UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE TURKEY ANTITRUST LITIGATION This Document Relates To: Direct Purchaser Plaintiff Actions	Civil Action No. 19-cv-08318 Hon. Sunil R. Harjani Hon. Keri L. Holleb Hotaling

ORDER GRANTING DIRECT PURCHASER PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENTS WITH DEFENDANTS HOUSE OF RAEFORD, PRESTAGE, FOSTER FARMS, AND PERDUE, APPROVAL OF THE MANNER AND FORM OF CLASS NOTICE PLAN, AND RELATED RELIEF

Direct Purchaser Plaintiffs ("DPPs") have entered into settlement agreements with Defendant House of Raeford Farms, Inc. ("House of Raeford"), Defendants Prestage Farms, Inc., Prestage Foods, Inc., and Prestage Farms of South Carolina, LLC ("Prestage") Foster Farms LLC and Foster Poultry Farms LLC, ("Foster Farms"), and Perdue Farms, Inc. and Perdue Foods LLC ("Perdue") (collectively, the "Settling Defendants") on behalf of the direct purchaser litigation class certified by the Court (collectively, "Settlements" or "Settlement Agreements"). Before the Court is DPPs' Unopposed Motion for Preliminary Approval of Settlements with Defendants House of Raeford, Prestage, Foster Farms, and Perdue, Approval of the Manner and Form of Class Notice Plan, and Related Relief ("Motion"). This Motion seeks an order granting preliminary approval to the Settlements and approving the manner and form of the proposed Class Notice Plan, including for the previously approved DPP settlement with Defendant Agri Stats, Inc., that will inform the Certified Class of the Court's order certifying the litigation class and the Settlements. The Court, having reviewed the Motion; its accompanying memorandum, declarations and exhibits thereto; the proposed Settlement Agreements; and the file; hereby **ORDERS AND ADJUDGES:**

The Court's Previous Class Certification Order

1. The Court certified the following DPP litigation class in its order dated January 22, 2025 (ECF No. 1107) (the "Certified Class"):

> All persons and entities who directly purchased fresh or frozen, uncooked turkey breast, ground turkey, or whole bird turkey products (the "Class Products") from Defendants in the United States during the Class Period.

2. Excluded from the Class are all persons who previously filed a valid request for exclusion from the Certified Class by the Court-ordered deadline (ECF No. 1296). Also specifically excluded from the Certified Class or DPP Class are the Defendants and their alleged Co-Conspirators; the officers, directors or employees of any Defendant or alleged Co-Conspirator; any entity in which any Defendant or their alleged Co-Conspirator has a controlling interest; any entity with an interest, controlling or non-controlling, in a Defendant or their co-conspirator; any entity where an individual owner, trust, and/or holding company also had an interest in any Defendant (whether as an individual, member, trust, trustee, legal representative, heir or assign) of greater than 5% during any year of the Class Period; any (in whole or in part) affiliate, legal representative, heir or assign of any Defendant or their alleged Co-Conspirator. Also excluded from this Class are any federal, state or local governmental entities, any judicial officer presiding over this action and the members of his/her immediate family and judicial staff, any juror assigned to this action, and any alleged Co-Conspirator identified in this action.

3. The Class Products have the following exclusions:

   a. Turkey breast products exclude: (1) turkey breasts used to make ground turkey; (2) turkey breast tenderloins; (3) organic turkey breast products; (4) NAE or ABF turkey breast products; and (5) cooked or RTE turkey breast products.

   b. Ground turkey products exclude: (1) ground turkey products made from turkey breasts; (2) ground turkey products made from turkey wings; (3) burgers, sausages,

and patties; (4) organic ground turkey products; (5) NAE or ABF ground turkey products; and (6) cooked or RTE ground turkey products.

c. Whole bird turkey products exclude: (1) organic turkey whole bird products; (2) NAE or ABF turkey whole bird products; and (3) cooked or RTE turkey whole bird products.

4. The Class Period is January 1, 2010, through December 31, 2016.

5. The Court previously appointed the law firms Hagens Berman Sobol Shapiro LLP and Lockridge Grindal Nauen PLLP as Co-Lead Class Counsel for the Certified Class.

6. The Court previously appointed John Gross and Company, Inc. and Maplevale Farms, Inc. as class representatives for the Certified Class.

7. The Court directs notice regarding certification of the direct purchaser litigation class be distributed to the Certified Class pursuant to Federal Rule of Civil Procedure ("Rule") 23(c)(2)(B).

Preliminary Approval of the Settlements

8. DPPs have entered into the Settlement Agreements with House of Raeford, Prestage, Foster Farms, and Perdue on behalf of the Certified Class.

9. The Court has jurisdiction over this action and each of the Parties to the Settlement Agreements. Upon review of the record, the Court finds that the Settlement Agreements, which were arrived at by arm's-length negotiations by highly experienced counsel, meet all factors under Rule 23(e)(2) and will likely be granted Final Approval by the Court, subject to further consideration at the Court's Fairness Hearing. The Court preliminarily determines that the Settlements are fair, reasonable, adequate, and in the best interests of the Certified Class; raise no obvious reasons to doubt their fairness; and raise a reasonable basis for presuming that the

Settlements satisfy the requirements of Rule 23(c)(2), Rule 23(e), and due process.

