

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

WHATABRANDS LLC; and
WHATABURGER RESTAURANTS LLC,

Plaintiffs,

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; SIMMONS FOODS, INC.; SIMMONS PREPARED FOODS, INC.; O.K. FOODS, INC.; O.K. FARMS, INC.; O.K. INDUSTRIES, 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.; 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-02844

Jury Trial Demanded

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

COMPLAINT AND DEMAND FOR JURY TRIAL

1. Plaintiffs Whatabrands LLC and Whataburger Restaurants LLC (collectively, “WAB” or “Plaintiffs”) are Texas limited liability companies with their headquarters in San Antonio, Texas. WAB owns, operates, and franchises more than 800 restaurants in Texas, New Mexico, and the southern United States under the “Whataburger” brand.

2. During the time period relevant to WAB’s claims, WAB directly purchased Broilers in the United States from one or more of the 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.

3. WAB 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

4. WAB 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 WAB’s causes of action and the Defendants and Co-Conspirators in WAB’s action.

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 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], Plaintiffs file 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, Plaintiffs will withdraw this pleading and proceed according to the Court’s direction.

Plaintiff Names	Operative Complaint (Reference is to Sealed Version, if applicable)	Named Defendants (Not Previously Dismissed)	Named Co-Conspirators (if any)	Causes of Action
Whatabrands LLC; Whataburger Restaurants LLC	To Be Determined	Agri Stats; Case; Claxton; Foster Farms; Harrison; House of Raeford; Keystone Foods; Koch; Mar-Jac; Mountaire Farms; O.K. Foods; Perdue; Pilgrim's Pride; Sanderson Farms; Simmons; Tyson; Wayne Farms	Allen Harim Amick Fieldale Farms George's Peco	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; 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)

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

- A. Enter joint and several judgments against all Defendants in favor of Plaintiffs;
- B. Award Plaintiffs 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 Plaintiffs against Defendants in an amount to be trebled to the extent such laws permit;
- C. Award Plaintiffs their post-judgment interest as provided by law, with such interest to be awarded at the highest legal rate;
- D. Award Plaintiffs their attorneys' fees, litigation expenses, and costs, as provided by law; and
- E. Grant Plaintiffs such other and further relief that the Court may deem just and proper.

JURY DEMAND

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

Dated: May 26, 2021

By: /s/ David B. Esau

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