

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE BROILER CHICKEN ANTITRUST
LITIGATION,

Case No.: 1:16-cv-08637

The Honorable Thomas M. Durkin

This Document Relates To:

THE DIRECT PURCHASER PLAINTIFF
ACTION

DIRECT PURCHASER PLAINTIFFS' UPDATE REGARDING CLAIMS PROCESS

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

On March 15, 2024, this Court approved the notice plan and claims process to members of the Direct Purchaser Certified Class. *See* ECF No. 7179 (“Order”). The notice plan provided Class members with direct notice, as well as reasonable publication notice, and included information on (1) how to make a claim, (2) how to get more information, and (3) the relevant deadlines. *See id.*; *see also* ECF No. 7174 (proposed notice).

Following the Order, the Claims Administrator, A.B. Data, Ltd., implemented the notice plan and claims process, and notice was disseminated to the members of the Direct Purchaser Class on April 1, 2024. The notices indicated that Class members who submitted a qualified claim in the previous claims process were not required to take any additional steps to receive their *pro rata* portion of the net settlement proceeds. Those Class members who did not participate in the first claims process had the opportunity to submit a claim form via mail, email, or using the Settlement website. On the Settlement website all Class members were able to review their known Broilers

purchase records, based on Defendants' records and the previous claims process. Claimants who disagreed with or wished to supplement their known purchase information were able to do so by completing a Purchase Audit Request Form. *See* ECF No. 7174.

The deadline to submit a claim was June 1, 2024. ECF No. 7179. The Claims Administrator's initial processing of claims is now complete. The Claims Administrator received and reviewed over 400,000 claims. This number is many times more than the number of known DPP class members, and the Claims Administrator determined that the majority of them either were fraudulent (generated by internet bots) or were indirect purchaser claims. Following an automated and manual review to identify duplicate and otherwise ineligible claims, and a manual review of all claims that disagreed with or wished to supplement Defendants' purchase data, the Claims Administrator is currently reviewing approximately 2,000 claims that submitted new or updated purchase data. The Claims Administrator has advised Co-Lead Class Counsel of the following proposed timeline and schedule for the claims review, verification, deficiency, and appeal process:

10/18/2024	Mail deficiency letters to affected claimants
11/18/2024	Deadline for affected claimants to respond to deficiency letters
12/27/2024	Estimated deficiency response processing and auditing date
1/6/2025	Mail final determination letters
1/20/2025	Deadline for claimants to appeal determinations to Claims Administrator
1/27/2025	Estimated completion date for Claims Administrator to review appeals
1/30/2025	Final claims report complete

Once these steps are finished, Co-Lead Class Counsel will move the Court to approve Co-Lead Class Counsel's proposed distribution to qualified claimants. At this time, Co-Lead Class

Counsel believes that motion for distribution can be filed by March 19, 2025 and, absent any objection by affected claimants, Co-Lead Class Counsel's recommendations for distribution will be ripe for the Court's consideration and decision at that time.

However, more than half of the net settlement funds available to distribute to qualified claimants come from the Simmons, Koch, and House of Raeford settlements, and this Court's orders finally approving these settlements currently are on appeal. Additionally, DPPs' Motion for Payment of Attorneys' Fees, Reimbursement of Litigation Expenses, and Class Representative Service Awards (ECF No. 7232) is pending before the Court. For this reason, DPPs do not intend to distribute the net settlement funds until the appeals are resolved and the fee, expense, and service award motion is decided.

Co-Lead Class Counsel will continue to oversee the claims review process with the Claims Administrator, and will provide a further status update to the Court on January 24, 2025, or on a different date if the Court prefers.

Date: October 1, 2024

/s/ Michael H. Pearson

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