

**If you purchased raw chicken in the United States from January 1, 2012, through July 31, 2019, a class action may affect your rights.**

*A federal court authorized this notice. This is not a solicitation from a lawyer.*

- The purpose of this notice is to inform you of your rights related to the class action lawsuit entitled *In re Broiler Chicken Antitrust Litigation (End-User Consumer Action)*, N.D. Ill. Case No. 1:16-cv-08637, pending in the United States District Court for the Northern District of Illinois (the "Court").
- On May 27, 2022, Judge Thomas M. Durkin issued an Order certifying a class of indirect purchasers generally defined as: "All persons and entities who indirectly purchased the following types of raw chicken, whether fresh or frozen: whole birds (with or without giblets), whole cut-up birds purchased within a package, breast cuts or tenderloin cuts, but excluding chicken that is marketed as halal, kosher, free range, organic, diced, minced, ground, seasoned, flavored, or breaded—from defendants or co-conspirators for personal consumption in the Repealer Jurisdictions from January 1, 2012, to July 31, 2019" (the "Certified Class").
- This notice provides Class Members with an opportunity to opt out of the Certified Class defined above. If you exclude yourself from the Certified Class, you will not be able to recover any award from any future settlements or judgments obtained by the lawyers for the Class, if settlements or judgments occur.. **Your decision to exclude yourself (or not) from the Certified Class will not affect your ability to participate in the previous settlements reached in this litigation.**
- Defendants have not admitted any liability and continue to deny the legal claims alleged in this lawsuit. No additional settlements have been reached with the Non-Settling Defendants. If there are any future settlements or judgments, you will receive an additional notice.
- Your legal rights may be affected whether you act or do not act. Please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS	
<b>ASK TO BE EXCLUDED</b>	You must submit a valid request for exclusion to remove yourself from the Certified Class. This is the only option that allows you to ever be part of any <i>other</i> lawsuit against the Defendants for the claims set forth in this matter. Requests for Exclusion must be postmarked by <b>April 4, 2023</b> .
<b>DO NOTHING</b>	If you do nothing, you will remain a member of the Certified Class, and if there is a settlement or judgment, you will be sent a notice with instructions on how to benefit from it.

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### 1. What is this lawsuit about?

This class action, *In re Broiler Chicken Antitrust Litigation*, N.D. Ill. Case No. 1:16-cv-08637, is pending in the United States District Court for the Northern District of Illinois. U.S. District Court Judge Thomas M. Durkin presides over this class action.

End-User Consumer Plaintiffs allege that Defendants and their co-conspirators conspired to restrict the supply of, and fix, raise, and stabilize the price of Broiler chicken, from at least January 1, 2012 through at least July 31, 2019, in violation of federal and state consumer protection and antitrust laws.

The Court previously gave final approval to settlements between the Plaintiffs and Fieldale, George's, Mar-Jac, Peco, Pilgrim's, and Tyson. The End-User Consumer Plaintiffs' case is proceeding against all other Defendants who have not settled the case, known as the "Non-Settling Defendants."

#### **This notice is a class certification notice for the Non-Settling Defendants listed below:**

**"Non-Settling Defendants"** refers to Agri Stats, Inc.; Norman W. Fries, Inc. d/b/a Claxton Poultry Farms; Foster Farms, LLC and Foster Poultry Farms; Harrison Poultry, Inc.; House of Raeford Farms, Inc.; JCG Foods of Alabama, LLC, JCG Foods of Georgia, LLC, Koch Foods, Inc., and Koch Meat Co., Inc.; Mountaire Farms, Inc., Mountaire Farms, LLC, and Mountaire Farms of Delaware, Inc.; O.K. Foods, Inc., O.K. Farms, Inc., and O.K. Industries, Inc.; Perdue Farms, Inc. and Perdue Foods LLC; Sanderson Farms, Inc., Sanderson Farms, Inc. (Foods Division), Sanderson Farms, Inc. (Processing Division), and Sanderson Farms, Inc. (Production Division); Wayne Farms, LLC; and Simmons Foods, Inc. and Simmons Prepared Foods, Inc.

If you are a member of the Certified Class, you may receive additional notices regarding the progress of the litigation and any resolution of claims against the Non-Settling Defendants.

## 2. What is a class action and who is involved?

In a class action lawsuit, one or more people or businesses called “class representatives” sue on behalf of themselves and others who have similar claims in the specific class action, all of whom together are a “class.” Class Members do not have to file a lawsuit to participate in the class action settlement or be bound by the judgment in the class action. One court resolves the issues for everyone in the class, except for those who exclude themselves from the class.

## 3. Why am I getting this notice?

The Court has directed notice to be sent to the Certified Class, as this lawsuit may affect your rights. This notice provides you with the status of the litigation and the opportunity to exclude yourself from the Certified Class should you choose to do so.

