

1 Michael P. Lehmann (Cal. Bar No. 77152)  
 2 Bonny E. Sweeney (Cal. Bar No. 176174)  
 3 Christopher L. Lebsock (Cal. Bar No. 184546)  
 4 Samantha J. Stein (Cal. Bar No. 302034)  
 5 HAUSFELD LLP  
 6 600 Montgomery Street, Suite 3200  
 7 San Francisco, CA 94111  
 8 Tel: (415) 633-1908  
 9 Fax: (415) 358-4980  
 10 E-mail: mlehmann@hausfeld.com  
 11 E-mail: bsweeney@hausfeld.com  
 12 E-mail: clebsock@hausfeld.com  
 13 E-mail: sstein@hausfeld.com

14 *Class Counsel for the Direct Purchaser Class*

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

17 IN RE: PACKAGED SEAFOOD PRODUCTS ANTITRUST LITIGATION
18 19 This filing relates to the Direct Purchaser Plaintiff Class Action 20 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

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

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

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

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

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

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

29           (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,

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By: s/ Bonny E. Sweeney

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Michael P. Lehmann

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Christopher L. Lebsock

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HAUSFELD LLP

23

600 Montgomery Street, Suite 3200

24

San Francisco, CA 94111

25

Tel: (415) 633-1908

26

Fax: (415) 358-4980

27

E-mail: [mlehmann@hausfeld.com](mailto:mlehmann@hausfeld.com)

28

E-mail: [bsweeney@hausfeld.com](mailto:bsweeney@hausfeld.com)

E-mail: [clebsock@hausfeld.com](mailto:clebsock@hausfeld.com)

E-mail: [sstein@hausfeld.com](mailto:sstein@hausfeld.com)

Michael D. Hausfeld

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James J. Pizzirusso  
HAUSFELD LLP  
1700 K Street NW, Suite 650  
Washington, DC 20006  
Telephone: (202) 540-7200  
Facsimile: (202) 540-7201  
E-mail: mhausfeld@hausfeld.com  
E-mail: jpizzirusso@hausfeld.com

*Class Counsel for the Direct Purchaser  
Class*