

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

If you purchased uncooked pork bacon, fresh or frozen loins, shoulder, ribs, hams, or pork chops from June 28, 2014, to June 30, 2018, for business use in commercial food preparation, a class action lawsuit may affect your rights.

A federal court authorized this notice. This is not a solicitation from a lawyer.

- A class action antitrust lawsuit was filed on behalf of Commercial and Institutional Indirect Purchaser Plaintiffs against Defendants Agri Stats, Inc. (“Agri Stats”); Clemens Food Group, LLC and The Clemens Family Corporation (together and separately, “Clemens”); Hormel Foods Corporation and Hormel Foods, LLC (together and separately, “Hormel”); Seaboard Foods LLC and Seaboard Corporation (together and separately, “Seaboard”); Triumph Foods, LLC (“Triumph”); and Tyson Foods, Inc., Tyson Prepared Foods, Inc., and Tyson Fresh Meats, Inc. (together and separately, “Tyson”) and other defendants in the case entitled *In re Pork Antitrust Litigation (Commercial and Institutional Indirect Purchaser Actions)*, Case No. 0:18-cv-01776 (D. Minn.).
- The lawsuit is regarding whether Defendants combined and conspired in restraint of trade, the purpose and effect of which was to suppress competition and to allow Defendants and other pork producers to charge supra-competitive prices for pork products during select periods of time, in violation of federal and state laws.
- This Notice is being provided because the court established or “certified,” the lawsuit as a class action. In 2021, notice was provided regarding a settlement with Defendants JBS USA Food Company, JBS USA Food Company Holdings, Swift Pork Company, and related or affiliated entities (“JBS”). In 2022, notice was provided regarding a settlement with Defendants Smithfield Foods, Inc. and related or affiliated entities (“Smithfield”). You may be a member of the Settlement Class in either or both settlements with separate rights and you may be included in the certified class action against Defendants Agri Stats, Clemens, Hormel, Seaboard, Triumph, and Tyson. **Your decision to remain in the certified class or to exclude yourself will not affect your ability to participate in the previous settlements reached in this litigation.**
- The Court has not decided whether the Defendants did anything wrong and the Defendants deny any wrong-doing. Your legal rights are affected whether you act or do not act. Please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS		DEADLINE
EXCLUDE YOURSELF	<p>Get out of this lawsuit. Get no money or benefits if any are available in the future. Keep the right to sue separately.</p> <p>If you ask to be excluded from the Damages Class and money or benefits are later awarded to Commercial and Institutional Indirect Purchaser Plaintiffs, you will not receive any money or benefits. You will keep any right to file your own lawsuit or be part of any <i>other</i> lawsuit against the Defendants. If there is a Settlement or judgment in the future, you may not be allowed to exclude yourself from the lawsuit. You cannot exclude yourself from the Injunctive Class.</p>	Postmarked by August 23, 2024
DO NOTHING	<p>Stay in this lawsuit. Give up the right to sue separately.</p> <p>If you do nothing, and you are a member of the Damages Class, you may become entitled to money or benefits if later awarded to Commercial and Institutional Indirect Purchaser Plaintiffs, if they prevail at a trial or as part of a settlement. You will give up your rights to sue the Defendants. You will be bound by any future judgment regarding the Defendants.</p>	

BASIC INFORMATION

1. What is this lawsuit about?

This class action is called *In re Pork Antitrust Litigation (Commercial and Institutional Indirect Purchaser Actions)*, Case No. 0:18-cv-01776, and is pending in the United States District Court for the District of Minnesota. United States District Court Judge John R. Tunheim is overseeing this class action. Commercial and Institutional Indirect Purchaser Plaintiffs allege that Defendants and their co-conspirators conspired and combined to fix, raise, maintain, and stabilize the price of uncooked pork bacon, or one or more of the following types of raw pork, whether fresh or frozen: loins, shoulder, ribs, hams, or pork chops from defendants or co-conspirators (“Pork products”). In this lawsuit, Pork products do not include any product that is marketed as organic and/or without antibiotics and any product other than bacon that is marinated, seasoned, flavored, or breaded. The lawsuit alleges that Defendants and their co-conspirators conspired to increase prices of Pork products in the United States, in violation of federal antitrust laws and various state antitrust, consumer protection and unfair trade practices, and unjust enrichment laws.

The Defendants and co-conspirators named in the Commercial and Institutional Indirect Purchaser Plaintiffs’ Fourth Amended and Consolidated Class Action Complaint are producers of Pork products in the United States and a company that provides benchmarking reports in certain agricultural industries. In this Notice, “Defendants” refers to Agri Stats, Inc. (“Agri Stats”); Clemens Food Group, LLC and The Clemens Family Corporation (together and separately, “Clemens”); Hormel Foods Corporation and Hormel Foods, LLC (together and separately, “Hormel”); Seaboard Foods LLC and Seaboard Corporation (together and separately, “Seaboard”); Triumph Foods, LLC (“Triumph”); and Tyson Foods, Inc., Tyson Prepared Foods, Inc., and Tyson Fresh Meats, Inc. (together and separately, “Tyson”).

Although other defendants are involved in this lawsuit, the Commercial and Institutional Indirect Purchaser Plaintiffs’ remaining allegations are against the Defendants listed. Commercial and Institutional Indirect Purchaser Plaintiffs previously reached Settlements with Smithfield and JBS. The Defendants have denied all allegations of wrongdoing in this lawsuit.

