

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE PORK ANTTITRUST
LITIGATION

This Document Relates To:

COMMERCIAL AND
INSTITUTIONAL INDIRECT
PURCHASER PLAINTIFF ACTION

Case No. 18-cv-1776 (JRT/HB)

**Memorandum in Support of Motion
for Preliminary Approval of Class
Action Settlement Between the
Commercial and Institutional
Indirect Purchaser Plaintiffs and
Defendant JBS**

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I. Introduction

The Commercial and Institutional Indirect Purchaser Plaintiffs (“CIIPPs”)¹ seek the Court’s preliminary approval of the settlement of their claims against the JBS defendants (JBS USA Food Company; JBS USA Food Company Holdings; and Swift Pork Company). The proposed settlement arose from arm’s length negotiations and provides the CIIPPs an “ice-breaker” settlement in this litigation. JBS will pay \$12,750,000.00 (\$12.75 million) and will provide non-monetary relief through material cooperation to CIIPPs. Such cooperation is valuable and will assist the CIIPPs’ claims against non-settling defendants.

The Court should grant preliminary approval of the proposed settlement because it falls well within the range of possible approval. The Court should certify the proposed Settlement Class for settlement purposes. In a separate motion, CIIPPs will ask the Court to approve a proposed plan for disseminating notice to the Settlement Class and to schedule a Final Fairness Hearing for the proposed settlement.

II. Background and Settlement Terms.

This case represents the consolidation of separately filed putative class actions alleging that Defendants² engaged in a price-fixing conspiracy to artificially constrict the supply of pork

¹ The CIIPP representative plaintiffs are: Sandee’s Bakery; Confetti’s; Francis T. Enterprises d/b/a Erbert & Gerbert’s; Joe Lopez, d/b/a Joe’s Steak and Leaf; Longhorn’s Steakhouse; Betty’s Eat Shop; Ziggy’s BBQ Smokehouse & Ice Cream Parlor, LLC; The Grady Corporation; and Mcmjoynt LLC d/b/a The Breakfast Joynt.

² Defendants in this action include Agri Stats, Inc.; Clemens Food Group, LLC and The Clemens Family Corporation; Hormel Foods Corporation and Hormel Foods, LLC; Indiana Packers Corporation; JBS USA Food Company; Seaboard Foods LLC and Seaboard Corporation; Smithfield Foods, Inc.; Triumph Foods, LLC; and Tyson Foods, Inc., Tyson

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