You may have received notices and/or submitted claims with respect to prior settlements reached in this litigation. The prior notices and/or claims only relate to the Settling Defendants. You are receiving this notice because the Court has certified a Class regarding the Non-Settling Defendants.

## 4. Am I part of the Certified Class?

The Certified Class is defined as:

**All persons and entities who indirectly purchased the following types [of] raw chicken, whether fresh or frozen: whole birds (with or without giblets), whole cut-up birds purchased within a package, breast cuts or tenderloin cuts, but excluding chicken that is marketed as halal, kosher, free range, organic, diced, minced, ground, seasoned, flavored, or breaded—from defendants or co-conspirators for personal consumption in the Repealer Jurisdictions from January 1, 2012 to July 31, 2019.**

The “Repealer Jurisdictions” are: California, District of Columbia, Florida, Hawaii, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, and Wisconsin.

If you are a member of the Certified Class and do not exclude yourself, you may be eligible to participate in any additional settlements which may arise with the Non-Settling Defendants.

## 5. I’m still not sure if I am included.

If you are still not sure if you are included, please review the detailed information contained on the litigation website, [www.overchargedforchicken.com](http://www.overchargedforchicken.com).

## 6. Is there a Settlement?

Settlements were previously reached with Fieldale, George’s, Mar-Jac, Peco, Pilgrim’s, and Tyson. There is no settlement or judgment at this time with respect to the Non-Settling Defendants and there is no guarantee that a settlement will be reached or that a judgment in favor of Plaintiffs will be entered by the Court.

## 7. What do I do if I already filed a claim in this litigation?

Any claims filed related to prior settlements reached in this litigation are unaffected by the Court’s Order regarding the Certified Class.

## 8. What am I giving up by staying in the Class?

Unless you exclude yourself by following the directions below, you will remain in the Certified Class, which means that you cannot sue, continue to sue, or be part of any *other* lawsuit against the Non-Settling Defendants and their affiliates that pertains to the claims in this case. It also means that should a settlement be reached, or a judgment be issued by the Court, regardless of if it is in favor of the Plaintiffs or the Defendants, the Court's orders will apply to you and legally bind you.

### **9. What happens if I do nothing at all?**

If you do nothing, you will remain a member of the Certified Class. In the event of future settlements or judgments, you will be notified and have the opportunity to participate.

### **10. How do I exclude myself from the Certified Class?**

If you do not want to remain a member of the Certified Class and you do not want to be legally bound by the terms of any potential settlements or judgments, or if you wish to pursue your own separate lawsuit against Defendants, you must exclude yourself by submitting a written request to the Administrator stating your intent to exclude yourself from the Certified Class (an "Exclusion Request").

Your Exclusion Request must include the following: (a) your name and address; (b) a statement that you want to be excluded from the End-User Consumer Certified Class in *In re Broiler Chicken Antitrust Litigation (End-User Consumer Action)*; and (c) your signature. You must mail your Exclusion Request, postmarked by **April 4, 2023**, to: Broiler Chicken Consumer Litigation, Attn: EXCLUSIONS, c/o A.B. Data, Ltd., P.O. Box 173001, Milwaukee, WI 53217.

### **11. If I don't exclude myself, can I sue Defendants for the same thing later?**

No. Unless you exclude yourself, you give up the right to sue the Non-Settling Defendants for the claims set forth in the litigation. If you have a pending lawsuit against one or more of the Non-Settling Defendants, speak to your lawyer in that lawsuit immediately to determine whether you must exclude yourself from this Class to continue your own lawsuit against Non-Settling Defendants.

### **12. Do I have a lawyer in this case?**

The Court has appointed Hagens Berman Sobol Shapiro LLP and Cohen Milstein Sellers & Toll, PLLC as Co-Lead Counsel for the Certified Class. If you wish to remain a member of the Certified Class, you do not need to hire your own lawyer because Co-Lead Counsel is working on your behalf. If you wish to pursue your own case separate from this one, or if you exclude yourself from the Certified Class, these lawyers will no longer represent you. You will need to hire your own lawyer if you wish to pursue your own lawsuit against Non-Settling Defendants.

### **13. How will the lawyers be paid?**

In the event of a future settlement or judgment, Co-Lead Counsel will ask the Court for attorneys' fees based on their services in this litigation. Any payment to the attorneys will be subject to Court approval. You will not be responsible for paying Co-Lead Counsel directly.

### **14. How do I get more information?**

This notice summarizes the Certified Class. More details are available on the website. You can find copies of the Order Certifying the Class, other important documents, and information about the current status of the litigation by visiting [www.overchargedforchicken.com](http://www.overchargedforchicken.com).

**PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.**