

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

BUFFALO WILD WINGS, INC.,

Plaintiff,

v.

TYSON FOODS, INC.; TYSON CHICKEN, INC.; TYSON BREEDERS, INC.; TYSON POULTRY, INC.; PILGRIM'S PRIDE CORPORATION; KOCH FOODS, INC.; JCG FOODS OF ALABAMA, LLC; JCG FOODS OF GEORGIA, LLC; KOCH MEAT CO., INC.; SANDERSON FARMS, INC.; SANDERSON FARMS, INC. (FOOD DIVISION); SANDERSON FARMS, INC. (PRODUCTION DIVISION); SANDERSON FARMS, INC. (PROCESSING DIVISION); HOUSE OF RAEFORD FARMS, INC.; MAR-JAC POULTRY, INC.; PERDUE FARMS, INC.; PERDUE FOODS, LLC; WAYNE FARMS, LLC; FIELDALE FARMS CORPORATION; GEORGE'S, INC.; GEORGE'S FARMS, INC.; SIMMONS FOODS, INC.; SIMMONS PREPARED FOODS, INC.; 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.; MOUNTAIRE FARMS, INC.; MOUNTAIRE FARMS, LLC; MOUNTAIRE FARMS OF DELAWARE, INC.; AGRI STATS, INC.; AMICK FARMS, LLC; CASE FOODS, INC.; CASE FARMS, LLC; CASE FARMS PROCESSING, INC.; KEYSTONE FOODS LLC; EQUITY GROUP EUFAULA DIVISION, LLC; EQUITY GROUP KENTUCKY DIVISION LLC; and EQUITY GROUP-GEORGIA DIVISION LLC,

Defendants.

Case No: 1:21-cv-00689

Jury Trial Demanded

(Related to *In re Broiler Chicken Antitrust Litigation* – Case No. 1:16-cv-08637)

COMPLAINT AND DEMAND FOR JURY TRIAL

1. Plaintiff Buffalo Wild Wings, Inc. (“BWW” or “Plaintiff”) is a Minnesota corporation with its headquarters in Atlanta, Georgia. BWW is a casual-dining restaurant chain with locations across the United States and other countries.

2. During the relevant time period, BWW negotiated and contracted with Defendants for the production and supply of Broilers. BWW also utilized distributors to supply its restaurants in the United States with Broilers purchased on their behalf pursuant to these negotiations and contracts.

3. BWW’s distributors include McLane Company, Inc. and its subsidiaries (collectively, “McLane”), who purchased chicken from Defendants and/or their co-conspirators on BWW’s behalf during the relevant time period, and assigned its claims arising out of these purchases to BWW.

4. BWW brings this action on its own behalf, and as assignee of McLane. The references in this Complaint to “BWW” and/or “Plaintiff” include McLane as BWW’s assignor.

5. During the time period relevant to BWW’s claims, BWW and/or its assignor directly purchased Broilers in the United States from Defendants and/or their co-conspirators, and sustained injury and damages as a proximate result of the antitrust violations and other unlawful activities alleged in this Complaint.

6. BWW brings this action for damages under the federal antitrust laws against the defendants identified below, and incorporates by reference Direct Action Plaintiffs’ Amended Consolidated Complaint and Demand for Jury Trial [ECF Nos. 4243, 4244], filed in *In re Broiler Chicken Antitrust Litigation*, 1:16-cv-08637 (N.D. Ill.) on January 29, 2021.¹

¹ Pursuant to the Court’s Orders in *In re Broiler Chicken Antitrust Litig.*, 1:16-cv-08637 [ECF Nos. 3778, 3652, 3525], the Direct Action Plaintiffs filed an amended consolidated complaint

7. BWW joins Section II of the Direct Action Plaintiffs' Amended Consolidated Complaint and Demand for Jury Trial [ECF Nos. 4243, 4244], adding the following to specify BWW's causes of action and the Defendants and Co-Conspirators in BWW's action.

Plaintiff Name	Operative Complaint (Reference is to Sealed Version, if applicable)	Named Defendants (Not Previously Dismissed) ²	Named Co-Conspirators (if any)	Causes of Action
Buffalo Wild Wings, Inc.	To Be Determined	Agri Stats; Amick; Case; Claxton; Fieldale Farms; Foster Farms; George's; Harrison; House of Raeford; Keystone Foods; Koch; Mar-Jac; Mountaire Farms; O.K. Foods; Peco; Perdue; Pilgrim's Pride; Sanderson Farms; Simmons; Tyson; Wayne Farms	Allen Harim	Count I (Sherman Act Claim for all Anticompetitive Conduct); Count II (Sherman Act Claim for Output Restriction, Pled in the Alternative to Count I); Count III (Sherman Act Claim for GA Dock Manipulation, Pled in the Alternative to Count I)
		Case; Claxton; George's; Koch; Mar-Jac; Perdue; Pilgrim's Pride; Sanderson Farms; Tyson		Count LV (Sherman Act Claim for Bid Rigging, Pled in the Alternative to Count I)

containing "all the allegations the Direct-Action Plaintiffs make against all Defendants" on January 29, 2021 [ECF Nos. 4243, 4244]. In an effort to promote efficiency given the Court's recent reference to similar abbreviated Complaints as helpful to the Court [ECF No. 4139], Plaintiff files this abbreviated pleading that incorporates by reference and adopts the allegations set forth in Direct Action Plaintiffs' Amended Consolidated Complaint and Demand for Jury Trial. If the Court prefers a different form or process, Plaintiff will withdraw this pleading and proceed according to the Court's direction.

² McLane opted out of the Direct Purchaser class settlements with Fieldale Farms, George's, Amick, and Peco and subsequently assigned to BWW those claim rights arising out of purchases for BWW.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court:

- A. Enter joint and several judgments against all Defendants in favor of Plaintiff;
- B. Award Plaintiff damages in an amount to be determined at trial to the maximum extent allowed under federal antitrust laws, and enter a joint and several judgment in favor of Plaintiff against Defendants in an amount to be trebled to the extent such laws permit;
- 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; and
- E. 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: February 5, 2021

By: /s/ David B. Esau

David B. Esau
Kristin A. Gore
Amanda R. Jesteadt
Stephen A. Cohen
Casey R. McGowan
CARLTON FIELDS, P.A.
525 Okeechobee Boulevard, Suite 1200
West Palm Beach, Florida 33401
Tel: (561) 659-7070
Fax: (561) 659-7368
desau@carltonfields.com
kgore@carltonfields.com
ajesteadt@carltonfields.com
scohen@carltonfields.com
cmcgowan@calrtonfields.com
Counsel for Plaintiff Buffalo Wild Wings, Inc.

Joseph M. Vanek
Michael G. Dickler
SPERLING & SLATER, P.C.
55 West Monroe Street, Suite 3200
Chicago, Illinois 60603
Tel: (312) 641-3200
Fax: (312) 641-6492
jvanek@sperling-law.com
mdickler@sperling-law.com

*Designated Local Counsel for Plaintiff under N.D.
Ill. LR 83.15*