

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Nos. 20-1045, 20-1127

In Re: PROCESSED EGG PRODUCTS ANTITRUST LITIGATION

THE KROGER CO.; SAFEWAY, INC.; ROUNDY'S SUPERMARKETS, INC.;
WALGREEN CO.; HY-VEE, INC.; ALBERTSONS LLC; THE GREAT ATLANTIC &
PACIFIC TEA COMPANY, INC.; H.E. BUTT GROCERY COMPANY; SUPERVALU
INC.; PUBLIX SUPERMARKETS, INC.; GREAT EAGLE, INC.; WINN-DIXIE
STORES, INC.,
Appellants in 20-1045

v.

ROSE ACRE FARMS; UNITED EGG PRODUCERS, INC.; UNITED STATES EGG
MARKETERS, INC.

Rose Acre Farms,
Appellant in 20-1127

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Civil No. 2-08-md-02002)
District Judge: Hon. Gene E.K. Pratter

PETITION FOR REHEARING

BEFORE: SMITH, *Chief Judge*, and MCKEE, CHAGARES, JORDAN, SHWARTZ,
RESTREPO, BIBAS, and MATEY, *Circuit Judges*, and HORAN,* *District Judge*

* The Honorable Marilyn J. Horan, District Judge, United States District Court for the Western District of Pennsylvania, sitting by designation. Judge Horan's vote is limited to panel rehearing only.

The petition for rehearing filed by Appellants The Kroger Co., Safeway Inc., Roundy's Supermarkets, Inc., Walgreen Co., Hy-Vee, Inc., Albertsons LLC, The Great Atlantic & Pacific Tea Company, Inc., H.E. Butt Grocery Company, SuperValu Inc., Publix Super Markets, Inc., Giant Eagle, Inc., and Winn-Dixie Stores, Inc. in the above-captioned matter has been submitted to the judges who participated in the decision of this Court and to all other available circuit judges of the Court in regular active service. No judge who concurred in the decision asked for rehearing, and a majority of the circuit judges of the Court in regular active service who are not disqualified did not vote for rehearing by the Court en banc. It is now hereby **ORDERED** that the petition is **DENIED**.

BY THE COURT,

s/ Paul B. Matey
Circuit Judge

Dated: April 13, 2021

CJG/cc: All Counsel of Record