10. The Court grants preliminary approval to the Settlements.

No New Opportunity to Opt-Out of Certified Class

11. Given that Certified Class members have already been provided an opportunity to exclude themselves, the Court finds, in its discretion, that an additional opportunity to opt out is not warranted and is not required here. The Court previously certified the DPP Class on January 22, 2025 (ECF No. 1107) and the deadline for class members to request exclusion ran well over one year ago (ECF Nos. 1230, ¶ 22; 1355, ¶ 18.) At this stage, fairness no longer requires giving Class members another opportunity to opt out. *See In re Brand Name Prescription Drugs Antitrust Litigation*, 1996 WL 167347, at * 3 (N.D. Ill. Apr. 4, 1996). The purpose of providing class members with notice and an opportunity to opt out is to ensure that due process is satisfied and they can be bound by the judgment in the case, whether good or bad. But to allow Class members to opt out after summary judgment has been granted in favor of Foster Farms and Perdue, the Court would invite Class members to make their opt-out decisions based on after-the-fact assessments of rulings and developments in the case and in a manner that permits them to avoid judgment. Such a result is contrary to the principles of Rule 23. *See In re Broiler Antitrust Litigation*, Case No.: 1:16-cv-08637, ECF. No. 7179, ¶ 8 (order granting preliminary approval of settlements and notice plan and stating that "[a]s Certified Class members have already been provided an opportunity to exclude themselves, the Court finds that an additional opportunity to opt out is not warranted and is not required here.").

12. After issuing its January 22, 2025 Class Certification Order (ECF No. 1107), the Court issued an April 9, 2025, order directing notice of its Class Certification Order be distributed to the Certified Class. *See* ECF 1230, ¶ 11; *see also* ECF 1230-1, page 7 of 11 (Long Form Notice

stating: "If you exclude yourself from the Certified Class, you will be excluded from the Settlements and from any future settlement or judgment obtained by the Direct Purchaser Plaintiffs against the non-settling Defendants in this case. Please also see the answer to Question No. 21 below."). In the notice approved by the Court, class members were advised that any request to be excluded from the Certified Class were due no later than May 22, 2025. ECF No. 1230-1. The Court subsequently ordered that valid exclusions from the Certified Class were contained in Exhibit A (ECF 1355-1) and Exhibit B (ECF 1355-2) to the Court's July 29, 2025 order. *See* ECF 1355, ¶ 18 ("Persons or entities who timely and validly requested to be excluded from the Certified Class are listed in Exhibit A attached hereto."); *id.*, ¶ 19 ("A list of person or entities requesting to be excluded from the Certified Class who have partial assignments ("Partial Assignees") is set forth in the attached Exhibit B.). A copy of **Exhibit A** (ECF 1355-1) and **Exhibit B** (ECF 1355-2) are re-attached hereto for the avoidance of doubt.

Approval of the Manner and Form of Class Notice

13. The Court hereby directs that notice be distributed to the Certified Class members pursuant to Rule 23(c)(2)(B) and Rule 23(e)(1). Notice to the Certified Class shall be the responsibility of Co-Lead Class Counsel.

14. The Court hereby appoints A.B. Data, Ltd. ("A.B. Data") to administer the Settlements and Class Notice according to the plan set out in the Motion. The Court previously appointed A.B. Data to administer DPPs' settlements with Tyson, Cargill, Farbest Foods, Cooper Farms, and Agri Stats.

15. The Court hereby appoints The Huntington National Bank as the escrow agent for the House of Raeford and Prestage Settlements. The Court previously appointed The Huntington National Bank as escrow agent for DPPs' settlements with Tyson, Cargill, Farbest Foods, and

Cooper Farms.

16. The Class Notice Plan set forth in the Motion is substantially similar to the notice plan approved by this Court for the Tyson Settlement, Cargill Settlement, and Farbest/Cooper Settlements. *See* ECF Nos. 406, 1355, 1362. It complies with Rule 23(c)(2)(B), Rule 23(e)(1), and due process because it constitutes the best notice that is practicable under the circumstances, providing individual notice via mail and email to all Certified Class members who can be identified through reasonable effort. The direct mail and email notice will be supported by reasonable publication notice to reach members of the Certified Class who cannot be identified through reasonable effort.

17. The Court approves the method of Notice to be provided to the Certified Class as described in the Settlement Agreements and in the Notice Plan delineated in the Devery Declaration, including use of the Long Form Notice (Devery Decl., **Exhibit 1**), Short Form Notice (Devery Decl., **Exhibit 2**), and Sample Media Banner Advertisement (Devery Decl., **Exhibit 3**), (collectively, "Class Notice Documents"). The Class Notice Documents comply with Rule 23(c)(2)(B), Rule 23(e)(1), and due process because they are reasonably calculated to adequately apprise Certified Class members of (i) the nature of the action; (ii) the definition of the class certified; (iii) the class claims, issues, or defenses; (iv) that a Certified Class member may enter an appearance through an attorney if the member so desires; (v) the time and manner for submitting objections; and (vi) the binding effect of a class judgment on Certified Class members under Rule 23(c)(3).

