

**If you purchased Boxed or Case-Ready Beef directly from Cargill, JBS, National Beef, or Tyson (as defined herein) in the United States from January 1, 2015, through February 10, 2022, you may be eligible to receive a payment from a class action settlement.**

*A federal court authorized this notice. This is not a solicitation from a lawyer.*

- A Settlement has been finally approved by the Court in a class action antitrust lawsuit filed on behalf of Direct Purchasers of Beef in the United States with JBS S.A., JBS USA Food Company, Swift Beef Company, and JBS Packerland, Inc. (collectively, “JBS”) and their related or affiliated entities (collectively “Settled Defendants”). The final approved amount of the JBS Settlement is \$52,500,000 (the “Settlement Proceeds”).
- The deadline to object or opt out of the Settlement has passed. This notice informs Settlement Class Members how to make a claim to receive money from the JBS Settlement. Please follow the claims instructions in this notice and the attached Claim Form to receive money from the Settlement.
- Additionally, the Direct Purchaser Class Representatives and Co-Lead Counsel will ask the Court to award a payment of attorneys’ fees, and service awards for the Class Representatives. If approved by the Court, these amounts will be deducted from the Settlement Proceeds.
- Your legal rights are affected whether you act or do not act. Please read this notice carefully.

<b>YOUR LEGAL RIGHTS AND OPTIONS FOR THE SETTLEMENT</b>	
<b>FILE A CLAIM TO RECEIVE MONEY FROM THE SETTLEMENT.</b>	<p>In order to receive money from the Settlement you must submit a Claim Form by March 4, 2024. If you are confirmed to be a Settlement Class Member and file a valid Claim Form, you will be eligible to receive a payment from the Settlement Proceeds.</p> <p>Instructions for filing a claim are available in Question 7 of this notice, on the Claim Form, and at the Settlement Website <a href="http://www.BeefDirectPurchaserSettlement.com">www.BeefDirectPurchaserSettlement.com</a>.</p>
<b>COMMENT ON THE MOTION FOR PAYMENT OF ATTORNEYS’ FEES AND SERVICE AWARDS.</b>	<p>The motion for payment of attorneys’ fees and service awards is described in more detail in the answer to Question 11 below, and will be filed on or before January 30, 2024, and available on the Settlement Website, <a href="http://www.BeefDirectPurchaserSettlement.com">www.BeefDirectPurchaserSettlement.com</a>. Your deadline to object to the motion is March 4, 2024.</p>
<b>DO NOTHING.</b>	<p>If you do not file a claim as described above and in Question 7, you will receive no payment from the Settlement with the Settled Defendants.</p>

- Your options are explained in this notice. To file a claim, you must act before **March 4, 2024**.

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## BASIC INFORMATION

### 1. Why did I receive a notice?

The Court authorized this notice because it has approved a process for Settlement Class Members to file claims and receive their *pro rata* portion of proceeds from a settlement with JBS. You are also being notified that Direct Purchaser Plaintiff (“DPP”) Class Representatives and Co-Lead Counsel will be filing a motion for payment of attorneys’ fees, and class representative service awards. If approved by the Court, these amounts will be deducted from the Settlement Proceeds.

Defendants’ records show that you may have purchased case-ready or boxed beef (defined in Section 2, below) directly from one or more of the Defendants in the United States between January 1, 2015, and February 10, 2022. The list of Defendants is in Question 2 below.

### 2. What is this lawsuit about?

This class action is called *In re Cattle and Beef Antitrust Litigation, et al. (In re DPP Beef Litigation)*, Case No. 20-cv-01319 JRT-HB and is pending in the United States District Court for the District of Minnesota. U.S. District Court Judge John R. Tunheim is presiding over this class action.

