

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION**

Midwest Renewable Energy, LLC,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

ARCHER DANIELS MIDLAND
COMPANY,

Defendant.

JURY TRIAL DEMANDED

CLASS ACTION COMPLAINT

GLOSSARY

1. **ADM:** Defendant Archer Daniels Midland Company.
2. **Argo Terminal:** The Kinder Morgan Argo terminal located in Argo, Illinois. Trading at the Argo Terminal during the half-hour MOC window determines the Chicago Benchmark Price that sets the value of Chicago Ethanol Derivatives. Trades at the Argo Terminal also are used by OPIS in its reports of the daily Chicago OPIS Prices.
3. **Argo Prices:** Prices of ethanol on transactions in ethanol made in the Argo market. Argo Prices are used by OPIS in its reports of the daily Chicago OPIS prices, and are used by Platts in the determination of the Chicago Benchmark Price.
4. **Chicago Benchmark Price:** A daily price of ethanol traded at Argo Terminal. It is determined by Platts based on ethanol trading during the MOC window. This price serves as the basis for the value of the Chicago Ethanol Derivatives.
5. **Chicago Ethanol Derivatives:** Ethanol futures contracts and options contracts traded on the Chicago Mercantile Exchange (“CME”). The value of these instruments is determined wholly or in part by the Chicago Benchmark Price. The most important derivatives are (1) the Chicago Ethanol (Platts) Futures contract (CME symbol: CU) traded on NYMEX; (2) the Chicago Ethanol (Platts) Average Price Option (CME symbol: CVR) traded on NYMEX; and (3) the CME’s Ethanol Futures Contract (CME symbol: EH) traded on CBOT.
6. **Chicago OPIS Prices:** Daily price assessments released by OPIS for ethanol spot market trades at Argo. Specifically, assessments are for Denatured fuel-grade ethanol FOB Argo terminal, 5,000 bbl, including RINs for the calendar year corresponding to the product delivery date. Prompt assessments are 3-10 days from the published date.
7. **Class Period:** The period, from November 1, 2017 until a date unknown to Plaintiffs, but believed to be after September 4, 2019. This is the period during which ADM

allegedly acquired and maintained the market power to depress and had a depressant effect on Argo prices, Chicago Benchmark Prices, Chicago OPIS prices, or Chicago Ethanol Derivative Prices.

8. **First Level Sales:** The first sales of ethanol made by the producer of that ethanol to another person. Resales of ethanol after the first sale are excluded from the definition of First Level Sales.

9. **First Level Sales Contracts:** Contracts used by ethanol producers to make the first sale of the ethanol they produce.

10. **First Level Sellers:** The persons who produce ethanol and sell such ethanol to another person.

11. **Formula Prices:** In their First Level Sales Contracts for ethanol sold directly from their plants, First Level Sellers frequently specify as the price term a formula which is expressly based, in whole or in part, on a Chicago Benchmark Price, a Chicago Ethanol Derivatives Price, or a Chicago OPIS Price. As used herein, Formula Prices are prices in First Level Sales Contracts which are expressly based, in whole or in part, on a Chicago Benchmark Price, a Chicago Ethanol Derivatives Price, or a Chicago OPIS Price.

12. **Hitting the Bid:** A phrase that describes a consummated trade where a seller agrees to match a buyer's posted bid quotation price. "Hitting the bid" is the opposite of "lifting the offer," where a buyer agrees to match a seller's offer quotation for the product.

13. **ITT:** Intertank Transfer ("ITT") transactions are those occurring at the Argo Terminal where ethanol is sold from storage tanks and deliverable at the Argo Terminal between 5 and 15 days forward from the date of sale. ITT transactions form the basis of the Chicago Benchmark Price.

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14. **Long Position:** A long position is a trading position where a derivative investment earns money for a trader if the price of the underlying commodity increases. A long position contrasts with and is complementary to a short position where a trader earns money if the price of the underlying commodity decreases.

15. **MOC:** The Market-on-Close (“MOC”) window is a 30-minute trading period for ITT ethanol transactions between 1:00 p.m. and 1:30 p.m. C.T. every trading day at Argo Terminal. Platts uses trading activity during the MOC to determine the daily Chicago Benchmark Price for ethanol.

16. **OPIS:** Oil Price Information Service (“OPIS”). OPIS provides prices from Argo in its Chicago OPIS Prices.

17. **Platts:** S&P Global Platts (“Platts”) is a provider of trading information in the ethanol market and other markets. Platts creates the daily Chicago Benchmark Price that determines the value of Chicago Ethanol Derivatives.

18. **Short Position:** A short position is a trading position where a derivative investment earns money for a trader if the price of the underlying commodity decreases. A short position contrasts with and is complementary to a long position where a trader earns money if the price of the underlying commodity increases.

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Plaintiff complains of Defendant based upon personal knowledge as to the allegations of Plaintiff's conduct, and information and belief as to all else.¹

I. SUMMARY OF ALLEGATIONS

1. Plaintiff alleges that Defendant Archer Daniels Midland (“ADM”) engaged in conduct which is similar to the alleged conduct in which ADM engaged, according to the contentions made in the complaint and briefing submitted in *AOT Holding AG v. Archer Daniels Midland Co.*, 19-cv-02240, Dkt. 1 (“AOT Complaint”); see this Court’s Order in 19-cv-02240, Dkt. 45 (denying in substantial part AMD’s motion to dismiss). For example, similar to the conduct alleged herein, the AOT Holding AG plaintiff contended

- “Instead of transporting its ethanol to other terminals to earn higher cost-adjusted revenues, or selling at higher prices in non-terminal private sales, ADM achieved a monopoly in MOC sales at lower cost-adjusted prices that it was simultaneously pushing down through its own selling activity.” See AOT Opposition to Motion to Dismiss, 19-cv-02240, Dkt. 20, p.8.
- “Starting in November 2017, ADM suddenly flipped from being the predominant buyer of ethanol at Argo, to being the predominant seller when prices were lower, quickly achieving a monopoly (90%+) on sales during the MOC window.” *Id.*
- “But the best evidence of ability to influence [ethanol prices] is that, almost overnight, ADM achieved a monopoly (90-95%) on sales during the benchmark-setting MOC window—a monopoly that it has maintained throughout the entire manipulation period.” *Id.* p.10.
- ADM’s “combination of reducing offer prices and hitting even lower-priced bids during the MOC window had the effect of driving Argo ethanol prices lower, both inside and outside the MOC window.” *Id.* p. 11.

2. Although similar to the allegations and contentions in the AOT Holding action, ADM’s conduct alleged herein is not identical. For example, the AOT Complaint seeks recovery

¹ Plaintiff’s information is obtained from the investigation by counsel. This investigation includes information from publicly available materials. Such materials include, but are not limited to, certain portions of (i) the Complaint in *AOT v. ADM* (19-cv-02240, Dkt. 1), AOT’s Memorandum in Opposition to ADM’s Motion to Dismiss (19-cv-02240, Dkt. 20), and (ii) the Complaint in *Green Plains v. ADM* (20-cv-00279, Dkt. 1).

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