

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

OLEAN WHOLESALE GROCERY
COOPERATIVE, INC., *et al.*,

Plaintiffs,

v.

AGRI STATS, INC., *et al.*,

Defendants.

No. 19-cv-08318

Hon. Virginia M. Kendall
Hon. Gabriel A. Fuentes

SANDEE'S BAKERY,

Plaintiff,

v.

AGRI STATS, INC., *et al.*,

Defendants.

No. 20-cv-02295

Hon. Virginia M. Kendall
Hon. Gabriel A. Fuentes

**DEFENDANTS' MOTION FOR PROTECTIVE ORDER BARRING DISCOVERY
BEYOND THE SCOPE OF THE CLAIM AT ISSUE IN THIS CASE**

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I. INTRODUCTION

Purchasers of turkey products brought this case against several turkey companies (“Turkey Defendants”) and Agri Stats, a company that produces statistical reports about the agricultural industry. At the pleading stage, this Court rejected Plaintiffs’ assertion that they alleged a viable *per se* unlawful violation of the antitrust laws. [Dkt. No. 173, *Olean Wholesale Grocery Coop., Inc. v. Agri Stats, Inc. et al.*, No. 19-cv-08318 \(N.D. Ill.\), Order 14-15.](#)¹ As a result, the only operative cause of action is a single rule-of-reason claim alleging an anticompetitive “information sharing” agreement described as follows:

Plaintiffs allege that the Turkey Defendants entered into an agreement between 2010 and 2017 to exchange competitively sensitive information—namely, production and sales data. [\[Complaint,\] ¶ 3.](#) They exchanged this data with one another through Agri Stats. (*Id.*).

[Order 2.](#)

Rather than focusing on proving the case that this Court has allowed to proceed, Plaintiffs have initiated sweeping discovery—including requests for personal phone records, calendars, travel logs, expense reports, text messages, and social media contacts—having no relationship whatsoever to the Agri Stats information sharing claim at issue. And this discovery is directed not just to Defendants but also to non-party entities such as telecommunications carriers and trade associations. Plaintiffs are using discovery to fish for evidence to support a non-existent conspiracy claim.

To be sure, appropriate discovery as to the existing alleged Agri Stats information exchange claim likely will be extensive, with significant amounts of documents and data being

¹ Although the citations to the record throughout this motion are to the docket in *Olean Wholesale Grocery Coop., Inc. v. Agri Stats, Inc. et al.*, No. 19-cv-08318 (N.D. Ill.), the arguments equally apply to *Sandee’s Bakery v. Agri Stats, Inc. et al.*, No. 20-cv-02295 (N.D. Ill.).

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