

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

McLANE COMPANY, INC., d/b/a
McLane/Southwest, McLane/Southeast,
McLane Southeast, McLane/Northwest,
McLane/Southeast – Dothan, McLane/ High
Plains, and McLane/North Texas;
McLANE/MID-ATLANTIC, INC., d/b/a
McLane/Carolina and McLane Mid-Atlantic;
McLANE/MIDWEST, INC., d/b/a
McLane/Cumberland, McLane/Midwest,
McLane Midwest, and McLane/Ozark;
McLANE MINNESOTA, INC.; McLANE
NEW JERSEY, INC; McLANE/EASTERN,
INC., d/b/a McLane/Northeast,
McLane/Northeast-Concord, and McLane PA;
McLANE/SUNEAST, INC., d/b/a
McLane/Pacific, McLane/Southern
California, McLane/Sunwest, McLane
Sunwest, McLane/Suneast, and McLane
Ocala; McLANE OHIO, INC.;
McLANE/SOUTHERN, INC.;
McLANE/WESTERN, INC.; McLANE
EXPRESS, INC., d/b/a C.D. Hartnett
Company, Inc.; KINEXO, INC; McLANE
FOODSERVICE DISTRIBUTION, INC.;
and, McLANE FOODSERVICE INC.,

Plaintiffs,

v.

PILGRIM'S PRIDE CORPORATION;
KOCH FOODS, INC.; JCG FOODS OF
ALABAMA, LLC; JCG FOODS OF
GEORGIA, LLC; KOCH MEAT CO., INC.;
TYSON FOODS, INC.; TYSON CHICKEN,
INC.; TYSON BREEDERS, INC.; TYSON
POULTRY, INC.; SANDERSON FARMS,
INC.; SANDERSON FARMS, INC. (FOOD
DIVISION); SANDERSON FARMS, INC.
(PRODUCTION DIVISION); KEYSTONE
FOODS, LLC; KEYSTONE FOODS
CORPORATION; EQUITY GROUP
EUFAULA DIVISION, LLC; EQUITY

Case No. _____

**McLANE COMPANY, INC.,
McLANE/MID-ATLANTIC, INC.
McLANE/MIDWEST, INC., McLANE
MINNESOTA, INC., McLANE NEW
JERSEY, INC, McLANE/EASTERN,
INC., McLANE/SUNEAST, INC.,
McLANE OHIO, INC.,
McLANE/SOUTHERN, INC.,
McLANE/WESTERN, INC., McLANE
EXPRESS, INC., KINEXO, INC.,
McLANE FOODSERVICE
DISTRIBUTION, INC., and McLANE
FOODSERVICE INC.'s COMPLAINT
AND JURY DEMAND**

GROUP KENTUCKY DIVISION LLC;
EQUITY GROUP – GEORGIA DIVISION
LLC SANDERSON FARMS, INC.; HOUSE
OF RAEFORD FARMS, INC.; SIMMONS
FOODS, INC.; SIMMONS PREPARED
FOODS, INC.; GEORGE’S, INC.;
GEORGE’S FARMS, INC.; MARJAC
POULTRY, INC.; MAR-JAC POULTRY
MS, LLC; MAR-JAC POULTRY AL, LLC;
MAR-JAC AL/MS, INC.; MAR-JAC
POULTRY, LLC; MAR-JAC HOLDINGS,
LLC; PERDUE FARMS, INC.; PERDUE
FOODS, LLC; WAYNE FARMS, LLC; O.K.
FOODS, INC.; O.K. FARMS, INC.; O.K.
INDUSTRIES, INC.; PECO FOODS, INC.;
HARRISON POULTRY, INC.; FOSTER
FARMS, LLC; FOSTER POULTRY
FARMS; CLAXTON POULTRY FARMS,
INC.; NORMAN W. FRIES, INC.;
MOUNTAIRE FARMS, INC.;
MOUNTAIRE FARMS, LLC; MOUNTAIRE
FARMS OF DELAWARE, INC.; AMICK
FARMS, LLC; THE AMICK COMPANY,
INC.; AMICK-OSI BROILERS, LLC;
AMICK-OSI PROCESSING, LLC; CASE
FOODS, INC.; CASE FARMS, LLC; CASE
FARMS PROCESSING, INC.; FIELDALE
FARMS CORPORATION; AGRI STATS,
INC.; UTRECHT-AMERICA HOLDINGS,
INC.; RABO AGRIFINANCE LLC
RABOBANK; USA FINANCIAL
CORPORATION; and UTRECHT-
AMERICA FINANCE CO.

Defendants.

Plaintiffs McLANE COMPANY, INC., d/b/a McLane/Southwest, McLane/Southeast, McLane Southeast, McLane/Northwest, McLane/Southeast – Dothan, McLane/ High Plains, and McLane/North Texas; McLANE/MID-ATLANTIC, INC., d/b/a McLane/Carolina and McLane Mid-Atlantic; McLANE/MIDWEST, INC., d/b/a McLane/Cumberland, McLane/Midwest, McLane Midwest, and McLane/Ozark; McLANE MINNESOTA, INC.; McLANE NEW JERSEY, INC; McLANE/EASTERN, INC., d/b/a McLane/Northeast, McLane/Northeast-Concord, and McLane PA; McLANE/SUNEAST, INC., d/b/a McLane/Pacific, McLane/Southern California, McLane/Sunwest, McLane Sunwest, McLane/Suneast, McLane Ocala; McLANE OHIO, INC.; McLANE/SOUTHERN, INC.; McLANE/WESTERN, INC; McLANE EXPRESS, INC., d/b/a C.D. Hartnett Company, Inc.; KINEXO, INC.; McLANE FOODSERVICE DISTRIBUTION, INC.; and McLANE FOODSERVICE, INC. (collectively “McLane”) bring this action for treble damages under state and federal laws against Defendants identified below. McLane alleges as follows:

