

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

IN RE CATTLE ANTITRUST LITIGATION <i>This document relates to:</i> ALL CASES	Case No. 0:19-cv-01222 (JRT/HB)
KENNETH PETERSON, et al., Plaintiffs, v. JBS USA FOOD COMPANY HOLDINGS, et al., Defendants.	Case No. 0:19-cv-01129 (JRT/HB)
IN RE DPP BEEF LITIGATION <i>This document relates to:</i> ALL CASES	Case No. 0:20-cv-01319 (JRT/HB)
ERBERT & GERBERT'S, INC., Plaintiff, v. JBS USA FOOD COMPANY HOLDINGS, et al., Defendants.	Case No. 0:20-cv-01414 (JRT/HB)

STIPULATION BETWEEN PLAINTIFFS AND JBS S.A.

Plaintiffs¹ and JBS S.A. enter into this Stipulation regarding (1) authorizing Plaintiffs to file their opening brief in support of their Motion to Approve Alternative Service on JBS S.A. by March 30, 2021; (2) authorizing JBS S.A. to file its papers in opposition to Plaintiffs' Motion to Approve Alternative Service by April 27, 2021; (3) authorizing Plaintiffs to file reply papers in support of their Motion to Approve Alternative Service on JBS S.A. by May 7, 2021; and (4) requesting that the Court schedule the hearing on Plaintiffs' Motion to Approve Alternative Service on JBS S.A. before Chief Judge Tunheim concurrently with Defendants' Motions to Dismiss for judicial efficiency.

In support of this Stipulation, Plaintiffs and JBS S.A. state:

1. Plaintiffs and JBS S.A. met, conferred, and agreed upon the proposed briefing schedule for Plaintiffs' Motion to Approve Alternative Service on JBS S.A. on March 18, 2021. Plaintiffs intend to file a joint brief in support of their Motion to Approve Alternative Service on JBS S.A.

2. JBS S.A. filed a Motion to Dismiss on February 18, 2021, with JBS USA Food Company, Swift Beef Company, and JBS Packerland, Inc. (Docket Nos. 338, 339, 340). Among other things, the Motion to Dismiss addressed an argument unique to JBS S.A., that the claims against JBS S.A. should be dismissed for insufficient service of

¹ The term "Plaintiffs" collectively refers to the plaintiffs in the above referenced actions: *In re Cattle Antitrust Litig.*, No. CV 19-01222 (JRT/HB) ("*Cattle*"), *Peterson, et al. v. JBS USA Food Company Holdings, et al.*, Case No. 0:19-cv-01129 (JRT/HB) ("*Peterson*"); *In Re: DPP Beef Litigation*, Case No. 0:20-cv-01319 (JRT/HB) ("*DPP*"); *Erbert & Gerbert's, Inc. v. JBS USA Food Company Holdings, et al.*, Case No. 0:20-cv-01414 (JRT/HB) ("*E&G*"). References to "Docket Nos." are to the docket of *In re Cattle Antitrust Litig.*, 19-cv-1222 (JRT/HB), unless stated otherwise.

process. The deadline for Plaintiffs to file their papers in opposition to JBS S.A.'s Motion to Dismiss is currently April 5, 2021. The deadline for JBS S.A. to file its reply papers in support of its Motion to Dismiss is currently May 3, 2021. A hearing date and time on JBS S.A.'s Motion to Dismiss has not yet been scheduled before Chief Judge Tunheim.

3. The issues raised in Plaintiffs' Motion to Approve Alternative Service on JBS S.A. are related to the service of process issues raised in JBS S.A.'s Motion to Dismiss (Docket Nos. 338, 339, 340), such that the two motions would most effectively and efficiently be heard at the same time and by the same judge. Doing so would conserve both the Court's and parties' resources.

4. JBS S.A. believes that good cause exists for the extensions that are the subject of this Stipulation. JBS S.A. bases its belief on the earlier briefing relating to this issue and upon discussions with Plaintiffs during the meet-and-confer. The alternative service motion will include points addressing Brazilian law and practice and is being briefed alongside JBS S.A.'s Motion to Dismiss for insufficient service. Both motions will address service of process issues, and further, analyzing those issues will involve coordinating with persons in Brazil.

Wherefore, Plaintiffs and JBS S.A. respectfully request that the Court approve this Stipulation and order as follows:

1. The deadline for Plaintiffs to file their opening brief in support of their Motion to Approve Alternative Service on JBS S.A. shall be March 30, 2021.

