

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE CATTLE AND BEEF ANTITRUST
LITIGATION

Case No. 0:22-md-03031-JRT-JFD

This Document Relates To:
IN RE DPP BEEF LITIGATION

**DIRECT PURCHASER PLAINTIFFS' MEMORANDUM IN SUPPORT OF
AMENDED MOTION TO DISTRIBUTE NET SETTLEMENT PROCEEDS**

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I. INTRODUCTION

The Direct Purchaser Plaintiffs (“DPPs”) hereby seek the Court’s approval of their proposed plan to distribute the \$31,634,955.51 Net Settlement Fund¹ to qualified claimants. The Motion and the plan of distribution are pursuant to the terms and conditions of the Settlement Agreement in this case with Defendants JBS, S.A., JBS USA Food Company, Swift Beef Company, and JBS Packerland, Inc. (collectively, “JBS”) and the Plan of Allocation approved by this Court.²

DPPs propose that the Court order that the Net Settlement Fund be distributed on a *pro rata* basis pursuant to the portion of approved eligible Beef purchases of Class Members who have filed valid claims. The *pro rata* distribution in this case was described in the long form class notice and claim form which have already been approved by the Court and sent to Class Members. The long form notice stated Settlement monies will be “distributed to Settlement Class Members who submit a timely and valid Claim Form and who have not excluded themselves from the Settlement on a *pro rata* basis pursuant to their verified Beef purchases during the Settlement Class Period.” ECF No. 356-1 Ex. B.

¹ The term “Settlement Fund” refers to the \$52,500,000.00 paid by JBS into the escrow account. The term “Net Settlement Fund” refers to the Settlement Fund plus accrued interest and minus (i) the costs of settlement administration and escrow, and (ii) the funds paid into DPPs’ litigation expense fund (*See* ECF No. 640); and (iii) the attorneys’ fees, litigation expenses, and class representative incentive awards already distributed to Co-Lead Counsel (*See* ECF No. 705). As more fully set forth in Section II.B, *infra*, the Net Settlement Fund equals \$31,634,955.51. *See* Declaration of Michelle J. Looby in Support of Motion (“Looby Decl.”) at ¶ 2.

² This Court granted final approval of the DPPs’ settlement with JBS on August 31, 2022. Case No. 20-1319, ECF No. 641; *amended* May 16, 2023, Case No. 22-3031, ECF No. 254.

The Court-appointed Settlement Administrator, A.B. Data, Ltd., (“A.B. Data”) in consultation with Co-Lead Counsel,³ disseminated notice to the Settlement Class (as defined in the Settlement Agreements), diligently processed 398,129 claims, and determined each claimant’s eligibility. *See generally* Declaration of Brian Devery in Support of Direct Purchaser Plaintiffs’ Motion to Distribute Net Settlement Funds (“Devery Decl.”).⁴ All Defendants provided A.B. Data with data showing their sales to DPP Class Members of Beef during the Class Period, and thus A.B. Data was able to provide Class Members with a pre-populated claim form showing the amount of that Class Member’s purchases as reflected in Defendants’ sales data. *Id.* ¶ 12. Class Members were given an option to agree to the pre-populated purchase data or supplement their Claim Form with additional purchases evidenced by supporting documentation. *Id.* ¶ 29. As a result, there was significant participation in the claims process by Class Members. 541 claims have been vetted and approved by A.B. Data and DPP Co-Lead Counsel and are now recommended for approval.⁵ This represents a 40.2% claims rate based on known class

³ The Court appointed Cotchett, Pitre & McCarthy LLP, Gustafson Gluek PLLC, Hartley LLP, and Hausfeld LLP as Interim Co-Lead Counsel at the outset of the litigation. Case No. 20-cv-1319, ECF No. 408. The Court reaffirmed these appointments in approving the JBS Settlement. Case No. 20-cv-1319, ECF No. 373 at 3; *amended* Case No. 20-cv-1319, ECF No. 494 at 3.

⁴ As described in the Devery Declaration, the vast majority of these claims were suspected bot activity and were rejected as part of the auditing and deficiency process. *See* Devery Decl. ¶ 25 fn. 2.

⁵ A.B. Data reviewed and rejected 397,588 claims (including a large number of suspected bot activity and fraudulent claims, claims that failed to provide required information, claims from non-Settlement Class Members or ineligible claimants, or duplicate claims) as more fully set forth in Section III.A below. Devery Decl. ¶¶ 34-38, 55-69.

members reflected in Defendant data. *Id.* ¶ 69. These claims will be paid promptly upon approval by the Court of this Motion. This distribution process is more fully described in Section II.B, *infra*.

