

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

EASTERN DIVISION

OLEAN WHOLESALE GROCERY  
COOPERATIVE, INC. and JOHN GROSS  
AND COMPANY, INC.

Plaintiffs,

v.

AGRI STATS, INC., BUTTERBALL LLC,  
CARGILL, INC., CARGILL MEAT  
SOLUTIONS CORPORATION, COOPER  
FARMS, INC., FARBEST FOODS, INC.,  
FOSTER FARMS, LLC, FOSTER POULTRY  
FARMS, THE HILLSHIRE BRANDS  
COMPANY, HORMEL FOODS  
CORPORATION, HORMEL FOODS, LLC,  
HOUSE OF RAEFORD FARMS, INC.,  
KRAFT HEINZ FOODS COMPANY, KRAFT  
FOODS GROUP BRANDS LLC, PERDUE  
FARMS, INC., PERDUE FOODS LLC,  
TYSON FOODS, INC., TYSON FRESH  
MEATS, INC. AND TYSON PREPARED  
FOODS, INC.,

Defendants.

No.

**CLASS ACTION COMPLAINT**

DEMAND FOR JURY TRIAL

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	FIRST CLAIM FOR RELIEF VIOLATION OF SECTION 1 OF THE SHERMAN ACT FOR CONSPIRACY TO EXCHANGE COMPETITIVE INFORMATION 15 U.S.C. § 1 (ON BEHALF OF NATIONWIDE CLASS FOR INJUNCTIVE AND EQUITABLE RELIEF AND DAMAGES) .....	46
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Plaintiffs bring this action on behalf of themselves individually and on behalf of a plaintiff class consisting of all persons and entities who purchased turkey directly from a defendant or co-conspirator in the United States beginning at least as early as January 1, 2010 through January 1, 2017 (Class Period).<sup>1</sup> Plaintiffs bring this action for treble damages and injunctive relief under Section 1 of the Sherman Act. Plaintiffs demand a trial by jury.

## **I. NATURE OF ACTION**

1. The turkey integrator defendants are the leading suppliers of turkey in an industry with approximately \$5 billion in annual commerce. The turkey industry is highly concentrated, with a small number of large producers in the United States controlling supply. Defendants and their co-conspirators collectively control approximately 80 percent of the wholesale turkey market in the United States. The turkey integrator defendants are Butterball LLC (Butterball); Cargill Inc. and Cargill Meat Solutions Corporation, (together and separately, Cargill); Cooper Farms, Inc. (Cooper Farms); Farbest Foods, Inc., (Farbest); Foster Farms LLC and Foster Poultry Farms (together and separately, Foster Farms); Hormel Foods Corporation and Hormel Foods LLC (together and separately, Hormel); House of Raeford Farms, Inc., (House of Raeford); Kraft Heinz Foods Company and Kraft Foods Group Brands LLC (together and separately, Kraft Foods), Perdue Farms, Inc. and Perdue Foods LLC (together and separately, Perdue); Tyson Foods, Inc., The Hillshire Brands Company, Tyson Fresh Meats, Inc. and Tyson Prepared Foods, Inc. (together and separately, Tyson).

2. Defendant Agri Stats is a company that provides secretive information exchange services to companies in a variety of agricultural sectors, including pork, chicken, and turkey.

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<sup>1</sup> For purposes of this complaint, turkey includes turkey meat purchased fresh or frozen, and either uncooked or cooked.

3. The turkey integrator defendants each entered into an agreement from at least 2010 to January 1, 2017, to exchange sensitive information through Agri Stats regarding their production and sales of turkey.

4. Agri Stats reports are far different from lawful industry reports. Agri Stats gathers detailed financial and production data from each of the turkey integrators, standardizes this information, and produces customized reports and graphs for the co-conspirators. On a monthly basis, Agri Stats provides the turkey integrators with current and forward-looking sensitive information (such as profits, costs, prices and slaughter information).

5. The United States Supreme Court has long recognized that “exchanges of current price information, of course, have the greatest potential for generating anticompetitive effects.”<sup>2</sup> Agri Stats’ sales reports prove the truth of that maxim. Agri Stats prepared monthly reports for defendants regarding their sales of turkey that identified, on a specific product by product level, the prices and returns that each defendant was obtaining on their sales of turkey. These reports, unavailable to anybody besides Agri Stats subscribers, allowed the integrator defendants to easily identify potential opportunities where their prices for turkey products were significantly lower than their competitors.

6. Turkey is the relevant product market and the geographic market is the continental United States. Defendants collectively possess market power in the market for turkey. Defendants and co-conspirators collectively possessed approximately 80 percent of the overall market share for turkeys during the Class Period.

7. Blair Snyder, a senior executive at Agri Stats, publicly stated in 2009 that “about 95% of the turkey industry [is] participating” in Agri Stats, and that for “turkey participants,

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<sup>2</sup> *United States v. U.S. Gypsum Co.*, 438 U.S. 422, 443 (1978).



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