

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RED BIRD FARMS DISTRIBUTION COMPANY

Plaintiff,

v.

PILGRIM'S PRIDE CORPORATION; AGRI STATS, INC.; CASE FOODS, INC.; CASE FARMS, LLC; CASE FARMS PROCESSING, INC.; CLAXTON POULTRY FARMS, INC.; NORMAN W. FRIES, INC.; FOSTER FARMS, LLC; FOSTER POULTRY FARMS; HARRISON POULTRY, INC.; HOUSE OF RAEFORD FARMS, INC.; KEYSTONE FOODS LLC; EQUITY GROUP EUFAULA DIVISION, LLC; EQUITY GROUP KENTUCKY DIVISION LLC; EQUITY GROUP—GEORGIA DIVISION LLC; KOCH FOODS, INC.; JCG FOODS OF ALABAMA, LLC; JCG FOODS OF GEORGIA, LLC; KOCH MEAT CO., INC.; MAR-JAC 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; MOUNTAIRE FARMS, INC.; MOUNTAIRE FARMS, LLC; MOUNTAIRE FARMS OF DELAWARE, INC.; O.K. FOODS, INC.; O.K. FARMS, INC.; O.K. INDUSTRIES, INC.; PERDUE FARMS, INC.; PERDUE FOODS, LLC; SANDERSON FARMS, INC.; SANDERSON FARMS, INC. (FOODS DIVISION); SANDERSON FARMS, INC. (PRODUCTION DIVISION); SANDERSON FARMS, INC. (PROCESSING DIVISION); SIMMONS FOODS, INC.; SIMMONS PREPARED FOODS, INC.; TYSON FOODS, INC.; TYSON CHICKEN, INC.; TYSON BREEDERS, INC.; TYSON POULTRY, INC.; UTRECT-AMERICA HOLDINGS, INC.; RABO AGRIFINANCE LLC; RABOBANK USA FINANCIAL CORPORATION; UTRECT-AMERICA FINANCE CO.; and WAYNE FARMS, LLC

Defendants.

COMPLAINT

Jury Trial Demanded

**PLAINTIFF'S COMPLAINT
AND DEMAND FOR JURY TRIAL**

Plaintiff Red Bird Farms Distribution Company (“Red Bird”) brings this action for damages under the antitrust laws of the United States against the above-captioned Defendants and alleges as follows:.

1. Red Bird is a Colorado corporation with its principal place of business in Englewood, Colorado. Red Bird processes chicken for distribution to retail grocers and restaurants.

2. Red Bird has purchased millions of dollars’ worth of Broilers directly from certain Defendants and co-conspirators throughout the conspiracy period. Red Bird has suffered antitrust injury and damages as a result of the antitrust violations alleged in this Complaint.

3. Red Bird brings this action for damages under the federal antitrust laws against the defendants identified below and incorporates by reference 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-TD (N.D. Ill.) on October 23, 2020.¹

4. Red Bird joins Section II of the Direct Action Plaintiffs’ Consolidated Complaint and Demand for Jury Trial [ECF Nos. 3924, 3922], adding the following to specify Red Bird’s causes of action and the Defendants and Co-Conspirators in Red Bird’s Action:

¹ Pursuant to the Court’s Orders in *In re Broiler Chicken Antitrust Litig.*, 1:16-cv-08637 (“the Broilers Case”), the Direct Action Plaintiffs filed “a consolidated complaint” [ECF Nos. 3778, 3652, 3525] containing “all the allegations the Direct-Action Plaintiffs make against all Defendants” on October 23, 2020 [ECF Nos. 3924, 3922]. Red Bird files this abbreviated pleading that incorporates by reference and adopts the allegations set forth in the Direct Action Plaintiffs’ Consolidated Complaint and Demand for Jury Trial to streamline the pleadings in accordance with the Court’s direction in the Broilers Case. *See* ECF No. 4139 at 5.

Plaintiff Name	Operative Complaint (Reference is to Sealed Version, if applicable)	Named Defendants (Not Previously Dismissed)	Named Co-Conspirators (if any)	Causes of Action
Red Bird Farms Distribution Company	TBD	Agri Stats; Case; Claxton; Foster Farms; Harrison; House of Raeford; Keystone; Koch; Mar-Jac; Mountaire; O.K. Foods; Perdue; Pilgrim's; Rabobank; Sanderson; Simmons; Tyson; Wayne	Allen Harim; Amick; Fieldale; George's; Marshall Durbin; Peco; Tip Top; Southern Hens	Count I (Sherman Act Claim for all Anticompetitive Conduct); Count II (Sherman Act Claim for Output Restriction, Pled in the Alternative to Count I)

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

- A. Enter joint and several judgments against Defendants in favor of Plaintiff;
- B. Award Plaintiff damages against Defendants in a joint and several judgment for an amount to be determined at trial to the maximum extent allowed under the claims stated above as well as treble damages, any other enhancement of damages, attorneys' fees, expenses, and costs as provided by law;
- C. Award Plaintiff its post-judgment interest as provided by law, with such interest to be awarded at the highest legal rate;
- D. Award Plaintiff its attorneys' fees, litigation expenses, and costs, as provided by law, including the federal antitrust laws; and
- E. Enter an order prohibiting and permanently enjoining Defendants, their affiliates, successors, transferees, assignees and other officers, directors, partners, agents and employees thereof, and all other persons acting or claiming to act on their behalf or in concert with them, from in any manner continuing, maintaining or renewing the conduct, conspiracy, or combination

alleged herein, or from entering into any other conspiracy or combination having a similar purpose or effect, and from adopting or following any practice, plan, program, or device having a similar purpose or effect; and

F. Grant Plaintiff such other and further relief that the Court may deem just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff demands a trial by jury on all issues so triable.

Dated: January 15, 2021

Respectfully submitted,

RED BIRD FARMS DISTRIBUTION COMPANY

By: /s/ Paul J. Ripp

Paul J. Ripp
WILLIAMS MONTGOMERY & JOHN LTD.
233 S. Wacker Drive, Suite 6800
Chicago, IL 60606
Telephone: (312) 443-3200
Facsimile: (312) 630-8500
pjr@willmont.com

Charles E. Tompkins (*pro hac vice* forthcoming)
WILLIAMS MONTGOMERY & JOHN LTD.
1607 22nd Street, NW, Suite 300
Washington D.C. 20008
Telephone: (202) 791-9951
Facsimile: (312) 630-8586
cet@willmont.com

W. Lawrence Deas (*pro hac vice* forthcoming)
LISTON & DEAS PLLC
605 Crescent Boulevard, Suite 200
Ridgeland, MS 39157
Telephone: (601) 981-1636
Facsimile: (601) 982-0371
Lawrence@listondeas.com

Michael Gratz, Jr. (*pro hac vice* forthcoming)
GRATZ & GRATZ, P.A.
312 N. Green Street
Tupelo, MS 38804
Telephone: (662) 844-5531
Facsimile: (662) 844-8747
michael@gratzandgratz.com