

**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. To date, the Claims Administrator has received 436,444 claims, all of which are currently being reviewed for eligibility and accuracy.¹ The Claims Administrator's initial processing of paper claims is complete except for several voluminous claims received at the deadline. The Claims Administrator also is engaged in automated and manual review to identify duplicate and otherwise ineligible claims, and a manual review of all claims that disagreed with Defendants' purchase data. The Claims Administrator anticipates that this review process can be completed in the next 60 days. Following that, claimants with deficient claims will receive a deficiency notice and an opportunity to respond. It is difficult to pinpoint the time needed to resolve claim deficiencies, since it will depend on the nature and number of responses received to deficiency notices. The Claims Administrator anticipates that distribution to qualified claimants can commence 60 days after the deficiency response process is complete.

Once these steps are finished, the claims verification process will be complete. 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 as of today final approval of the Simmons settlement is on appeal, and the same appellants have objected to the Koch and Raeford settlements. For this reason, DPPs do not intend to seek to distribute the net settlement funds until

¹ After an initial review, the Claims Administrator has advised Co-Lead Class Counsel that a significant number of these claims may be fraudulent due to the recent increase in "internet bot" activity. Nonetheless, each claim must be reviewed. This quality control process, although time intensive, is essential to accurately compensate Class members.

the appeal (or appeals) are resolved.

DPPs will provide the Court with another progress report in 60 days, on October 1, 2024,
or on a different date if the Court prefers.

Date: August 1, 2024

/s/ Michael H. Pearson

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