

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 GRANTING
DIRECT PURCHASER PLAINTIFFS’
MOTION FOR APPROVAL OF
NOTICE PLAN AND CLAIMS
PROCESS**

This Court, having reviewed the Motion for Approval of Notice Plan and Claims Process (“Motion”), its accompanying memorandum and the declarations in support thereof, and the file, hereby ORDERS AND ADJUDGES:

1. This 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. 0:20-cv-01319-JRT-JFD, ECF No. 641).¹

2. This Court directed that notice to the Settlement Class be disseminated by Claims Administrator A.B. Data (Case No. 0:20-cv-01319-JRT-JFD ECF Nos. 373, 494) pursuant to Federal Rule of Civil Procedure (“Rule”) 23(c)(2) and 23(e).

3. The proposed notice plan, along with the proposed claim form, set forth in

¹ See also Amended Order Granting Direct Purchaser Plaintiffs’ Motion for Final Approval of Class Action Settlement with JBS Defendants (ECF 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.”

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 hereby sets 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. This 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. Pursuant to any applicable orders relating to the COVID-19 emergency or otherwise, the hearing may take place remotely, including via telephone or video conference.

DATE	EVENT
_____ (45 days after this Order is issued).	Settlement Administrator to provide direct mail, email notice, and claim forms, and commence the publication notice plan.
_____ (28 days after the mailing of Notice).	DPPs to file their Motion for Interim Payment of Attorneys’ Fees and Service Awards.
_____ (60 days after the mailing of Notice).	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.
_____ (75 days after the mailing of Notice).	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.
_____ (at least 90 days after the mailing of Notice): _____, 2024 at _____ m.	Hearing Regarding Status of Claims Process and DPPs’ Motion for Interim Payment of Attorneys’ Fees and Service Awards.

IT IS SO ORDERED

DATED: _____

 Honorable John R. Tunheim
 Judge United States District Court
 District of Minnesota