18. Co-Lead Class Counsel are not seeking payment of interim attorneys' fees, current and ongoing expenses, or service awards from the House of Raeford and Prestage Settlements at this time. The Class Notice Plan and Documents adequately notify the Certified Class of Co-Lead

Class Counsel's intentions in this regard.

19. The Court grants DPPs' request to defer distribution of the proceeds of the House of Raeford and Prestage Settlements until the full resolution of the case. The Certified Class Notice Plan and Documents adequately notify the Certified Class of DPPs' intention regarding distribution.

20. The Court approves the Class Notice Plan and Class Notice Documents. Non-substantive changes, such as typographical errors, can be made to the Class Notice Documents by agreement of the parties without leave from the Court.

21. The Court permits Co-Lead Class Counsel to withdraw up to $250,000 from each of the Settlement Funds to pay the costs of notice and for Preliminary Approval, Final Approval, and administration of the claims process for the Settlement Agreements. Any costs of notice actually incurred by Co-Lead Class Counsel are non-refundable.

22. A.B. Data shall cause Class Notice to be mailed by first class mail, postage prepaid, to all members of the Certified Class whose names, mailing addresses, and email addresses can be derived from information provided by the Defendants in this action. The Long Form Notice shall be provided to all persons who request it in response to the Short Form Notice. A.B. Data is hereby directed to cause the Media Banner Advertisement to be published for four weeks in digital advertising campaigns on the websites for *Supermarket News* (www.supermarketnews.com) and *Nation's Restaurant News* (www.nrn.com). Comparable alternative websites relevant to the Certified Class may be used if any of these websites will not accept the Media Banner Advertisement or if advertising space or inventory are not available at the time the advertisements are placed.

Schedule for Class Notice and Fairness Hearing

23. The Court hereby sets the schedule below for the dissemination of Class Notice to the Certified Class; for Certified Class members to object to any or all of the Agri Stats, House of Raeford, Prestage, Foster Farms, or Perdue settlements; and for the Court's Fairness Hearing, at which time the Court will determine whether the Settlements should be finally approved as fair, reasonable, and adequate. This Court may order the Fairness Hearing to be postponed, adjourned, or continued. If that occurs, the updated hearing date shall be posted on the case-specific website, but other than the website posting the parties will not be required to provide any additional notice to Certified Class members. The hearing may take place remotely, including via telephone or video conference.

DATE	**EVENT**
10 days after the filing of this Motion for Preliminary Approval	House of Raeford and Prestage shall each file via ECF confirmation of its provision of notice to government regulators pursuant to the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715(b)
No later than October 8, 2026	Settlement Administrator to commence direct mail and email notice, and commence implementation of publication notice plan
30 days after the commencement of the Notice	Last day for Certified Class Members to: (1) file objections to the Agri Stats, House of Raeford, Prestage, Foster Farms, or Perdue settlements, and (2) file notices to appear at the Fairness Hearing
14 days before the Fairness Hearing	Co-Lead Counsel shall file a motion for Final Approval of the Settlements and all supporting papers, and Co-Lead Class Counsel and Defendants Agri Stats, House of Raeford, Prestage, Foster Farms, and Perdue may respond to any objections to the proposed Settlements
30 days after the last day to object to or file appearances for the Fairness Hearing by the Certified Class or as	Fairness Hearing regarding the Agri Stats, House of Raeford, Prestage, Foster Farms, and Perdue settlements[1]

[1] Under CAFA, the Court may not issue an order giving final approval of a proposed settlement earlier than 90 days after the later of the dates on which the appropriate Federal official and the appropriate State official are served with notice of these proposed Settlements. *Id*. at § 1715(d). Under the Settlement Agreement, within ten days of the filing of this motion, House of Raeford, Prestage, Foster Farms, and Perdue will serve upon the appropriate state officials and the

DATE	EVENT
soon thereafter as may be heard by the Court	

Other Provisions

24. If any of the Settlements are not granted Final Approval by this Court or are otherwise terminated by the Parties in accordance with the terms of their Settlement Agreements, the Court will modify any existing scheduling orders as necessary to ensure that the DPPs, Agri Stats, House of Raeford, Prestage, Foster Farms, or Perdue as the case may be, will have sufficient time to prepare for the resumption of litigation.

IT IS SO ORDERED.

DATED: July 30, 2026

Honorable Sunil R. Harjani
United States District Court
Northern District of Illinois

appropriate federal official the CAFA notice required by Section 1715(b). This schedule will allow the Court to schedule a Fairness Hearing as DPPs propose in the schedule above, in conformance with CAFA's requirements.