

**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

**DECLARATION OF BOBBY POUYA IN SUPPORT OF
DIRECT PURCHASER PLAINTIFFS' MOTION FOR FINAL APPROVAL OF THE
SETTLEMENTS WITH THE SIMMONS, MOUNTAIRE, AND O.K. FOODS
DEFENDANTS**

I, Bobby Pouya, declare and state as follows:

1. I am a Partner of the law firm of Pearson Warshaw, LLP. This Court has appointed my firm, together with Lockridge Grindal Nauen P.L.L.P., as Co-Lead Class Counsel for the Direct Purchaser Plaintiff Class (“DPPs”) in this litigation.

2. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Settlements Between the Direct Purchaser Plaintiffs and the Simmons, Mountaire, and O.K. Foods Defendants, filed concurrently herewith.

3. Co-Lead Class Counsel, along with A. B. Data Ltd., the Court-appointed claims administrator, have executed the Notice Plan in accordance with the Court’s Preliminary Approval Orders.

4. As counsel for DPPs, we performed a thorough investigation and engaged in extensive discovery prior to reaching the Settlements. These efforts commenced prior to the filing of DPPs’ initial complaint and included pre-litigation investigation into Defendants’ conduct that formed the basis of the DPPs’ complaints.

5. During the litigation, DPPs obtained responses to multiple sets of interrogatories, and received over 8 million documents in response to their requests for production and third-party subpoenas.

6. DPPs along with other plaintiffs have taken over 100 depositions of the Defendants and third parties.

7. DPPs have also provided responses to written discovery, produced documents, and appeared for depositions noticed by the Defendants.

8. Prior to the Court’s ruling on Defendants’ motions to dismiss, DPPs reached an “ice-breaker” settlement with Defendant Fieldale. Fieldale, a small producer, agreed to pay \$2.25

million, provide cooperation including attorney and witness proffers, and produce certain documents to DPPs. The Court granted final approval to the Fieldale settlement on November 18, 2018. (*See* ECF No. 1414.) DPPs later settled with Defendants Amick, Peco, and George's. Like Fieldale, these three Defendant groups are small producers. In addition to providing cooperation to DPPs, Peco paid \$4,964,600, George's paid \$4,097,000, and Amick paid \$3,950,000. The Court granted final approval to the Amick, Peco, and George's settlements on October 27, 2020. (*See* ECF Nos. 3944 (Peco and George's), 3945 (Amick).) DPPs then secured significant settlements with Pilgrim's and Tyson in the amount of \$75 million and \$79,340,000, respectively. The Court granted final approval to the Pilgrim's and Tyson settlements on June 29, 2021. (*See* ECF No. 4789.) DPPs then settled with Mar Jac and Harrison Poultry in the amount of \$7,975,000 and \$3,300,000, respectively. The Court granted final approval to the Mar Jac and Harrison settlements on January 27, 2022. (*See* ECF No. 5397.) Next, DPPs secured a settlement with Simmons in the amount of \$8,018,991. The Court granted preliminary approval to the Simmons settlement on June 12, 2023. (*See* ECF No. 6615.) DPPs then settled with Mountaire and O. K. Foods in the amount of \$15,899,826 and \$4,856,333, respectively. The Court granted preliminary approval to the Mountaire and O.K. Foods settlements on September 5, 2023. (*See* ECF No. 6830.) Most recently, DPPs secured settlements with House of Raeford and Koch in the amount of \$27,500,000 and \$47,500,000, respectively. The Court granted preliminary approval to the House of Raeford and Koch settlements on October 13, 2023. (*See* ECF No. 6979.) The total settlements obtained by DPPs to date is \$284,650,750.

9. The Settlement Agreement with Simmons was reached through confidential, protracted, arm's length negotiations. The negotiations commenced in April 2023. The parties ultimately executed the Settlement Agreement on May 24, 2023.

10. The Settlement Agreement with Mountaire was reached through confidential, protracted, arm's length negotiations. The negotiations commenced in July 2023. The parties ultimately executed the Settlement Agreement on August 14, 2023.

11. The Settlement Agreement with O.K. Foods was reached through confidential, protracted, arm's length negotiations. The negotiations commenced in April 2023, and ultimately culminated after a mediation with highly experienced mediators Professor Eric Green and Mr. Fouad Kurdi. The parties ultimately executed the Settlement Agreement on August 25, 2023.

12. DPPs separately negotiated settlements with Simmons, Mountaire, and O.K. Foods. In engaging in these separate settlement discussions, counsel for DPPs were focused on obtaining the best possible result for the DPP Class. There was no collusion or preference among counsel for the parties at any time during these negotiations. To the contrary, the negotiations were contentious, hard fought, and fully informed. Plaintiffs sought to obtain the greatest monetary benefit possible from the Settling Defendants. Furthermore, throughout the course of the negotiations there was never any discussion or agreement at any time regarding the amount of attorneys' fees Direct Purchaser Plaintiffs' counsel would ask the Court to award in this case.

13. In sum, the Settlement Agreements: (1) are the result of extensive good-faith and hard-fought negotiations between knowledgeable and skilled counsel; (2) were entered into after extensive factual investigation and legal analysis; and (3) in the opinion of experienced Co-Lead Class Counsel, are fair, reasonable, and adequate.

14. Based on both the monetary and cooperation elements of the Settlement Agreements, Co-Lead Class Counsel submits that the Settlement Agreements are in the best interests of the Certified Class members and should be approved by the Court.

15. The Settlements are on behalf of the Class previously certified by the Court on May 27, 2022. (ECF No. 5644.)

16. I have practiced law since 2006, I specialize in antitrust class action law, and I have prosecuted numerous antitrust class actions as lead counsel or other leadership positions. I have negotiated many settlements during those years. In my opinion, and in that of my Co-Lead Class Counsel, the proposed settlement agreements are fair, reasonable, and adequate.

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

Executed on this 28th day of November, 2023 at Sherman Oaks, California.

/s/ Bobby Pouya

Bobby Pouya