

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

IN RE BROILER CHICKEN ANTITRUST  
LITIGATION

Case No.: 1:16-cv-08637

This Document Relates To:

THE DIRECT PURCHASER PLAINTIFF  
ACTION

**DECLARATION OF ERIC  
SCHACHTER IN SUPPORT OF  
DIRECT PURCHASER  
PLAINTIFFS' MOTION FOR FINAL  
APPROVAL OF SETTLEMENTS  
WITH DEFENDANTS HOUSE OF  
RAEFORD AND KOCH**

I, Eric Schachter, declare and state as follows:

1. I am a Senior Vice President with A.B. Data, Ltd. ("A.B. Data"). Pursuant to the Court's December 6, 2023, Order Granting Direct Purchaser Plaintiffs' Motion for Preliminary Approval of the Settlements with The House of Raeford and Koch Defendants (ECF No. 7070), A.B. Data was authorized to act as the Settlement Administrator to effectuate notice to the DPP Class.<sup>1</sup> (*See also* ECF No. 7179.) I am over 21 years of age and am not a party to this Action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. This Declaration describes the implementation of the notice plan as proposed in my Declaration in Support of Direct Purchaser Plaintiffs' Motion for Preliminary Approval of Settlements (ECF No. 7174).

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<sup>1</sup> Unless otherwise noted, all capitalized terms shall have the same meaning as in the Settlement Agreements between Direct Purchaser Plaintiffs and House of Raeford and Koch.

### **MAILING OF THE NOTICE**

3. On April 1, 2024, A.B. Data mailed the Court-approved Long-Form Notice via the United States Postal Service (“USPS”) to 27,060 potential Class Member names and contact information used for previous notices disseminated in this matter (the “Class List”).

4. As of the date of this Declaration, A.B. Data has tracked 370 Long-Form Notices to be undeliverable as addressed. Of these, 206 Long-Form Notices were remailed to updated addresses obtained through either the USPS, an authorized representative of the intended recipient, or third-party information services to which we subscribe.

5. On April 1, 2024, A.B. Data caused the Court-approved Email Notice to be sent by email to 15,010 email addresses contained on the Class List. To maximize deliverability, A.B. Data used certain best practices, such as avoiding attachments and certain key words likely to trigger SPAM and junk filters and sending the emails in batches over a period of days. Of the 15,010 emails sent, 9,685 were successfully delivered.

6. To supplement the direct notice efforts, A.B. Data also effectuated a thirty-day digital media banner ad campaign on [www.ProgressiveGrocer.com](http://www.ProgressiveGrocer.com), [www.MeatPoultry.com](http://www.MeatPoultry.com), [www.PoultryTimes.com](http://www.PoultryTimes.com), [www.SuperMarketNews.com](http://www.SuperMarketNews.com), [www.GroceryDive.com](http://www.GroceryDive.com), [www.FastCasual.com](http://www.FastCasual.com), and [www.ShelbyReport.com](http://www.ShelbyReport.com) running from April 1, 2024, through April 30, 2024.

7. The Long-Form Notice and Email Notice were written in plain language that clearly and concisely described, among other things: the definition of the DPP Class; the benefits of the Settlements; Class Counsel’s contact information; instructions on how to object; the costs and fees that Class Counsel would seek to be paid from the other settlement funds; and that additional information and pleadings were available online at [www.BroilerChickenAntitrustLitigation.com](http://www.BroilerChickenAntitrustLitigation.com).

### **SETTLEMENT WEBSITE**

8. On April 1, 2024, A.B. Data updated the case-specific website, [www.BroilerChickenAntitrustLitigation.com](http://www.BroilerChickenAntitrustLitigation.com), to include information regarding the Settlements. The website provides general information in English and Spanish regarding the case and its current status, as well as downloadable copies of the notice documents, the Settlement Agreements, the Preliminary Approval Order, and the operative Complaint. The website is accessible 24 hours a day, 7 days a week.

### **TELEPHONE HELPLINE**

9. On April 1, 2024, A.B. Data also updated the Interactive Voice Response system on the case-specific toll-free phone number, 877-888-9735, to include information regarding the Settlements. If callers need further help, they have the option to be transferred to a live operator during business hours with both English and Spanish speakers.

### **EXCLUSIONS AND OBJECTIONS**

10. As these Settlements were on behalf of the DPP Class and the exclusion deadline has passed, no additional exclusion requests were permitted.

11. The Long-Form Notice informed Class Members seeking to object to part or all of the proposed Settlements that they could do so by submitting a written request that is received by the Parties and filed with the Court no later than June 1, 2024.

12. A.B. Data received two potential objections to the Settlements. After Co-Lead Class Counsel investigated the first objection and spoke with the person who filed it, it was determined that the objection was invalid because the individual did not purchase Broilers directly from the Defendants and thus is not a member of the DPP Class. The second objection received

was submitted on behalf of the Restaurant DAPs. Both objections were postmarked prior to the deadline of June 1, 2024.

### **CLAIMS ADMINISTRATION**

13. A.B. Data follows a standard claims administration process for class action settlements that includes, among other activities, evaluating and verifying claims, comparing claims against existing data, eliminating erroneous or duplicative claims, determining each class member's distribution amount, performing quality assurance reviews, and preparing and sending distribution payments to eligible class members. As a Claims Administrator, A.B. Data adheres to any Court orders, including Court-approved plans of allocation and settlement agreements. In this Action, A.B. Data is reviewing and processing claims and audit requests in accordance with all Court orders and settlement procedures.

14. The Long-Form Notice informed Class Members seeking to participate in the proposed Settlements that they did not need to file a claim if they received a payment from the previous distribution in this Action or if they did not previously file a claim, they were required to file a claim by June 1, 2024, to share in the remaining Settlement Proceeds.

15. Class Members' eligible broiler purchase amounts were determined based on Defendants' data and information received during the previous claims distribution process. The Long-Form Notice also informed Class Members that they had the right and opportunity to dispute their eligible broiler purchase amounts. Class Members could submit a purchase audit request by June 1, 2024, with supporting documentation showing additional purchase information that was not reflected in the Defendants' data.

16. A.B. Data reviews all audit requests after they are received. Any additional verified purchase information is used to update Class Members' total eligible broiler purchase amounts and calculate their *pro rata* (proportional) share of the Settlement Proceeds.

17. A.B. Data is currently reviewing and processing claims and audit requests. As of the date of this Declaration, A.B. Data has received 22 Claim submissions, including 22 Audit

Request Forms, from the Restaurant DAPs. All submissions, including those received from the Restaurant DAPs, are being reviewed and processed in accordance with the Settlement approval procedures.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 9th day of July 2024 in Milwaukee, Wisconsin.

A handwritten signature in black ink, appearing to read 'Eric Schachter', written over a horizontal line.

Eric Schachter