

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SANDEE'S CATERING,

Plaintiff,

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.

Case No. 1:20-cv-02295

**ANSWER TO AMENDED CLASS
ACTION COMPLAINT**

Tyson Foods, Inc., Tyson Fresh Meats Inc., Tyson Prepared Foods, Inc., and The Hillshire Brands Company ("Tyson"), by and through its undersigned counsel, submits its answer and affirmative defenses to the Amended Class Action Complaint ("Complaint") filed by Sandee's Catering ("Plaintiff") on November 16, 2020, as follows:

1. Paragraph 1 contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, Tyson denies such characterizations and/or conclusions. Tyson generally and specifically denies the conspiracy alleged in the Complaint.

2. The allegations set forth in Paragraph 2 are not directed to Tyson and, therefore, no response is required from Tyson. To the extent any of the allegations set forth in this Paragraph could be construed as allegations against Tyson, Tyson denies knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies these allegations.

3. Tyson specifically and generally denies the conspiracy alleged in the Complaint. Tyson denies the allegations in Paragraph 3.

4. Tyson denies the conspiracy alleged in the Complaint. Tyson admits that Tyson and some other turkey producers submit information to Agri Stats and Agri Stats reports anonymized information to Tyson for pro-competitive benchmarking purposes. Tyson lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 4 and, therefore, denies these allegations.

5. Tyson denies the conspiracy alleged in the Complaint. Paragraph 5 contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, Tyson denies such characterizations and/or conclusions. Furthermore, Tyson lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 5 and, therefore, denies these allegations on this additional basis.

6. Paragraph 6 contains Plaintiff's characterization of its claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, Tyson denies such characterizations and/or allegations. Tyson specifically states that it does not sell, and has never sold during the alleged Class Period, whole turkeys.

7. The allegations set forth in Paragraph 7 are not directed to Tyson and, therefore, no

response is required from Tyson. To the extent any of the allegations set forth in this Paragraph could be construed as allegations against Tyson, Tyson lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 7 and, therefore, denies these allegations.

8. Tyson specifically denies the conspiracy alleged in the Complaint. Tyson admits that Tyson submits information to Agri Stats and Agri Stats reports anonymized information to Tyson for pro-competitive benchmarking purposes. Further, to the extent that the allegations in Paragraph 8 relate to other Defendants and/or third parties to this action, Tyson denies knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies these allegations on this additional basis. Tyson denies any remaining allegations in Paragraph 8.

9. Tyson admits that it acquired Hillshire Brands in 2014. Tyson admits that Tyson submits information to Agri Stats and Agri Stats reports anonymized information to Tyson for pro-competitive benchmarking purposes. Tyson denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 9 and, therefore, denies those allegations. Tyson specifically denies the conspiracy alleged in the Complaint. Further, to the extent that the allegations in Paragraph 9 relate to other Defendants and/or third parties to this action, Tyson denies knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies these allegations on this additional basis. To the extent the allegations in Paragraph 9 characterize or describe documents or other sources, Tyson states that such sources speak for themselves and denies any characterization or description that is inconsistent therewith.

10. The allegations set forth in Paragraph 10 are not directed to Tyson and, therefore, no response is required from Tyson. To the extent any of the allegations set forth in this Paragraph

could be construed as allegations against Tyson, Tyson denies the allegations set forth in Paragraph 10 as such allegations are argumentative and contain legal conclusions. Tyson specifically denies the conspiracy alleged in the Complaint. Tyson only admits that Tyson submits information to Agri Stats and Agri Stats reports anonymized information to Tyson for pro-competitive benchmarking purposes. Tyson denies the characterizations of these exchanges as set forth in Paragraph 10. Further, Tyson lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 and, therefore, denies these allegations on this additional basis. To the extent the allegations in this Paragraph characterizes or describes documents or other sources, Tyson states that such documents or sources speak for themselves and denies any characterization or description inconsistent therewith.

11. Tyson denies the conspiracy alleged in the Complaint. Paragraph 11 contains Plaintiff's characterization of its claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. Further, the allegations set forth in Paragraph 11 are not directed to Tyson and, therefore, no response is required from Tyson. To the extent any of the allegations set forth in this Paragraph could be construed as allegations against Tyson, Tyson lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 and, therefore, denies these allegations.

12. The allegations set forth in Paragraph 12 are not directed to Tyson and, therefore, no response is required from Tyson. To the extent any of the allegations set forth in this Paragraph could be construed as allegations against Tyson, Tyson lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12 and, therefore, denies these allegations. To the extent the allegations in this Paragraph characterizes or describes documents or

other sources, Tyson states that such documents or sources speak for themselves and denies any characterization or description inconsistent therewith.

13. The allegations set forth in Paragraph 13 are not directed to Tyson and, therefore, no response is required from Tyson. To the extent any of the allegations set forth in this Paragraph could be construed as allegations against Tyson, Tyson lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13 and, therefore, denies these allegations. To the extent the allegations in this Paragraph characterizes or describes documents or other sources, Tyson states that such documents or sources speak for themselves and denies any characterization or description inconsistent therewith.

14. The allegations set forth in Paragraph 14 are not directed to Tyson and, therefore, no response is required from Tyson. To the extent any of the allegations set forth in this Paragraph could be construed as allegations against Tyson, Tyson lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14 and, therefore, denies these allegations. To the extent the allegations in this Paragraph characterizes or describes documents or other sources, Tyson states that such documents or sources speak for themselves and denies any characterization or description inconsistent therewith.

15. The allegations set forth in Paragraph 15 are not directed to Tyson and, therefore, no response is required from Tyson. To the extent any of the allegations set forth in this Paragraph could be construed as allegations against Tyson, Tyson lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15 and, therefore, denies these allegations. To the extent the allegations in this Paragraph characterizes or describes documents or other sources, Tyson states that such documents or sources speak for themselves and denies any characterization or description inconsistent therewith.

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