II. BACKGROUND

This Court granted preliminary approval of DPPs’ settlement with JBS on February 24, 2022. Case No. 20-cv-1319, ECF No. 373; *amended at* ECF No. 494. In that order, this Court approved the notice process and appointed A.B. Data as the Claims Administrator. *Id.* at 3. Beginning on May 10, 2022, A.B. Data caused notice packets containing the long- and short-form notices to be sent to potential Class Members. (Corrected Declaration of Eric Schachter in Support of Motion for Final Approval of the Class Action Settlement Between Direct Purchaser Plaintiffs and the JBS Defendants, ECF No. 653 (“Schachter Final Approval Decl.”) ¶ 4. Because Co-Lead Counsel did not intend to immediately distribute the funds to Class Members, this initial notice of Settlement did not include claims forms or a description of the plan of allocation. *See Ex. A to Schachter Final Approval Decl.* at 4-5. There were no objections to the JBS settlement and this Court granted final approval on August 31, 2022. Case No. 20-1319, ECF No. 641; *amended at* Case No. 22-3031, ECF No. 254.

On May 25, 2022, DPPs filed a motion to establish a \$5 million litigation expense fund out of the JBS Settlement Fund. ECF No. 557. On August 31, 2022, this Court granted that motion. ECF No. 640.

On September 23, 2023, DPPs moved for approval of notice plan and claims process, stating that DPPs had “obtained sufficient structured sales data from all

Defendants to proceed with informed distribution of the Settlement funds.” ECF Nos. 353, 355 at 1. This Court granted that motion on November 17, 2023. ECF No. 441. On March 18, 2024, DPPs submitted a status update regarding the notice program and claims process. ECF No. 605.

On January 30, 2024, DPPs moved for interim payment of attorneys’ fees and service awards. ECF No. 538. This Court granted that motion on June 11, 2024, awarding DPP Co-Lead Counsel an interim fee award of one-third of the settlement fund, including interest, which totals \$17,500,000 plus interest. ECF No. 705.

In sum, DPP Co-Lead Counsel’s vigorous prosecution has resulted in the creation of a Net Settlement fund of \$31,634,955.51, and the Claims Administrator has carried out successful and robust claims and notice processes. Accordingly, DPPs respectfully request distribution of the Net Settlement Fund to qualified claimants.

DPPs initially filed this motion on December 19, 2025. *See* ECF Nos. 1495-1501. After filing, DPPs were made aware of additional information impacting the claims calculations and withdrew the motion. ECF No. 1509; *see* Devery Decl. ¶¶ 50-54.

A. Claims Administration

As detailed in the Devery Declaration, the DPPs’ claims process was robust and carried out with significant Class Member participation.

1. The Court-Approved Claims Process was Successfully Executed

Beginning on January 2, 2024, A.B. Data caused notice packets and claims forms to be sent to potential Class Members. Devery Decl. ¶ 9-10; *see also* Declaration of Eric Schachter in Support of DPPs’ Motion for Approval of Notice Plan and Claims Process,

ECF No. 356 (“Schachter Claims Process Decl.”). This consisted of A.B. Data sending direct notice via mail and email. Schachter Claims Process Decl. ¶¶ 7-10. A.B. Data also provided publication notice in industry trade journals, as digital media banners on those journals’ websites, and as a news release via the *PR Newswire* distribution service. *Id.* ¶¶ 11-12. Finally, A.B. Data created a dedicated settlement website and toll-free phone number that included information regarding the settlement and claims process. *Id.* ¶¶ 14-16.

The claim forms included calculated amounts for each Class Member’s Beef⁶ purchases to the extent such data was produced during discovery in this action. Devery Decl. ¶ 7. All Class Members were given an option to agree to the pre-populated purchase data or supplement their Claim Form with additional purchases evidenced by supporting documentation. *Id.* ¶¶ 7, 29-31.

