

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

PANDA RESTAURANT GROUP, INC.,

Plaintiff,

vs.

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; NORMAN W. FRIES, INC. d/b/a CLAXTON POULTRY FARMS, INC.; MOUNTAIRE FARMS, INC.; MOUNTAIRE FARMS, LLC; MOUNTAIRE FARMS OF DELAWARE, INC.; CASE FOODS, INC.; CASE FARMS, LLC; CASE FARMS PROCESSING, INC.; and AGRISTATS, INC.,

Defendants.

Case No.: 21-CV-3667

COMPLAINT

Jury Trial Demanded

COMPLAINT

1. Plaintiff Panda Restaurant Group, Inc. (“Panda” or “Plaintiff”) is a California corporation with its principal place of business in Rosemead, California. Panda has established a global fast casual restaurant business with over 2,300 restaurants worldwide, with over 2,200 of them in United States.

2. Panda brings this action on its own behalf and pursuant to assignments with The SYGMA Network, Inc., Sysco Corporation, McLane Foodservice, Inc., Y. Hata & Company, Limited, Nicholas and Company, Plaza Warehouse & Realty Corporation d/b/a Plaza Food Systems, Overhill Farms, Inc., K2D, Inc. d/b/a Colorado Premium Foods and their affiliates and predecessors with respect to direct purchases from Defendants made for Panda. The SYGMA Network, Inc., Sysco Corporation, McLane Foodservice, Inc., Y. Hata & Company, Limited, Nicholas and Company, Plaza Warehouse & Realty Corporation d/b/a Plaza Food Systems, Overhill Farms, Inc., and K2D, Inc. d/b/a Colorado Premium Foods on behalf of themselves and their affiliates and predecessors have assigned federal antitrust claims based on those direct purchases to Panda.

3. Panda brings this action under the federal antitrust laws against the Defendants identified below and incorporates by reference the factual allegations and reservations of rights contained in the Direct Action Plaintiffs’ Amended Consolidated Complaint and Demand for Jury Trial, filed in In re Broiler Antitrust Litigation, Civil Action No. 1:16-cv-08637 (ECF 4243; ECF 4244).

4. Panda joins Section II of the Direct Action Plaintiffs’ Amended Consolidated Complaint and Demand for Jury Trial, adding the following to specify Panda’s causes of action and the Defendants in Panda’s action.

Plaintiff Name	Named Defendants¹	Named Co-Conspirators	Causes of Action
Panda Restaurant Group, Inc.	Agri Stats; Claxton; Foster Farms; Harrison; House of Raeford; Koch; Mar-Jac; Mountaire; O.K. Foods; Perdue; Pilgrim's Pride; Sanderson; Simmons; Tyson; Wayne; Case	Fieldale; Amick; George's; Peco; Keystone; 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)

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 treble damages, of an amount to be determined at trial, to the maximum extent allowed under the federal antitrust laws;
- C. Award Plaintiff 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;
- E. Grant Plaintiff such other and further relief to which Plaintiff is entitled.

JURY DEMAND

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

¹ The Defendants named in this Complaint include the entire Defendant family of each Defendant in this table, identified in Section IV.B of ECF 4243/ECF 4244.

Dated: July 9, 2021

Respectfully submitted,

/s/ Terence H. Campbell

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