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14 *Class Counsel for the Direct Purchaser Class*

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**UNITED STATES DISTRICT COURT**  
**FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

IN RE: PACKAGED SEAFOOD  
PRODUCTS ANTITRUST  
LITIGATION

This filing relates to the Direct  
Purchaser Plaintiff Class Action  
Track

Case No. 3:15-md-02670-JLS-MDD

**DIRECT PURCHASER  
PLAINTIFFS' NOTICE OF  
MOTION AND MOTION FOR  
PRELIMINARY APPROVAL**

DATE: May 20, 2021  
TIME: 10:30 a.m.  
JUDGE: Janis L. Sammartino  
CTRM: 4D

**TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF  
RECORD:**

**PLEASE TAKE NOTICE** that on May 20, 2021, at 10:30 a.m., pursuant to Federal Rule of Civil Procedure 23, Plaintiffs Olean Wholesale Grocery Cooperative, Inc., Pacific Groservice Inc. d/b/a PITCO Foods, Piggly Wiggly Alabama Distributing Co., Inc., Howard Samuels as Trustee in Bankruptcy for Central Grocers, Inc., Trepco Imports and Distribution Ltd., and Benjamin Foods LLC (collectively, the “Direct Purchaser Plaintiffs” or “DPPs”) will move the Court for an order granting preliminary approval of the proposed class action settlement between DPPs and Defendants Tri Union Seafoods LLC d/b/a Chicken of the Sea (“COSI”) and Thai Union Group PCL (“TUG”) (collectively with the DPPs, the “Parties”), which is memorialized in the Settlement Agreement Between Direct Purchaser Plaintiffs and Tri-Union Seafoods LLC d/b/a Chicken of the Sea and Thai Union Group, PCL (“Settlement Agreement”), and for related relief. Specifically, DPPs request that the Court:

(1) Certify, for settlement purposes, the following Settlement Class:

All persons and entities that directly purchased packaged tuna products within the United States, its territories and the District of Columbia from any Defendant at any time between June 1, 2011 and July 31, 2015. Excluded from the class are all governmental entities, Defendants, any parent, subsidiary or affiliate thereof, and Defendants’ officers, directors, employees, and immediate families, as well as any federal judges or their staffs.

(2) Appoint Hausfeld LLP as Class Counsel for settlement purposes;

(3) Appoint Olean Wholesale Grocery Cooperative, Inc., Pacific Groservice Inc. d/b/a PITCO Foods, Piggly Wiggly Alabama Distributing Co., Inc., Howard Samuels as Trustee in Bankruptcy for Central Grocers, Inc., Trepco Imports and Distribution Ltd., and Benjamin Foods LLC as Class Representatives, for settlement purposes;

(4) Find that the Settlement Agreement has been negotiated at arm’s length;

1 (5) Preliminarily approve the Settlement Agreement as fair, reasonable, and  
2 adequate, and in the best interests of the Settlement Class;

3 (6) Approve the notice content and plan for providing notice of the Class  
4 Action and Settlement to members of the Class and Settlement Class;

5 (7) Set a deadline (the “Opt Out Deadline”) for persons to seek exclusion from  
6 the Settlement Class; and

7 (8) Schedule a Fairness and Final Approval Hearing.

8 This Motion is based on the accompanying Memorandum of Points and Authorities,  
9 the supporting declarations, the record and any further briefing in this matter, and the  
10 arguments at the hearing of this Motion, if any.

11 The DPPs understand that COSI and TUG do not oppose this Motion.  
12 Additionally, the DPPs have requested that any other party who may seek to oppose  
13 the Motion promptly advise them within three days of filing this Motion, so that the  
14 DPPs may so advise the Court if it intends to set a briefing schedule.

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16 Dated: March 31, 2021

Respectfully submitted,

17 By: s/ Bonny E. Sweeney

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*Class Counsel for the Direct Purchaser  
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