2. A.B. Data Verified Each Claim was Valid and Accurate

To ensure that all claims were proper and accurate, A.B. Data: (1) identified all duplicative claims; (2) audited and consolidated claims filed by different entities for the same Class member; (3) identified any claims that were deficient on their face; (4) reviewed and audited any claims submitted by self-identified claimants without pre-populated data; (5) reviewed and audited any claims for which a purchase audit request was submitted (*i.e.*,

⁶ For purposes of the JBS settlement, eligible claimants are “All persons and entities who, from January 1, 2015, through February 10, 2022, purchased for use or delivery in the United States, directly from any of the Defendants or their respective subsidiaries and affiliates, boxed or case-ready beef processed from Fed Cattle, excluding ground beef made from culled cows.” *See* Ex. B to Schachter Claims Process Decl. at 4.

where the claimant disputed the pre-populated claim form amount); (5) identified any ineligible product purchases claimed; and (6) identified and excluded any claims based on indirect purchases. *Id.* ¶¶ 34-42. A.B. Data also worked with Co-Lead Class Counsel to ensure that all claims were accurate. *Id.* ¶ 42. The claim review process is described in greater detail below and in the supporting Devery Declaration.

A.B. Data reviewed the claim submissions to identify potentially duplicate claims filed for the same Class member. Exact duplicates were consolidated. Where multiple claims were filed by different entities on behalf of the same Class member, the claims were further analyzed and, in many cases, additional outreach was performed to determine which claim(s) should be accepted or rejected. *Id.* ¶ 38.

Claim Forms were also reviewed for any facial deficiencies, including missing signatures or other required information. *Id.* ¶ 35. All such claims were flagged as deficient. *Id.*

Where Claim Forms were submitted by self-identified entities who did not have prepopulated data, A.B. Data worked with Co-Lead Class Counsel to determine whether the claimant could be matched to Class purchase data. If a match was confirmed, the Class member's record was updated accordingly in A.B. Data's database. *Id.* ¶ 33.

For claims other than those accepting pre-populated data, where supporting documentation was not submitted, the claims were flagged as deficient. Where documentation was submitted, A.B. Data carefully reviewed all submissions, including invoices and structured transactional data, to ensure that only eligible direct Beef purchases

were validated. If the documentation was not sufficient to prove the eligibility of claimed purchases, the claim was categorized as deficient. *Id.* ¶ 39-42.

The Court-approved notice plan required all claims to be submitted by March 4, 2024. ECF No. 441 at 3. A.B. Data received 10 claims after the March 4, 2024, deadline, but processing those claims did not cause any delay in the overall claims administration. Devery Decl. ¶ 63-68. As a result, A.B. Data recommends, and Co-Lead Counsel concur, that all late claims, perfected claims, and all corrective correspondence received by September 4, 2024, be accepted and claims paid. *Id.* ¶ 68; Looby Decl. ¶ 3.

A.B. Data's claim review was methodical and detailed.⁷ Each claim submission that provided facially valid supporting documentation received several rounds of review by A.B. Data staff to ensure accuracy. Claims based on purchases not made directly from a Defendant or Co-Conspirator were rejected. Claims filed by excluded government entities were rejected as ineligible. Devery Decl. ¶ 36-37. Claims based on purchases of ineligible products or purchases made outside the United States were rejected as non-qualifying.⁸ Where claims reflected assignment agreements between Class members and another entity, the assigned purchases were carefully credited to the assignee's claim and debited from the assignor's claim, as appropriate. *Id.* ¶ 41. This same review process was used to review purchase audit requests, when a claimant disputed the pre-populated purchase amount.

⁷ As described in DPP's March 18, 2024, Status Update, not only was this review time intensive due to it being the first settlement of any kind in this litigation, but the review also included filtering millions of claims that were suspected bot activity. ECF No. 605 at 2, fn.2.

⁸ DPPs elected to pay a percentage of ground beef purchases. *See* Devery Decl. ¶ 53.

Finally, A.B. Data reviewed claims to identify any claimants who had opted out of the Settlement. Such claims were processed to ensure these claimants would not receive a distribution from this Settlement. *Id.* ¶ 56.

A.B. Data received and processed a total of 398,129 claim forms from potential Class members. *Id.* ¶ 25. The vast majority of these claims were suspected fraud because they provided no defendant data and no proof of inclusion in the class. Nonetheless, A.B. Data notified each of these claimants of the deficiencies and gave them an opportunity to cure the same. Virtually none of the suspected fraudulent claimants attempted to cure their claims, and A.B. Data accordingly recommends that those claims be denied. Additionally, after auditing the claims received, A.B. Data identified and rejected 69 Claim Forms and 107 Audit Request Forms as duplicative of a previously filed claim and were consolidated. *Id.* ¶ 37. Further, 2 Claims Forms and 5 Audit Request Forms have been withdrawn by the filer, and 9 Claims Forms were fraudulent. *Id.* Altogether, A.B. Data recommends that a total of 397,588 claims (including the vast majority bot activity, and including withdrawn claims) be denied for the reasons described in detail herein. *Id.* ¶ 55. A total of 541 valid claims remain with Beef purchases totaling \$81,450,995,674.27. *Id.* ¶ 69.

