

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

WINN-DIXIE STORES, INC., AND
BI-LO HOLDING, LLC,

Plaintiffs,

v.

CARGILL, INC., CARGILL MEAT
SOLUTIONS CORPORATION (A/K/A
CARGILL PROTEIN), JBS S.A., JBS USA
FOOD COMPANY HOLDINGS,
JBS PACKERLAND, INC., NATIONAL
BEEF PACKING COMPANY, TYSON
FOODS, INC. AND TYSON FRESH
MEATS, INC.,

Defendants.

COMPLAINT

JURY TRIAL DEMANDED

TABLE OF CONTENTS

I. NATURE OF THIS ACTION 1

II. JURISDICTION AND VENUE..... 10

III. PARTIES 12

A. Plaintiffs..... 12

B. Defendants..... 13

1. The Cargill Defendants 13

2. The JBS Defendants..... 14

3. The Tyson Defendants 15

4. National Beef Packing Company..... 17

C. Defendants and Their Subsidiaries and Affiliates..... 17

D. Defendants’ Co-Conspirators..... 17

E. Reciprocal Agency of Defendants and Co-Conspirators 18

F. Defendant Parent and Subsidiary Companies Share A Unity of Interest 18

1. The Cargill Defendants 19

2. The JBS Defendants..... 21

3. The Tyson Defendants 23

IV. INDUSTRY BACKGROUND 26

V. OPERATING DEFENDANTS’ ANTITRUST VIOLATIONS..... 29

A. Direct Evidence of Defendants’ Conspiracy 30

1. Mr. Hooker Was Well Positioned to Know About Operating Defendants’ Agreement..... 32

2. Witness 1 Learns of an Agreement Among Defendants..... 35

B. The Available Data Corroborates Witness 1’s Account 36

C. Operating Defendants Slash Production in 2015..... 44

D. After Historic Cuts, Operating Defendants Continued to Keep Supply Restrained, Resulting in Higher Beef Prices and Unprecedented Margins Into 2017 and 2018 49

E. After Historic Cuts, Operating Defendants Continued to Keep Supply Restrained, Resulting in Higher Beef Prices and 2017 and 2018.....50

F. Operating Defendants’ 2019 and 2020 Bring Continued Parallel Slaughter, Reaction Against Independent Self-Interest 52

G. Defendants Idled and Closed Plants, Refrained from Expanding Processing Capacity 55

H. Operating Defendants Signaled Their Conspiracy and Encouraged Each Other to Maintain it 58

I. Parallel Reductions in Cash Cattle Purchases and Anticompetitive Queuing Conventions 59

VI. EFFECTS OF DEFENDANTS’ ANTITRUST VIOLATIONS 62

A. Defendants’ Conspiracy Increased the Spread Between Cattle and Beef Prices....64

B. Tyson Foods and, Jointly, JBS S.A. and JBS USA Falsely Claimed Their Record Profits Were Due to Market Prescience, Not Supply Constraints.....64

VII. ADDITIONAL PLUS FACTORS ENCOURAGING THE REASONABLE INFERENCE OF DEFENDANTS’ CONSPIRACY 65

A. The Beef Market Is Highly Concentrated..... 66

B. The Beef Market Has High Barriers To Entry..... 67

C. Beef Is A Commodity Product..... 68

D. The Demand for Beef Is Inelastic..... 68

E. Defendants Took Advantage of Multiple Opportunities To Collude 69

F. Defendants Exacerbated Their Supply Restraints By Continuing to Reduce Their Imports..... 75

G. Defendants’ Market Share Stability is Indicative of a Conspiracy 76

VIII. THE BEEF INDUSTRY FACES GOVERNMENTAL INQUIRIES AND INVESTIGATIONS.....	80
IX. ANTITRUST INJURY.....	82
X. DEFENDANTS FRAUDULENTLY CONCEALED THEIR CONSPIRACY.....	85
A. Defendants’ Concealment of Plaintiffs’ Cause of Action.....	85
1. The Cargill Defendants	87
2. The JBS Defendants.....	88
3. National Beef	89
4. The Tyson Defendants	91
B. Plaintiffs Were Unable to Discover the Existence of Operating Defendants’ Conspiracy.....	92
C. Plaintiffs Exercised Due Diligence in Attempting to Discover Their Claim.....	94
XI. DEFENDANTS ENGAGED IN CONTINUING ANTITRUST VIOLATIONS.....	95
A. Defendants Renewed their Conspiracy with New and Independent Acts.....	95
B. Defendants Inflicted New and Accumulating Injury on Plaintiffs	96
XII. VIOLATIONS OF SECTION 1 OF THE SHERMAN ACT, 15 U.S.C. § 1.....	98
XIII. REQUEST FOR RELIEF	100
XIV. JURY TRIAL DEMANDED	101

Plaintiffs, Winn-Dixie Stores, Inc., and Bi-Lo Holding, LLC (collectively “Plaintiffs”), by and through their attorneys, bring this action against Defendants Cargill, Inc., Cargill Meat Solutions Corporations (a/k/a Cargill Protein) (“CMS”), JBS S.A., JBS USA Food Company Holdings (“JBS USA”), Swift Beef Company (“Swift”), JBS Packerland, Inc. (“Packerland”), National Beef Packing Company (“National Beef”), Tyson Foods, Inc. (“Tyson Foods”), Tyson Fresh Meats, Inc. (“Tyson Fresh”) (collectively “Defendants”), and unnamed co-conspirators, and for their Complaint against Defendants, Plaintiffs allege as follows:

I. NATURE OF THIS ACTION

1. Defendants are the world’s largest meat processing and packing companies, known in the industry as meatpackers or packers. In 2018, the operating company Defendants (Tyson Fresh, CMS, Swift/Packerland, and National Beef) (collectively “Operating Defendants”) — sold approximately 80 percent of the more than 25 billion pounds of fresh and frozen beef supplied to the U.S. market. Collectively, they controlled approximately 81–85 percent of the domestic cattle processed (or slaughtered) in the market throughout the Conspiracy Period. The next largest meatpacker had only a 2–3 percent market share.

2. Since at least January 1, 2015 until the present (the “Conspiracy Period”), Defendants have exploited their market power in this highly concentrated market by conspiring to limit the supply, and fix the prices, of beef¹ sold to Plaintiffs in the U.S. wholesale market.

¹ In this Complaint, “beef” means boxed and case-ready meat that has been processed from fed cattle by Defendants and other smaller, nondefendant producers. It excludes ground beef made from culled dairy cows, but includes ground beef made from Cattle. “Cattle” means fed cattle before they are processed into beef and excludes culled dairy cows. “Fed” cattle means steers and heifers raised in feedlots on a concentrated diet for the production and sale of beef.

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