Direct Purchaser Plaintiffs allege that Defendants and their co-conspirators conspired to fix, raise, maintain, and stabilize the price of case-ready or boxed beef, beginning at least as early as January 1, 2015, with the result of increasing prices of such beef in the United States, in violation of federal antitrust laws. For inclusion in the Settlement Class, the term “beef” means boxed and case-ready beef that has been processed from fed cattle by Defendants. The definition excludes ground beef made from culled cows. “Fed cattle” means steers and heifers raised in feedlots on a concentrated diet for the production and sale of beef.

The Defendants named in Direct Purchaser Plaintiffs’ Third Consolidated Amended Class Action Complaint are producers of such beef in the United States. For the purpose of the Settlement, “Defendants” refers to:

- Cargill, Inc. and Cargill Meat Solutions Corporations (a/k/a Cargill Protein) (collectively, “Cargill”);
- JBS S.A., JBS USA Food Company, Swift Beef Company, and JBS Packerland, Inc. (collectively, “JBS”);
- National Beef Packing Company (“National Beef”); and
- Tyson Foods, Inc. and Tyson Fresh Meats, Inc. (collectively, “Tyson”).

To date, Direct Purchaser Plaintiffs have only reached a settlement with Defendant JBS. The Court granted final approval to the JBS settlement on August 31, 2022. The Direct Purchasers’ case is proceeding against all other Defendants besides JBS. Those other Defendants may be subject to separate settlements, judgments, or class certification orders. If applicable, you will receive a separate notice regarding the progress of the litigation and any resolution of claims against other Defendants.

### 3. What if I received previous communications regarding this lawsuit?

Notices were previously sent informing potential Settlement Class Members of the JBS Settlement. The Settlement with JBS has now been given final approval by the Court and the deadline to object or opt out of this Settlement has passed.

If you are a Direct Purchaser Settlement Class Member and you did not opt out of the Settlement, you must still submit a Claim Form by March 4, 2024, to receive money from the Settlement. Instructions for filing a claim are available in Question 7 of this notice, on the Claim Form, and at the Settlement Website, [www.BeefDirectPurchaserSettlement.com](http://www.BeefDirectPurchaserSettlement.com).

## WHO IS IN THE CLASS?

### 4. Am I part of the Class?

The Court decided that, for settlement purposes, the Settlement Class for the JBS Settlement is defined as:

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.

Specifically excluded from the Settlement Class are the Defendants; their officers, directors, or employees; any entity in which a Defendant has a controlling interest; and any affiliate, legal representative, heir, or assign of a Defendant. Also excluded from this Settlement Class are any federal, state, or local governmental entities, any judicial officer presiding over this action, the members of the judicial officer's immediate family and staff, and any juror assigned to this action. If you are in one of these categories, you are not a member of the Settlement Class and not eligible to participate in the Settlement.

If you satisfy these criteria and you did not file a timely and valid exclusion, then you are a member of the Settlement Class.

It is important to note that, while the Settlement is only with JBS, the Settlement Class includes persons who purchased Beef products (as defined in the Settlement Agreement) from *any* of the Defendants.

## THE BENEFITS OF THE SETTLEMENT AGREEMENT WITH JBS

### 5. What does the Settlement with JBS provide?

The finally approved amount of the JBS settlement is \$52,500,000. In addition to the monetary benefits, JBS has also agreed to provide specified cooperation in the Direct Purchaser Plaintiffs' continued prosecution of the litigation.

A portion of the Settlement Proceeds has been and will be used by the Settlement Administrator for notice and claims administration costs. A portion of the Settlement Proceeds will also be used to pay attorneys' fees and service awards that the Court chooses to award. Plaintiffs and Co-Lead Counsel will file a motion by January 30, 2024, in which they will seek an amount not to exceed 33<sup>1/3</sup>% of the Settlement Proceeds in attorneys' fees, and \$15,000 in service awards for each of the Plaintiffs who are serving as Class Representatives. A copy of the motion for attorneys' fees and service awards will be available on the Settlement Website. The Settlement Proceeds will then 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.

### 6. How much will my payment from the Settlement be?

To be eligible to receive a payment from the Settlement, you must complete and submit a timely Claim Form by March 4, 2024. The instructions for submitting a claim are set forth in the attached Claim Form and Question 7 below.