3. The Audit Process was Thorough

Where a claimant either did not have a pre-populated claim form, or disagreed with their pre-populated purchase data, A.B. Data reviewed the claim submission in detail with the help of Co-Lead Class Counsel and their data team to confirm validity. *Id.* ¶¶ 32-33, 39-42. 228 claimants submitted purchase audit request forms or otherwise disputed the amounts reflected in their pre-populated Claim Forms. *Id.* ¶ 25.

When addressing any claim modifications, deficiencies, and/or purchase audit requests, A.B. Data provided notice to the affected Class members and, if necessary, Co-Lead Class Counsel, and gave the claimant an opportunity to cure any deficiencies. *Id.* ¶¶ 43-49. A.B. Data investigated and handled each issue on an individual basis and resolved it in a timely manner. *Id.*; *see also* Looby Decl. ¶¶ 4-5. As of the filing of this Motion, Class Counsel is not aware of any outstanding disputes with Class Members' claims. Looby Decl. ¶ 5.

4. Administration Costs

A.B. Data has provided to Co-Lead Counsel invoices detailing the fees and expenses it has incurred to administer the notice and claims of the DPP Class Members. *See* Looby Decl. at ¶ 7. In approving the JBS Settlement, the Court approved the payment of the costs of administration, pursuant to which Co-Lead Counsel have already paid from the \$5,000,000.00 Litigation Fund \$94,655.30 to A.B. Data for the notice and administration of the Settlement. *Id.*; Devery Decl. ¶ 71. A.B. Data has incurred \$413,481.86 in additional expenses and estimates that it will incur an additional \$41,353.53 to complete this distribution. *Id.* If the actual amount is less than this anticipated amount, the difference will be credited for the benefit of the class.

B. Distribution of Net Settlement Fund

JBS has paid \$52,500,000.00 into the Settlement Fund. Looby Decl. ¶ 2. This money has been earning interest since deposited. *Id.* The Net Settlement Fund equals \$31,634,955.51. An accounting of the Net Settlement Fund as of the date of this Motion, is as follows:

Description		Amount
Funding by JBS	+	\$52,500,000.00
Gross Settlement Fund	=	\$52,500,000.00
Earned Interest	+	\$5,028,960.44
Escrow Fees	-	\$0.00
Taxes Paid from Escrow Account	-	\$1,898,887.00
Claims Administration Costs	-	\$413,481.86
Court-Approved Attorneys' Fees (Paid, <i>see</i> ECF No. 705) ⁹	-	\$18,495,282.54
Litigation Fund (Paid, <i>see</i> ECF No. 640)	-	\$5,000,000.00
Court-Approved Class Representative Incentive Awards (Paid, <i>see</i> ECF No. 705)	-	\$45,000.00
Anticipated Escrow Fees Through Distribution	-	\$0.00
Anticipated Claims Administration Costs Through Distribution ¹⁰	-	\$41,353.53
Net Settlement Fund	=	\$31,634,955.51

See id. ¶ 2. Co-Lead Class Counsel expect that the Net Settlement Fund may be impacted by additional taxes and interest between the date of this motion and the end of distribution. DPPs will include the final Net Settlement Fund amount in its status report to the Court after the conclusion of distribution (described *infra*).

1. Calculation of *Pro Rata* Share

Using the Net Settlement Fund available for distribution after setting aside all Court-approved fees and expenses, A.B. Data will calculate the final *pro rata* payment amount for each Authorized Claimant based on each Authorized Claimant's eligible purchases of

⁹ This includes accrued interest. *See* ECF No. 705 at 7.

¹⁰ *See* Section III.C.I. If the actual amount is less than this anticipated amount, the difference will be credited for the benefit of the class.

Beef as compared to the total eligible purchases for all Authorized Claimants. Devery Decl. ¶ 70(b).

