

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE CATTLE AND BEEF ANTITRUST
LITIGATION

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

Honorable John R. Tunheim

This Document Relates To:
IN RE DPP BEEF LITIGATION

**STATUS UPDATE REGARDING
DIRECT PURCHASER
PLAINTIFFS' NOTICE PROGRAM
AND CLAIMS PROCESS**

The Direct Purchaser Plaintiffs (“DPPs”) respectfully submit this status update to the Court regarding the previously approved notice program and claims process.

Background

On November 17, 2023, this Court approved the notice plan and claims process to Settlement Class members regarding the August 31, 2022, settlement between the DPPs and JBS.¹ ECF No. 441 (Amended Order approving Notice and Claims Process) (“Order”). The notice plan and claims process provided Settlement Class members with direct notice, which included individualized and pre-populated claim forms, as well as information on (1) how to make a claim, (2) how to get more information, and (3) the relevant deadlines.

Following the Order, the Claims Administrator, A.B. Data, implemented the Notice Plan and Claims Process, and notice was disseminated to Settlement Class members on January 2, 2024. Both A.B. Data and Interim Co-Lead Counsel communicated with

¹ “JBS” includes Defendants JBS S.A., JBS USA Food Company, Swift Beef Company, and JBS Packerland, Inc.

Settlement Class members regarding their claims and answered questions promptly. The deadline to submit a claim was March 4, 2024. Order at 3.

On January 30, 2024, DPPs submitted their Motion for Interim Payment of Attorneys' Fees and Service Awards. The deadline for Settlement Class members to object to the fee petition or request for service awards was also March 4, 2024. Order at 3. A hearing on DPPs' motion is scheduled for April 1, 2024. *Id.*

Status of Claims Administration

The JBS Settlement is the first settlement of any kind in this litigation, and as a result, A.B. Data received millions of claims.² Each claim is individually processed, reviewed for eligibility and accuracy, and audited. In many instances, A.B. Data will request additional information from claimants, giving them adequate time to respond. This quality control process, although time intensive, is essential to accurately compensate Settlement Class members.

DPPs and A.B. Data anticipate that all claims will have been processed and audited by the end of May 2024. If there are any deficiencies in their claim, Claimants will be notified of any such deficiencies and given the opportunity to cure those deficiencies, with A.B. Data and Interim Co-Lead Counsel available to answer any questions Claimants may have. A.B. Data and DPPs anticipate this process will be completed in September 2024. A.B. Data will then inform each Claimant of their proposed *pro rata* share of the settlement

² The total number of claims submitted was close to five million. However, the vast majority of these claims are suspected bot activity, with the legitimate number of claims expected to be significantly lower. As part of the audit process, fraudulent claims, including those filed by bots, will be identified, and denied.

proceeds and Claimants will have an opportunity to appeal those determinations. Interim Co-Lead Counsel will subsequently file a motion for disbursement with the Court on or around November 4, 2024, with distribution to proceed promptly after the Court's approval of the proposed distribution.

No Objections to Request for Attorneys' Fees or Service Awards

The deadline for Settlement Class members to object to DPPs' fee petition or request for class representative service awards has passed. Order at 3 (setting deadline of March 4, 2024). To date, neither A.B. Data nor Interim Co-Lead Counsel have received any objections to DPPs' request for an award of attorneys' fees or class representative service awards, nor has any Class Member filed a notice of intent to appear at the April 1, 2024, hearing on DPPs' motion for interim payment of attorneys' fees and service awards.

Conclusion

Interim Co-Lead Counsel will continue to work with A.B. Data and closely monitor the ongoing claims process. Should the Court require additional information, Interim Co-Lead Counsel is available to discuss at the April 1 hearing or otherwise.

Dated: March 18, 2024

Respectfully submitted,

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