The amount received from the Settlement by a qualified claimant will be based on a number of factors, including the number of Settlement Class Members who have filed valid claims and the amount of approved Beef purchases by each participating Settlement Class Member during the Settlement Class Period. No matter how many claims are filed, no amount of the Settlement Proceeds will be returned to the Settled Defendants.

In accordance with the Settlement Agreement, the combined Settlement Proceeds, minus Court-approved attorneys' fees, litigation expenses, and any class representative service awards and settlement administration and notice expenses (the "Net Settlement Fund"), will be distributed to Settlement Class Members on a *pro rata* basis based on the dollar amount of qualifying Beef purchases submitted by each Settlement Class Member in a timely, valid Claim form compared to the total dollar value of all qualifying Beef purchases claimed by all Settlement Class Members submitting timely, valid Claim Forms.

The Claims Administrator will calculate the *pro rata* amount, if any, that each Settlement Class Member that submits a timely, valid Claim Form will receive.

## HOW YOU GET A PAYMENT FROM THE SETTLEMENT

### 7. How can I file a Claim to get a payment from the Settlement?

To receive a payment from the Settlement, you must complete and submit a Claim Form by March 4, 2024. Submit your Claim Form online at [www.BeefDirectPurchaserSettlement.com](http://www.BeefDirectPurchaserSettlement.com) by March 4, 2024. Or fill out the Claim Form and mail it to the address below, postmarked no later than March 4, 2024. If you do not submit a valid Claim Form by the deadline, you will not receive a payment from the Settlement, but you will still be bound by the Court's judgment in these actions.

Your Claim Form is attached and, to the extent possible, has been pre-populated with the dollar amount of your Beef purchases from each Defendant, based on a review of Defendants' records, though those records may be incomplete. Purchase information from all Defendants, with the exception of Tyson, is only available through 2020. If you wish to include any 2021 or 2022 Settlement Class Period purchases in your claim, then please complete the Purchase Audit Request form pursuant to the instructions below. If you have a pre-populated claim form, you may use your personal Unique ID Number listed on your Claim Form to log in at [www.BeefDirectPurchaserSettlement.com](http://www.BeefDirectPurchaserSettlement.com) where you can submit a claim and review your purchase information electronically. You can accept the purchase amounts that are pre-populated; or, if you disagree with or want to supplement those amounts, you can provide additional purchase information by completing the Purchase Audit Request form posted on the Settlement Website and by providing supporting documentation. All revised or supplemental Beef purchase amounts will require actual documentation evidencing the entirety of the revised or supplemental purchase amounts being claimed and will be subject to a review process by the Settlement Administrator and Co-Lead Counsel.

If you did not receive a pre-populated Claim Form or would like another copy of your pre-populated Claim Form, you can also request that a Claim Form be sent to you by visiting the Settlement Website or by sending a written request to the Settlement Administrator by mail: DPP Beef Litigation, c/o A.B. Data, Ltd., P.O. Box 173066, Milwaukee, WI 53217; or by email: [info@BeefDirectPurchaserSettlement.com](mailto:info@BeefDirectPurchaserSettlement.com).

If you received multiple Claim Forms with Unique ID Numbers, you must submit each one or take other steps to ensure that all of the purchases reflected in the Claim Form are accounted for in your submission. However, do not submit multiple Claim Forms reflecting the same purchases.

If you have questions regarding your Claim Form or participating in the Settlement, contact Co-Lead Counsel or the Settlement Administrator using the contact information set forth in Question 11 herein.

### 8. When will I get a payment from the Settlement?

Payments from the Settlement will be distributed once all of the claims are processed, any claim disputes are resolved, and any related issues are resolved. It is uncertain when this process will be completed. Settlement updates will be provided on the Settlement Website at [www.BeefDirectPurchaserSettlement.com](http://www.BeefDirectPurchaserSettlement.com) or may be obtained by contacting the Settlement Administrator by phone toll-free at 1-877-331-0717. Please be patient.

