

**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

**[PROPOSED] ORDER REGARDING
DIRECT PURCHASER
PLAINTIFFS' AMENDED MOTION
TO DISTRIBUTE NET
SETTLEMENT PROCEEDS**

This Court, having considered the papers and arguments submitted in support of Direct Purchaser Plaintiffs' ("DPPs") Amended Motion to Distribute Net Settlement Proceeds (ECF No. 1519) and supporting documents, and good cause appearing:

IT IS HEREBY ORDERED that:

1. The Court has jurisdiction over the subject matter of this litigation, including the actions within this litigation, and over the parties to the Settlement Agreements, including all members of the Settlement Class (also referred to herein as the "Class") and the JBS Defendants.

2. The Court previously granted final approval of the JBS Settlement Agreement and found that due and adequate notice of the Settlement was provided to the Class. The Court granted final approval of the JBS Settlement on August 31, 2022. (Case No. 20-1319, ECF No. 641; *amended* at Case No. 22-3031, ECF No. 254). The JBS Defendants have paid a total of \$52,500,000.00 into the Settlement Fund.

3. On November 17, 2024, this Court approved the claims process and appointed A.B. Data as the Claims Administrator. (ECF No. 441). The claims review process was fair, adequate, and reasonable, providing a full and fair opportunity for potential Class members to submit a valid claim. The Court finds that A.B. Data has carried out the claims administration process in a reasonable manner and consistent with the orders of this Court. A.B. Data has offered claimants reasonable notice of claim deficiencies and an opportunity to cure them.

4. The Settlement administrator incurred a total of \$508,137.16 in costs and expenses in administering the Settlements, processing and auditing claims, and related expenses. Of this amount, \$94,655.30 has already been paid out of the Court-approved Litigation Fund and \$413,481.86 remains unpaid. The Court finds that these costs and expenses were reasonably incurred in the ordinary course of administering the Settlements and were necessary given the nature and scope of the case. Based on A.B. Data's extensive experience, the Court finds that its estimate that its remaining work to the completion of final distribution will cost \$41,353.53 is reasonable.

5. The Court finds that the Net Settlement Fund is properly accounted for 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) ¹	-	\$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 ²	-	\$41,353.53
Net Settlement Fund	=	\$31,634,955.51

6. The Court finds that the \$250 minimum payment to eligible claimants as described in the Motion is reasonable and will have a *de minimis* effect on other eligible claimants and approves of the same.

7. The Court hereby authorizes the distribution of the Net Settlement Funds to all qualified claimants, including late claims as set forth in the Motion. All ineligible claims are hereby denied.

8. This Court retains continuing jurisdiction over the administration and distribution of the settlement proceeds.

¹ This includes accrued interest. *See* ECF No. 705 at 7.

² *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.

9. DPPs will file a report 150 days after the payments are sent advising the Court of the status of the distribution and, if necessary, any proposal for funds remaining in the Net Settlement Fund.

Dated: _____

HONORABLE JOHN R. TUNHEIM
United States District Court
District of Minnesota