

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

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

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

<p><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</p>	<p><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</p> <p>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</p>
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