1. McLANE COMPANY, INC., d/b/a McLane/Southwest, McLane/Southeast, McLane Southeast, McLane/Northwest, McLane/Southeast – Dothan, McLane/ High Plains, and McLane/North Texas is a leading supply chain services company providing grocery and foodservice supply chain solutions to convenience stores, discount retailers, wholesale clubs, drug stores, military bases, and restaurants throughout the United States. McLANE COMPANY, INC. is a Texas corporation with its principal place of business in Temple, Texas. It, along with its subsidiaries and affiliates, purchased Broilers directly from one or more Defendants during the Relevant Period, as described in the allegations contained in the Direct Action Plaintiffs’ Consolidated Complaint and Demand for Jury Trial [ECF Nos. 3924, 3922], filed in *In re Broiler*

Chicken Antitrust Litigation, 1:16-cv-08637 (N.D. Ill.) on October 23, 2020,¹ and suffered injury as a result of the violations alleged in this Complaint.

2. McLANE/MID-ATLANTIC, INC., d/b/a McLane/Carolina and McLane Mid-Atlantic, is a Texas corporation with its principal place of business in Temple, Texas. It is a wholly-owned subsidiary of McLANE COMPANY, INC. It purchased Broilers directly from one or more Defendants during the Relevant Period and suffered injury as a result of the violations alleged in this Complaint.

3. McLANE/MIDWEST, INC., d/b/a McLane/Cumberland, McLane/Midwest, McLane Midwest, and McLane/Ozark is a Texas corporation with its principal place of business in Temple, Texas. It is a wholly-owned subsidiary of McLANE COMPANY, INC. It purchased Broilers directly from one or more Defendants during the Relevant Period and suffered injury as a result of the violations alleged in this Complaint.

4. McLANE MINNESOTA, INC. is a Texas corporation with its principal place of business in Temple, Texas. It is a wholly-owned subsidiary of McLANE COMPANY, INC. It purchased Broilers directly from one or more Defendants during the Relevant Period and suffered injury as a result of the violations alleged in this Complaint.

¹ Pursuant to the Court's orders in *In re Broiler Chicken Antitrust Litig.*, 1:16-cv-08637, the Direct-Action Plaintiffs filed "a consolidated complaint" [ECF Nos. 3778, 3653, 3525] containing "all the allegations the Direct-Action Plaintiffs make against all Defendants" on October 23, 2020 [ECF Nos. 3924, 3922]. On October 27, 2020, this Court's Order Granting Defendants' Motion to Stay Obligation to Answer Direct Action Plaintiffs' Consolidated Complaint [ECF No. 3942], ordered that "any additional DAP complaints filed prior to the resolution of DAP's Motion to Amend and not already included in the consolidated amended complaint filed on October 23, 2020 be included in any amended complaint filed." Based on these Orders it appears that new DAP complaints are to ultimately be consolidated, even if filed after the October 23, 2020 consolidated complaint. In an effort to promote efficiency, McLane files this abbreviated pleading that incorporates by reference and adopts the allegations set forth in Direct Action Plaintiffs' Consolidated Complaint and Demand for Jury Trial, as amended. If the Court prefers a different form or process, McLane will withdraw this pleading and proceed according to the Court's direction.

5. McLANE NEW JERSEY, INC. is a Delaware corporation with its principal place of business in Temple, Texas. It is a wholly-owned subsidiary of McLANE COMPANY, INC. It purchased Broilers directly from one or more Defendants during the Relevant Period and suffered injury as a result of the violations alleged in this Complaint.

6. McLANE/EASTERN, INC., d/b/a McLane/Northeast, McLane/Northeast-Concord, and McLane PA is a Texas corporation with its principal place of business in Temple, Texas. It is a wholly-owned subsidiary of McLANE COMPANY, INC. It purchased Broilers directly from one or more Defendants during the Relevant Period and suffered injury as a result of the violations alleged in this Complaint.

7. McLANE/SUNEAST, INC., d/b/a McLane/Pacific, McLane/Southern California, McLane/Sunwest, McLane Sunwest, McLane/Suneast, and McLane Ocala is a Texas corporation with its principal place of business in Temple, Texas. It is a wholly-owned subsidiary of McLANE COMPANY, INC. It purchased Broilers directly from one or more Defendants during the Relevant Period and suffered injury as a result of the violations alleged in this Complaint.

8. McLANE OHIO, INC. is a Texas corporation with its principal place of business in Temple, Texas. It is a wholly-owned subsidiary of McLANE COMPANY, INC. It purchased Broilers directly from one or more Defendants during the Relevant Period and suffered injury as a result of the violations alleged in this Complaint.

9. McLANE/SOUTHERN, INC. is a Mississippi corporation with its principal place of business in Temple, Texas. It is a wholly-owned subsidiary of McLANE COMPANY, INC. It purchased Broilers directly from one or more Defendants during the Relevant Period and suffered injury as a result of the violations alleged in this Complaint.

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