

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

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 MOTION FOR FINAL  
APPROVAL OF THE SETTLEMENTS WITH THE SIMMONS, MOUNTAIRE, AND O.K.  
FOODS DEFENDANTS**

I, Eric Schachter, declare as follows:

1. I am a Senior Vice President of A.B. Data, Ltd.’s Class Action Administration Division (“A.B. Data”). Pursuant to the Court’s June 12, 2023, Order Granting Direct Purchaser Plaintiffs’ Motion for Preliminary Approval of the Settlement with the Simmons Foods, Inc. and Simmons Prepared Foods, Inc. (ECF No. 6615), and the Court’s September 5, 2023, Order Granting Direct Purchaser Plaintiffs’ Motion for Preliminary Approval of the Settlements with the Mountaire and O.K. Foods Defendants (ECF No. 6830), (collectively, the “New Settlements”), A.B. Data was authorized to act as the Claims Administrator in connection with the New Settlements. 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 regarding all three of the New Settlements, as proposed in my Declaration of Eric Schachter in Support of Direct Purchaser Plaintiffs’ Motion for Preliminary Approval of the Settlement with Simmons Foods, Inc. and Simmons Prepared Foods, Inc. (ECF No. 6598) and my Declaration of Eric Schachter in Support of Direct Purchaser Plaintiffs’ Motion for Preliminary Approval of the Settlements with the Mountaire and O.K. Foods Defendants (ECF No. 6815).

**MAILING OF THE NOTICE**

3. On September 12, 2023, using the 25,126 potential Class Member names and contact information used for previous notices disseminated in this matter (the “Class List”), A.B. Data mailed the Court-approved Long-Form Notice via United States Postal Service (“USPS”) to the 25,126 potential Class Members on the Class List.

4. As of the date of this Declaration, A.B. Data has tracked 1,009 Long-Form Notices to be undeliverable as addressed. Of these, 143 Long-Form Notices have been 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 September 12, 2023, A.B. Data caused the Court-approved Email Notice to be sent by email to 6,183 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 6,183 emails sent, 5,658 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.WinsightGroceryBusiness.com](http://www.WinsightGroceryBusiness.com), [www.FastCasual.com](http://www.FastCasual.com), and [www.ShelbyReport.com](http://www.ShelbyReport.com) running from September 13, 2023, through October 12, 2023.

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 Class; the binding effects of remaining part of the Class; the benefits of the New 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 Settlement funds; and that additional information and pleadings were available online at [www.BroilerChickenAntitrustLitigation.com](http://www.BroilerChickenAntitrustLitigation.com).

**SETTLEMENT WEBSITE**

8. On September 12, 2023, A.B. Data caused the case-specific Settlement website, [www.BroilerChickenAntitrustLitigation.com](http://www.BroilerChickenAntitrustLitigation.com), to be updated to include information regarding the New 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 Orders, and the operative Complaint. The website is accessible 24 hours a day, 7 days a week.

**TELEPHONE HELPLINE**

9. On September 12, 2023, A.B. Data also caused the Interactive Voice Response system on the case-specific toll-free phone number, 866-552-1178, to be updated to include information regarding the New 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 Certified Class and the exclusion deadline has passed, no additional exclusion requests were permitted. The Court permitted two groups of DAPs to opt out of the Certified Class late: SGA and the L. Hart group. Those entities are included as part of the Simmons settlement, but not the Mountaire or O.K. Foods settlements. The list of all entities (inclusive of affiliated entities) that validly requested exclusion from each Settlement are attached as **Exhibit A (Simmons)**, **Exhibit B (Mountaire)**, and **Exhibit C (O.K. Foods)**.

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 November 11, 2023. As of the date of this Declaration, A.B. Data received one objection filed by Boston Market Corporation, Bojangles' Restaurants, Inc. and Bojangles' Opco, LLC, Golden Corral Corp., El Pollo Loco, Inc., Zaxby's Franchising LLC, Domino's Pizza LLC and Domino's Pizza Distribution LLC, Cracker Barrel Old Country Store, Inc., CBOCS Distribution, Inc., Barbeque Integrated, Inc. d/b/a Smokey Bones Bar & Fire Grill, Shamrock Foods Company, United Food Service, Inc., FIC Restaurants, Inc. d/b/a Friendly's, The Johnny Rockets Group, Inc., WZ Franchise Corp., Captain D's LLC, and White Castle Purchasing Co. We understand this objection was also sent to the parties and filed with the Court (ECF No. 7040). No objections were filed to the Mountaire or O.K. Foods settlements.

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

Executed this 28<sup>th</sup> day of November 2023.



Eric Schachter