

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

IN RE CATTLE AND BEEF  
ANTITRUST LITIGATION

Case No. 0:20-cv-1319 (JRT/HB)

This Document Relates To:

IN RE DPP BEEF LITIGATION

**DECLARATION OF ERIC SCHACHTER IN SUPPORT OF MOTION FOR  
FINAL APPROVAL OF THE CLASS ACTION SETTLEMENT BETWEEN  
DIRECT PURCHASER PLAINTIFFS AND THE JBS DEFENDANTS**

I, Eric Schachter, declare as follows:

1. I am a Vice President of A.B. Data, Ltd.'s Class Action Administration Division ("A.B. Data"). Pursuant to the Court's March 31, 2022, Amended Order preliminarily approving the Settlement with JBS S.A., JBS USA Food Company, Swift Beef Company, and JBS Packerland, Inc. (collectively, "JBS") (ECF No. 494, the "Preliminary Approval Order"), A.B. Data was authorized to act as the Settlement Administrator in the above-captioned action (the "Action"). I am over 21 years of age and am not a party to this Action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. This Declaration describes the implementation of notice to the Settlement Class.

**DIRECT NOTICE**

3. On or about March 23, 2022, various Defendants began to provide A.B. Data with lists of potential Settlement Class members and their contact information for purposes of providing direct mail notice to the Settlement Class. A.B. Data received data files from five Defendants with the names and contact information of 5,916 potential Settlement Class members. A.B. Data electronically processed, consolidated, and deduplicated the data, which ultimately resulted in 4,638 unique potential Settlement Class member records to use for direct notice.

4. Prior to commencing direct notice, A.B. Data standardized and updated, where applicable, the potential Settlement Class member mailing addresses using data from the United States Postal Service (“USPS”) National Change of Address Database. As a result of this work, beginning on May 10, 2022, A.B. Data caused the Court-approved Long-Form Notice to be sent by USPS First-Class Mail to the 4,638 potential Settlement Class member mailing addresses. A true and correct copy of the Long-Form Notice is attached to this Declaration as **Exhibit A**.

5. As of the date of this Declaration, A.B. Data has tracked 527 Long-Form Notices to be undeliverable as addressed. Of these, 339 Long-Form Notices have been remailed to updated addresses obtained through the USPS, an authorized representative of the intended recipient, or third-party information services to which we subscribe.

6. On May 10, 2022, A.B. Data additionally caused the Email Notice to be sent by email to 1,174 email addresses contained within the potential Settlement Class member data files provided by Defendants. To maximize deliverability, A.B. Data used certain best

practices, such as avoiding attachments and certain key words likely to trigger SPAM and junk filters and sending the emails in batches over a period of days. Of the 1,174 emails sent, 1,099 were successfully delivered. A true and correct copy of the Email Notice is attached as **Exhibit B**.

### **MEDIA NOTICE**

7. To supplement direct notice efforts, A.B. Data caused the Short-Form Notice to be published in the June 2022 editions of *Supermarket News* and *Nation's Restaurant News*, trade journals targeting supply chain executives and food industry professionals. A true and correct copy of the Short-Form Notice as it appeared in each publication is attached as **Exhibit C**.

8. A.B. Data also effectuated a thirty-day digital media banner ad campaign on [www.supermarketnews.com](http://www.supermarketnews.com) and [www.nrn.com](http://www.nrn.com), running from May 16, 2022, through June 14, 2022. A true and correct copy of the digital ads are attached as **Exhibit D**.

9. A.B. Data also caused a news release to be disseminated via the *PR Newswire* distribution service, which distributes to more than 10,000 newsrooms, including print, broadcast, and digital media, across the United States. A true and correct copy of the release is attached as **Exhibit E**.

10. The Long-Form Notice, Email Notice and Short-Form Notice were written in plain language that clearly and concisely described, among other things: the definition of the Settlement Class; the binding effects of remaining part of the Settlement Class; the Settlement benefits; Co-Lead Counsel's contact information; and the costs and fees that Co-Lead Counsel would seek to be paid from the Settlement fund. The Long-Form Notice

also specifically stated that Co-Lead Counsel are asking the Court to award \$5 million from the Settlement fund to establish a Litigation Fund to pay for current and ongoing costs.

### **SETTLEMENT WEBSITE**

11. On May 10, 2022, A.B. Data established a case-specific Settlement website, [www.BeefDirectPurchaserSettlement.com](http://www.BeefDirectPurchaserSettlement.com). The website provides: general information in English and Spanish regarding the case and its current status; the ability for potential Settlement Class members to register their contact information for future updates; and downloadable copies of the notice documents, the Settlement Agreement, the Preliminary Approval Order, and the operative Complaint. The website is accessible 24 hours a day, 7 days a week.

### **TELEPHONE HELPLINE**

12. On May 10, 2022, A.B. Data established a case-specific toll-free phone number, 877-331-0717, with an Interactive Voice Response system and live operators in both English and Spanish. An automated attendant answers all calls initially and presents callers with a series of choices to respond to basic questions. If callers need further help, they have the option to be transferred to an operator during business hours.

### **EXCLUSIONS**

13. The Long-Form Notice informed potential Settlement Class members that requests for exclusion were to be submitted to A.B. Data by mail postmarked no later than June 24, 2022. As of the date of this Declaration, A.B. Data has received 106 requests for exclusion, many of which included various affiliated entities and partial assignments. All 106 requests were received on or before the June 24, 2022, deadline and met all

requirements set forth in the Long-Form Notice. The list of all entities (inclusive of affiliated entities) that requested exclusion is attached as **Exhibit F**.

14. Of the 106 requests for exclusion, 25 requestors included documentation showing claims partially assigned to them by other potential Settlement Class members. The current list of the requests with partial assignments is attached as **Exhibit G**.

### **OBJECTIONS**

15. The Long-Form Notice informed potential Settlement Class members seeking to object to part or all of the proposed Settlement that they could do so by submitting a written request to the Parties and the Settlement Administrator no later than June 24, 2022. As of the date of this Declaration, A.B. Data has not directly received any objections.

### **CONCLUSION**

16. It is my opinion, based on my individual expertise and experience and that of my A.B. Data colleagues, that the notice process described herein effectively reached potential Settlement Class members, delivered plain language notices designed to capture potential Settlement Class members' attention, and provided them with the information in an informative and easy to understand manner that is necessary to effectively understand their rights and options. For these reasons, in my opinion, notice satisfied the requirements of Rule 23 and due process.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 22<sup>nd</sup> day of July 2022.

*/s/ Eric Schachter*  
Eric Schachter