A.B. Data will implement a minimum payment amount of \$250 such that any eligible claimant with a *pro rata* share of less than \$250 will receive a \$250 payment. *Id.* A.B. Data estimates that 106 eligible claimants will receive this minimum amount. Implementing a minimum payment amount will have a *de minimus* effect on other eligible claimants. *Id.* In cases of this size, it is typical to do a minimum payment. *Id.*; *In re Broiler Chicken Antitrust Litig.*, Case No. 1:16-cv-08637, ECF No. 7134 (N.D. Ill. Jan. 10, 2024) (granting motion for disbursement of settlement funds including \$100 minimum payment for eligible claimants); *see also Precision Assoc's, Inc., et al. v. Panalpina World Transport (Holding) Ltd., et al.*, Case No. 1:08-cv-00042-MBC-PK, ECF No. 1535 (E.D.N.Y. April 5, 2019) (same).

2. Distribution of Payments

Upon entry of an Order approving the distribution set forth herein or as modified by the Court, within 21 days the Escrow Agent¹¹ will transfer the Net Settlement Fund to A.B. Data, and A.B. Data will promptly issue payment of each qualified claimant's *pro rata* share by mailing payments to authorized claimants at the address indicated on their claim form. For any payment above \$100,000.00, A.B. Data will contact the qualified claimant and arrange payment via wire transfer or some other trackable method. Devery Decl. ¶ 70(c). In addition, A.B. Data will file any tax returns and pay any taxes due from the

¹¹ Co-Lead Counsel selected Huntington Bank as Escrow Agent.

Settlement Fund. A.B. Data recommends (and Co-Lead Class Counsel concur) 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. *Id.* ¶ 70(d)-(e). The additional 30 days will allow for bank processing and a small extension of time for individuals who present their checks to the bank after 90 days but the bank continues to accept the check for payment. *Id.*

DPPs will file a report with the Court 30 days after the 120 days of negotiability advising the Court regarding the status of the distribution and propose a plan for any funds remaining in the Net Settlement Fund. If the Court believes a hearing on the status of distribution is appropriate at that time, DPPs are happy to oblige.

III. ARGUMENT

In antitrust cases such as this, many courts, including in this District, have approved settlement distributions that apportion available settlement funds on a *pro rata* basis to class members with qualified claims, without favoring any single or group of class members over another. *See, e.g., In re Pork Antitrust Litig.*, No. 18-1776 (JRT/JFD), ECF No. 2015 (Order Granting Direct Purchaser Plaintiffs’ Motion for First Distribution of Net Settlement Proceeds) (D. Minn. Aug. 25, 2023); *In re Brand Name Prescription Drugs Antitrust Litig.*, No. 94 C 897, 1999 WL 639173, *4 (N.D. Ill. Aug. 17, 1999) (“We note that courts have utilized the pro rata distribution method in several prior price-fixing class actions We think this method will provide the most accurate measure of the damages suffered by each class member and, for this reason, we endorse the pro rata distribution method.”); *In re Wholesale Grocery Prod. Antitrust*, No. 09-MD-02090 ADM/TNL, 2018

WL 11424046, at *1 (D. Minn. Feb. 7, 2018); *In re Potash Antitrust Litig.*, MDL No. 1996, ECF. No. 610 (Order Approving Plan of Distribution of the Settlement Fund) (N.D. Ill Jul. 18, 2014); *see also* 4 Alba Conte & Herbert Newberg, *Newberg on Class Actions*, § 12.10 (4th ed. 2002).

The *pro rata* distribution in this case was described in the long form class notice, claim form and Plan of Allocation which have already been approved by the Court and sent to Class members. ECF No. 441. The long form notice stated Settlement monies will be “distributed to Settlement Class Members who submit a timely and valid Claim Form and who have not excluded themselves from the Settlement on a *pro rata* basis pursuant to their verified Beef purchases during the Settlement Class Period.” ECF No. 356-1 Ex. B.

A. The Court Should Approve the Recommendations of the Claims Administrator and Co-Lead Counsel Concerning Acceptance or Rejection of Claims

As detailed *supra*, A.B. Data has performed a diligent, thorough review of all claim forms. *See* Section II.A.1-2 *supra*; Devery Decl. ¶¶ 24-49. Based on this process, A.B. Data has determined (and Co-Lead Counsel concurs) that there are 541 eligible claims to be paid according to the proposed plan of distribution. *See* Exhibit B to Devery Decl.

