

**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

**ORDER GRANTING DIRECT PURCHASER PLAINTIFFS'
MOTION FOR REIMBURSEMENT OF LITIGATION EXPENSES**

On December 12, 2023, at 10:00 a.m. CST, this Court held a hearing on Direct Purchaser Plaintiffs' Motion for Reimbursement of Litigation Expenses (ECF No. 6963) (the "Motion"). The Court, having reviewed the Motion, its accompanying memorandum and the exhibits thereto, all papers filed, and arguments submitted therewith, hereby finds that the Motion should be **GRANTED**, and further finds that:

1. The Court has jurisdiction over the subject matter of this litigation, including the actions within this litigation.
2. The Class Notice of this Motion provided due and sufficient notice of the proceedings and of the matters set forth therein, including the proposed amount (up to \$6 million), to all persons entitled to such notice. The notice further advised Class members that the Motion would be filed by October 12, 2023 (30 days before the November 11, 2023 objection deadline), and a copy of the Motion and the supporting documents were posted on the settlement website. This process fully satisfied the requirements of the Federal Rules of Civil Procedure and the requirements of due process.

3. No objections to the Motion were received.

4. The costs advanced by Class Counsel were substantial, were expended for the benefit of the Settlement Classes and Certified Class, and were expended without any ultimate guarantee of reimbursement. Between April 13, 2021 and September 30, 2023 Co-Lead Class Counsel incurred Litigation Fund expenses of \$3,864,780.17, which have been reviewed and are now approved by the Court as reasonable and necessarily incurred in the litigation.

5. The Court also approves reimbursement of \$604,566.48 in litigation costs incurred from inception through April 12, 2021, which were previously deemed reasonable and necessary, but not paid at the time of the first motion for reimbursement of litigation expenses because Co-Lead Class Counsel only gave notice of \$4.5 million rather than the actually incurred amount of \$5,104,566.48. (*See* ECF No. 5229 at 10.)

6. In total, the Motion seeks reimbursement of \$4,469,346.65 in Litigation Fund costs incurred through September 30, 2023, which is hereby approved and shall be paid *pro rata* from the Mar Jac, Harrison Poultry, Simmons, Mountaire, and O.K. Foods settlement escrow accounts as follows:

Defendant	Settlement Amount	Pro Rata %	Pro Rata \$
Mar Jac	\$ 7,975,000.00	19.913%	\$ 889,960.20
Harrison Poultry	\$ 3,300,000.00	8.240%	\$ 368,259.39
Simmons	\$ 8,018,991.00	20.022%	\$ 894,869.32
Mountaire	\$ 15,899,826.00	39.700%	\$ 1,774,321.30
O.K. Foods	\$ 4,856,333.00	12.126%	\$ 541,936.44
<u>Total</u>	<u>\$ 40,050,150.00</u>	<u>100.000%</u>	<u>\$ 4,469,346.65</u>

7. The *pro rata* reimbursement of litigation expenses to the Litigation Fund from each of the settlement funds as set forth above may be made once each of the respective settlement becomes final as defined by the terms of the Settlement Agreement.

8. An appeal as to any of the above listed settlements shall not be deemed applicable or delay payment of the *pro rata* reimbursement of litigation expenses to the Litigation Fund for any other settlement which is not subject to an appeal.

IT IS SO ORDERED.

DATED: December 12, 2023



HONORABLE THOMAS M. DURKIN
UNITED STATES DISTRICT JUDGE