### 9. What happens if I do nothing at all?

If you do nothing, you will not get a payment from the JBS Settlement.

## THE LAWYERS REPRESENTING YOU AND HOW THEY WILL BE PAID

### 10. Do I have a lawyer in this case?

The Court has appointed Gustafson Gluek PLLC, Cotchett, Pitre, & McCarthy, LLP, Hausfeld LLP, and Hartley LLP as Co-Lead Counsel for the Settlement Class. Their contact information is provided in the answer to Question 11, below. If you wish to remain a member of the Settlement Class, you do not need to hire your own lawyer because Co-Lead Counsel are working on your behalf.

**11. How will the lawyers be paid?**

You will not have to pay any attorneys’ fees or costs out-of-pocket. Co-Lead Counsel will file a motion by January 30, 2024, in which they will seek amounts not to exceed 33⅓% of the Settlement Proceeds in attorneys’ fees and \$15,000 in service awards for each of the Class Representative Plaintiffs. A copy of the motion for payment of attorneys’ fees and service awards will be available on the Settlement Website by January 31, 2024, and on the Court docket. The Court will determine the amount of the attorneys’ fees and Class Representative service awards to be paid.

If you wish to object to the motion for attorneys’ fees or service awards, you must send a letter or other written statement by March 4, 2024. Be sure to include your full name, the name of your business that purchased Beef, current mailing address, and email address. Your communication must be signed. You may include or attach any documents that you would like the Court to consider. Do not send your written objection to the Court or the judge. Instead, mail the objection to the Settlement Administrator, Co-Lead Counsel, and the addresses listed below.

**Settlement Administrator:**

DPP Beef Litigation  
ATTN: OBJECTIONS  
c/o A.B. Data, Ltd.  
P.O. Box 173001  
Milwaukee, WI 53217

**Plaintiffs’ Co-Lead Counsel:**

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**12. When and where will the Court decide the motion for attorneys’ fees and service awards?**

The Court will hold a hearing on the motion for payment of attorneys’ fees and class representative service awards (the “Hearing”) on April 1, 2024, at 10:00 a.m., at the United States District Court for the District of Minnesota, Courtroom 15, 300 South Fourth Street, Minneapolis, MN 55415. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the Hearing. 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. The Court may also move the Hearing to a later date without providing additional notice to the Settlement Class. Updates will be posted to the Settlement Website regarding any changes to the Hearing date or conduct of the Hearing. If you

send an objection, you do not have to attend the Hearing to talk about it. As long as you mailed your written objection on time, the Court will consider it. However, you are welcome to attend the Hearing at your own expense. You may also pay your own lawyer to attend, but it is not necessary.

### **13. May I speak at the hearing?**

You may ask to speak at the Hearing. To do so, you must send a letter saying that it is your “Notice of Intention to Appear in *In re Cattle and Beef Antitrust Litigation, et al. (In re DPP Beef Litigation)*.” Be sure to include your name, including the name of your business which purchased Beef, current mailing address, telephone number, and signature. Your Notice of Intention to Appear must be postmarked no later than March 4, 2024, and it must be sent to the Clerk of the Court and Co-Lead Counsel. The address for the Clerk of the Court is: 300 South Fourth Street, Courtroom 15, Minneapolis, MN 55415. The addresses for Co-Lead Counsel are provided in Question 11.

## **GETTING MORE INFORMATION**

### **14. How do I get more information about the Settlement?**

This notice summarizes the Settlement and claims process. More details are on the Settlement Website. You can find other important documents and information about the current status of the litigation by visiting [www.BeefDirectPurchaserSettlement.com](http://www.BeefDirectPurchaserSettlement.com). You may contact the Settlement Administrator at [info@BeefDirectPurchaserSettlement.com](mailto:info@BeefDirectPurchaserSettlement.com) or toll-free at 1-877-331-0717. You may also contact Co-Lead Counsel at the addresses, phone numbers, and email addresses provided in Question 11.

**PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.**