2. The deadline for JBS S.A. to file its papers in opposition to Plaintiffs' Motion to Approve Alternative Service on JBS S.A. shall be April 27, 2021.
3. The deadline for Plaintiffs to file their reply papers in support of their Motion to Approve Alternative Service on JBS S.A. shall be May 7, 2021.
4. For judicial efficiency, Plaintiff's Motion to Approve Alternative Service on JBS S.A. shall be heard by Chief Judge Tunheim at the same time and date as the hearing on Defendants' Motions to Dismiss, since both motions will address service of process issues.

JBS S.A. further states that its agreement to this Stipulation shall not constitute a waiver of any defenses that would otherwise be available under Rule 12(b) of the Federal Rules of Civil Procedure.

IT IS SO STIPULATED.

Dated: March 26, 2021

<u>/s/ Patrick J. McGahan</u> David R. Scott (<i>pro hac vice</i>) Amanda F. Lawrence (<i>pro hac vice</i>) Patrick J. McGahan (<i>pro hac vice</i>) Michael P. Srodoski SCOTT+SCOTT ATTORNEYS AT LAW LLP 156 South Main Street P.O. Box 192 Colchester, CT 06415 Tel.: 860-537-5537 Fax: 860-537-4432 david.scott@scott-scott.com alawrence@scott-scott.com pmcgahan@scott-scott.com msrodoski@scott-scott.com	<u>/s/ Christopher Morris</u> Lewis A. Remele, Jr. (Bar No. 90724) Christopher R. Morris (Bar No. 230613) BASSFORD REMELE, PA 100 South 5th Street, Suite 1500 Minneapolis, MN 55402 Tel.: 612-333-3000 lremele@bassford.com cmorris@bassford.com William F. Hargens (<i>pro hac vice</i>) Mark F. Enenbach (<i>pro hac vice</i>) Patrick E. Brookhouser, Jr. (<i>pro hac vice</i>) Matthew G. Munro (<i>pro hac vice</i>) MCGRATH NORTH MULLIN & KRATZ, PC LLO
--	--

Christopher M. Burke (*pro hac vice*)

SCOTT+SCOTT

ATTORNEYS AT LAW LLP

600 W. Broadway, Suite 3300

San Diego, CA 92101

Tel.: 619-233-4565

Fax: 619-233-0508

cburke@scott-scott.com

Anthony F. Fata (*pro hac vice*)

Jennifer W. Sprengel (*pro hac vice*)

Christopher P.T. Tourek (*pro hac vice*)

Brian P. O'Connell (*pro hac vice*)

**CAFFERTY CLOBES MERIWETHER
& SPRENGEL LLP**

150 S. Wacker

Suite 3000

Chicago, IL 60606

Tel.: 312-782-4882

Fax: 312-782-4485

afata@caffertyclobes.com

jsprengel@caffertyclobes.com

ctourek@caffertyclobes.com

boconnell@caffertyclobes.com

Ellen Meriwether (*pro hac vice*)

**CAFFERTY CLOBES MERIWETHER
& SPRENGEL LLP**

205 N. Monroe St.

Media, PA 19063

Tel.: 215-864-2800

Fax: 215-864-2810

emeriwether@caffertyclobes.com

*Interim Co-Lead Counsel for the Cattle
Plaintiffs*

K. Craig Wildfang (Bar No. 0117043)

Thomas J. Undlin (Bar No. 0183751)

Stacey P. Slaughter (Bar No. 0296971)

ROBINS KAPLAN LLP

800 LaSalle Avenue

First National Tower, Suite 3700

1601 Dodge Street

Omaha, NE 68102

Tel.: 402-341-3070

whargens@mcgrathnorth.com

menenbach@mcgrathnorth.com

pbrookhouser@mcgrathnorth.com

mmunro@mcgrathnorth.com

*Counsel for Defendants JBS USA Food
Company, JBS Packerland, Inc. and
Swift Beef Company, and Special
Appearance for JBS S.A., in the Cattle
Case*

/s/ Jessica Nelson

Donald G. Heeman (Bar No. 0286023)

Jessica J. Nelson (Bar No. 0347358)

Randi J. Winter (Bar No. 0391354)

SPENCER FANE LLP

100 South Fifth Street, Suite 2500

Minneapolis, MN 55402

Tel.: 612-268-7000

dheeman@spencerfane.com

jnelson@spencerfane.com

rwinter@spencerfane.com

Stephen Neuwirth (*pro hac vice*)

Sami H. Rashid (*pro hac vice*)

**QUINN EMANUEL URQUHART &
SULLIVAN LLP**

51 Madison Avenue, 22nd Floor

New York, NY 10010

Tel.: 212-849-7000

stephenneuwirth@quinnemanuel.com

samirashid@quinnemanuel.com

*Counsel for Defendants JBS USA Food
Company Holdings, JBS Packerland, Inc.
and Swift Beef Company, and Special
Appearance for JBS S.A.,
in the Peterson, DPP and Erbert &
Gerbert's cases*

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.