

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

OLEAN WHOLESALE GROCERY)
COOPERATIVE, INC., JOHN GROSS)
AND COMPANY, INC., and MAPLEVALE)
FARMS, INC.,)

Plaintiffs)

v.)

AGRI STATS, INC., BUTTERBALL, LLC)
CARGILL, INC., CARGILL MEAT)
SOLUTIONS CORPORATION, COOPER)
FARMS, INC., FARBEST FOODS, INC.)
FOSTER FARMS LLC FOSTER POULTRY)
FARMS, THE HILLSHIRE BRANDS)
COMPANY, HORMEL FOODS)
CORPORATION, HOUSE OF RAEFORD)
FARMS, INC., PERDUE FARMS, INC.)
PERDUE FOODS LLC, TYSON FOODS)
INC., TYSON FRESH MEATS, INC. and)
TYSON PREPARED FOODS, INC.)

Defendants)

Case No. 2:21-mc-00191-JCN
Hon. John C. Nivison

**JOINT STIPULATION AND PROPOSED ORDER TO TRANSFER
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 45(f)**

Hagens Berman Sobol Shapiro LLP (“Hagens Berman”), Lockridge Grindal Naeun, P.L.L.P. (“Lockridge”), and On Point Investigations, LLC (“On Point” and together with Hagens Berman and Lockridge, “Movants”) and Defendants Agri Stats, Inc., Butterball, LLC, Cargill, Inc., Cargill Meat Solutions Corporation, Cooper Farms, Inc., Farbest Foods, Inc., Foster Farms, LLC, Foster Poultry Farms, Hormel Foods Corporation, House of Raeford Farms, Inc., Perdue Farms, Inc., and Perdue Foods LLC (together “Defendants”), through the authorized attorney identified below - hereby enter into this stipulation and proposed order to transfer pursuant to Federal Rule of Civil Procedure 45(f) (the “Stipulation and Proposed Order”).

WHEREAS, Movants initiated this miscellaneous proceeding to move to quash (the “Motion to Quash”) a May 21, 2021 subpoena for documents (the “Subpoena”) addressed to On Point and served on behalf of the Defendants.

WHEREAS, the Motion to Quash is a discovery dispute ancillary to a putative class action pending in the United States District Court for the Northern District of Illinois (“Northern District of Illinois”) since December 2019, captioned *Olean Wholesale Grocery Cooperative, Inc. et al. v. Agri Stats, Inc. et al.*, No. 1:19-cv-08318 (N.D. Ill.).

WHEREAS, the issuing court of the Subpoena was the Northern District of Illinois.

WHEREAS, pursuant to Federal Rule of Civil Procedure 45(f), “[w]hen the court where compliance is required did not issue the subpoena, it may transfer a motion under this rule to the issuing court if the person subject to the subpoena consents or if the court finds exceptional circumstances.” Fed. R. Civ. P. 45(f).

WHEREAS, transfer of the Motion to Quash to the Northern District of Illinois does not alter the requirements of Federal Rule of Civil Procedure 45(d).

WHEREAS, the Defendants and On Point consent to the transfer of the Motion to Quash to the Northern District of Illinois.

WHEREAS, the underlying case to which the Subpoena relates involves complex questions that the Northern District of Illinois is already considering.

WHEREFORE, the parties hereto file this stipulated motion seeking the Court’s Order that:

1. The Motion to Quash shall be transferred to the Northern District of Illinois; and
2. Defendants’ response to the Motion to Quash shall be due on July 14, 2021.

Dated: July 9, 2021

Respectfully submitted:

/s/ Timothy J. Bryant

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***Counsel for Defendant Butterball, LLC -
Authorized to sign the joint stipulation on behalf of
all Defendants***

/s/ Richard O'Meara

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Hon. John C. Nivison

[PROPOSED] ORDER

It is hereby ORDERED that Case No. 2:21-mc-00191-JCN is transferred to the Northern District of Illinois, and that Defendant’s response date shall be July 14, 2021.

DATED _____.

The Honorable John C. Nivison
UNITED STATES MAGISTRATE JUDGE