A.B. Data reviewed and rejected 397,588 claims. *Id.* ¶ 55. As noted *supra*, the vast majority of these claims were suspected fraud because they did not provide any defendant data or proof of their inclusion in the class. After notifying these claimants of the deficiencies, most did not attempt to cure the deficiencies and their claims were accordingly denied. Of the legitimate claims made, the most common reasons for rejecting claims were (i) claimants did not provide information required on the Claim Form; (ii)

claimants did not purchase a qualifying beef product; (iii) claimant was a non-Settlement Class Member; and (iv) the claim was duplicative. *See id.* Co-Lead Counsel agrees with A.B. Data's determinations, and proposes that the Court approve A.B. Data's determinations concerning the denial of ineligible claims and the payment of eligible claims. Looby Decl. ¶ 6.

B. Late Claims that Are Otherwise Valid Should be Paid

The Court has discretion to allow claims that are processed after the claims deadline. *In re Pork Antitrust Litig.*, No. 18-1776 (JRT/JFD), ECF No. 2015 (Order Granting Direct Purchaser Plaintiffs' Motion for First Distribution of Net Settlement Proceeds) (D. Minn. Aug. 25, 2023) (approving distribution of settlement funds, *inter alia*, to claims processed after deadline); *In re Gypsum Antitrust Cases*, 565 F.2d 1123, 1128 (9th Cir. 1977) (court has discretion with respect to the disallowance of late claims); *Burns v. Elrod*, 757 F.2d 151, 154-55 (7th Cir. 1985).

As noted in Section II.A.2, of the 541 claims recommended for approval, 10 were received after the March 4, 2024 deadline to submit all claims. Devery Decl. ¶ 63. However, A.B. Data was able to process those claims received by September 4, 2024, without affecting the progress of the administration. *Id.* ¶ 68. Accordingly, Co-Lead Counsel propose that all late-filed claims received by September 4, 2024, be paid. Payment of these late-filed claims will have a *de minimis* impact on the distribution to the Class and will not delay the distribution plan. *Id.*; Looby Decl. at ¶ 3.

C. The Court Should Authorize Payment of Outstanding Fees and Costs

DPPs respectfully request that the Court authorize the payment of any outstanding expenses associated with the Settlements.

1. Claims Administration Costs

DPPs respectfully request that the Court authorize the payment of any outstanding expenses associated with the Settlements. The Court-appointed administrator, A.B. Data has provided its services, as described in the Devery Declaration. To date, Interim Co-Lead Counsel have paid A.B. Data \$94,655.30 out of the \$5,000,000.00 Litigation Fund. *Id.* ¶ 7. Additionally, the JBS Settlement Agreement authorized Co-Lead Class Counsel to withdraw funds from the Settlement Fund in order to effectuate notice and administer the settlement. ECF No. 332-1 § 6. As described *supra*, A.B. Data has incurred \$413,481.86 in additional expenses and estimates that it will incur an additional \$41,353.53 to complete this distribution. *Id.* Co-Lead Counsel find this request to be reasonable and recommend that the Court approve the payment out of the Settlement Fund.

IV. CONCLUSION

For the foregoing reasons, DPPs respectfully request that the Court (1) authorize payment of eligible claims; (2) deny the ineligible claims; (3) order the Escrow Agent to distribute the Net Settlement Fund to A.B. Data and pay approved fees and costs from the Settlement Fund; (4) approve the minimum \$250 payment to eligible claimants as described herein; and (5) order A.B. Data to distribute the settlement proceeds to qualified claimants in the manner described herein.

Further, as noted above, DPPs will file a report with the Court 150 days after payments are sent advising the Court of the status of the distribution, and at that time will propose a plan for any funds remaining in the Net Settlement Fund.

Dated: February 20, 2026

Respectfully submitted,

/s/ Michelle J. Looby

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**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE CATTLE AND BEEF ANTITRUST
LITIGATION

Case No. 0:22-md-03031 (JRT-JFD)

This Document Relates To:
IN RE DPP BEEF LITIGATION

**DIRECT PURCHASER
PLAINTIFFS' RULE .1(f)
COMPLIANCE CERTIFICATE**

The undersigned hereby certifies that, pursuant to Local Rule 7.1(f), Direct Purchaser Plaintiffs' Memorandum in Support of Amended Motion to Distribute Net Settlement Proceeds, contains 4,164 words, as determined through the word count feature of the Microsoft Office 365 Word processing software used to prepare the memorandum. The word processing program has been applied specifically to include all text, including headings, footnotes, and quotations. The memorandum was prepared in 13-point font in accordance with the type size limitation of Local Rule 7.1(h).

Dated: February 20, 2026

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