENDED ORDER GRANTING DIRECT
PURCHASER PLAINTIFFS' MOTION FOR
APPROVAL OF NOTICE PLAN AND
CLAIMS PROCESS**

The Court, having reviewed the Motion for Approval of Notice Plan and Claims Process ("Motion," Docket No. 353), its accompanying memorandum and the declarations in support thereof, and the file, **HEREBY ORDERS:**

1. The Court previously granted final approval of the settlement between the Direct Purchaser Plaintiffs and Defendants JBS S.A., JBS USA Food Company, Swift Beef Company, and JBS Packerland, Inc. (collectively, "JBS") on August 31, 2022 (Case No. 20-1319, Docket No. 641).¹

¹ See *also* Amended Order Granting Direct Purchaser Plaintiffs' Motion for Final Approval of Class Action Settlement with JBS Defendants (Docket No. 254). In footnote 2 of that Amended Order, the Court noted: "The original list of entities seeking exclusion (Exhibit F to the Schachter Declaration) erroneously listed an unaffiliated entity. The Exhibit has been corrected, and the amended Exhibit F is attached as Corrected Exhibit F to the Corrected Schachter Declaration."

2. The Court directed that notice to the Settlement Class be disseminated by Claims Administrator A.B. Data (Case No. 20-1319, Docket Nos. 373, 494) pursuant to Federal Rules of Civil Procedure 23(c)(2) and 23(e).

3. The proposed notice plan, along with the proposed claim form, set forth in the Motion and the supporting declaration is substantially similar to the previously approved plans and complies with Rule 23 as the proposed notice plan constitutes the best notice that is practicable under the circumstances, including individual notice via mail and email to all members who can be identified through reasonable effort. The direct mail and email notice will be supported by reasonable publication notice to reach potential members of the Settlement Class who could not be individually identified.

4. The proposed notice documents: Long Form Notice (Exhibit B to the Schachter Declaration), Short-Form or “Email Notice” (Exhibit C to the Schachter Declaration), and Publication Notice (Exhibits C and D to the Schachter Declaration), Claim Forms (Exhibit E to the Schachter Declaration), and Purchase Audit Request Form (Exhibit F to the Schachter Declaration), and their manner of transmission, comply with Rule 23 and are approved. Non-substantive changes, such as typographical errors, can be made to the notice documents by agreement of the parties without leave of the Court.

5. The Court orders the below schedule for the dissemination of notice to the class, timing for Co-Lead Counsel to bring a motion for an award of attorneys’ fees and service awards, for Settlement Class members to object, and for the Court’s hearing

regarding the same. The Court may order the hearing to be postponed, adjourned, or continued. If that occurs, the updated hearing date shall be posted on the Settlement Website, but other than the website posting, the Parties will not be required to provide any additional notice to Settlement Class members. The hearing may take place remotely, including via telephone or video conference.

<u>DATE</u>	<u>EVENT</u>
01/02/2024	Settlement Administrator to provide direct mail, email notice, and claim forms, and commence the publication notice plan.
01/30/2024	Direct Purchaser Plaintiffs (“DPP”) to file their Motion for Interim Payment of Attorneys’ Fees and Service Awards.
03/04/2024	Last day for Settlement Class members to file claims, object to the Motion for Interim Payment of Attorneys’ Fees and Service Awards, and file notices to appear at a hearing.
March 18, 2024	DPPs to update the Court Regarding the Status of the Claims Process and respond to any objections to the Motion for Interim Payment of Attorneys’ Fees and Service Awards.
April 1, 2024 at 10:00 a.m.	Hearing Regarding Status of Claims Process and DPPs’ Motion for Interim Payment of Attorneys’ Fees and Service Awards.

DATED: November 17, 2023
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge