UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

IN RE BROILER CHICKEN ANTITRUST LITIGATION	No. 1:16-cv-08637 Honorable Thomas M. Durkin Magistrate Judge Jeffrey T. Gilbert
This Document Relates To: All End-User Consumer Plaintiff Actions	

MEMORANDUM OF LAW IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF SETTLEMENT AGREEMENTS
BETWEEN END-USER CONSUMER PLAINTIFFS
AND TYSON, FIELDALE, PECO FOODS AND GEORGE'S DEFENDANTS

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I. INTRODUCTION

End-User Consumer Plaintiffs respectfully move for preliminary approval of settlements with Defendants Fieldale ($1.7 million),[1] Peco ($1.9 million),[2] George's ($1.9 million),[3] and Tyson ($99 million)[4] (collectively, "Settling Defendants"). These icebreaker settlements – negotiated at arm's length – provide $104 million in total relief to the EUCPs. Settling Defendants' agreement to provide cooperation will also strengthen EUCPs' case against the remaining Defendants.

In addition, , the settlements fall within the range of possible approval under Federal Rule of Civil Procedure 23(e), the proposed settlement class satisfies the requirements of Federal Rule of Civil Procedure 23(a) and (b), and the proposed notice plan is reasonable. EUCPs therefore request that the Court schedule a preliminary approval hearing.

II. SUMMARY OF LITIGATION

EUCPs have been litigating this case diligently for over four years. On December 14, 2016, the Court appointed Hagens Berman Sobol Shapiro LLP as lead counsel supported by Cohen Milstein Sellers & Toll, PLLC as additional counsel for the putative EUCP class. ECF No. 248. Two days later, EUCPs filed a Consolidated Amended Class Action Complaint alleging that defendants conspired to suppress chicken output and raise chicken prices, in violation of the Sherman Act and many state antitrust and consumer protection laws. ECF No. 255.[5] On November

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[1] In this memorandum, "Fieldale" refers to the Defendant Fieldale Farms Corporation.

[2] "Peco" refers to Defendant Peco Foods, Inc.

[3] "George's" refers to Defendants George's Inc. and George's Farms, Inc.

[4] "Tyson" refers to Defendants Tyson Foods, Inc., Tyson Chicken, Inc., Tyson Breeders, Inc., and Tyson Poultry, Inc.

[5] EUCPs' initial Consolidated Amended Class Action Complaint alleged that fourteen chicken processors maintained a *per se* unlawful conspiracy to suppress chicken output and raise prices.

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