2. Why is the lawsuit a class action?

In a class action lawsuit, one or more businesses called class representatives sue on behalf of others who have similar legal claims, all of whom together are a “class.” Individual class members do not have to file a lawsuit to participate in the class action lawsuit or be bound by the judgment in the class action. One court resolves the issues for everyone in the class, except for those who exclude themselves from the class.

3. What if I received previous communications regarding this lawsuit?

You may have received other communications regarding this lawsuit, including solicitations by other attorneys seeking to represent you as a plaintiff in an individual (or “direct action”) lawsuit against Defendants. These communications were not approved by the Court and did not come from Court-appointed Class Counsel. You should carefully review this Notice and your rights as a potential member of the Class or Classes before deciding whether to opt out or stay in the Damages Class.

WHO IS INCLUDED IN THE LAWSUIT?

4. How do I know if I am part of the Lawsuit?

The Commercial and Institutional Indirect Purchaser Plaintiffs class represent indirect purchasers who are not end users of pork products. The Court certified an injunctive relief class and damages class (“Classes”) defined as:

Injunctive Class: All entities that indirectly purchased uncooked pork bacon, or one or more of the following types of raw pork, whether fresh or frozen: loins, shoulder, ribs, hams, or pork chops from defendants or co-conspirators for their own use in commercial food preparation in the United States from June 28, 2014, to

June 30, 2018. For this lawsuit, pork excludes any product that is marketed as organic and/or no antibiotics ever and any product other than bacon that is marinated, seasoned, flavored, or breaded, but it includes uncooked and cooked ham water added products.¹

Damages Class: All entities that indirectly purchased uncooked pork bacon, or one or more of the following types of raw pork, whether fresh or frozen: loins, shoulder, ribs, hams, or pork chops from defendants or co-conspirators for their own use in commercial food preparation in the Repealer Jurisdictions² from June 28, 2014, to June 30, 2018. For this lawsuit, pork excludes any product that is marketed as organic and/or no antibiotics ever and any product other than bacon that is marinated, seasoned, flavored, or breaded, but it includes uncooked and cooked ham water added products.

Plaintiffs allege a far-reaching, ongoing conspiracy to inflate pork prices on a nationwide basis and seek injunctive relief (a legal remedy that restrains a party from doing certain acts or requires a party to act in a certain way). In a lawsuit, injunctive relief means the Defendants would be required to stop the activities associated with any ongoing conspiracy to inflate Pork prices on a nationwide basis. If granted, the injunctive relief will survive until it is clear that the alleged misconduct will not recur.

5. What if I am still not sure whether I am included in the Injunctive Class or the Damages Class?

If you are still not sure if you are included, please review the detailed information contained in the Class Certification Order, available at www.PorkCommercialCase.com, or call the Notice Administrator toll-free at 1-855-867-0738.

YOUR RIGHTS AND OPTIONS

6. What am I giving up by staying in the Damages Class?

Unless you exclude yourself, you are staying in the Damages Class, which means that you cannot sue, continue to sue, or be part of any other lawsuit against the Defendants.

It also means that all the Court's orders will apply to you and legally bind you.

7. How do I exclude myself?

If you do not want to be legally bound by the terms of the lawsuit, or if you wish to pursue your own separate lawsuit against the Defendants, you must exclude yourself by submitting a written request to the Notice Administrator stating your intent to exclude yourself from the Damages Class (an "Exclusion Request"). Your Exclusion Request must include the following:

- (a) Your name and address;
- (b) A statement that you want to be excluded from the Damages Class in *In re Pork Antitrust Litigation (Commercial and Institutional Indirect Purchaser Actions)*; and
- (c) Your signature.

¹ Excluded from the class are: Natural persons who purchased pork for their personal use and not for commercial food preparation (End-User Consumers); purchases of pork directly from Defendants; purchases of pork for resale in unaltered form; purchases of pork from an intermediary who has further processed the pork; the Defendants; the officers, directors or employees of any Defendant; any entity in which any Defendant has a controlling interest; and any affiliate, legal representative, heir or assign of any Defendant; any federal, state 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 coconspirator identified in this action.

² "Repealer Jurisdictions" here are states that have "repealed" the Supreme Court's holding in *Illinois Brick Co. v. Illinois*, 431 U.S. 720 (1977), and provide standing to indirect purchasers. Commercial and Institutional Indirect Purchaser Plaintiffs assert damages claims in: Arkansas, Arizona, California, District of Columbia, Florida, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, West Virginia, and Wisconsin. The class period for Kansas, Massachusetts, Mississippi, South Carolina, and Tennessee class members begins June 28, 2015.

You must mail your Exclusion Request, **postmarked by August 23, 2024**, to

Pork Commercial and Institutional Indirect Purchaser Litigation
P.O. Box 6610
Portland, OR 97228-6610

You cannot exclude yourself from the Injunctive Class.

8. If I exclude myself, can I get anything from the lawsuit?

No. If you exclude yourself, and the Damages Class is later awarded money or benefits, you will not be eligible to claim any of that money or benefits. You also will not be legally bound by the Court's judgments if you exclude yourself. You will be able to sue (or continue to sue) Defendants on your own about the legal claims that are involved in this lawsuit, now or in the future, assuming your legal claims are not time-barred or otherwise prohibited (you should consult your own lawyer to make such a determination).

9. If I do not exclude myself, can I sue Defendants for the same thing later?

No. Unless you exclude yourself from the Damages Class, you give up the right to sue Defendants for the legal claims that the lawsuit involves. If you have a pending lawsuit against Defendants, speak to your lawyer for that lawsuit immediately to determine whether you must exclude yourself from this lawsuit to continue your own lawsuit against the Defendants. If there is a Settlement or judgment in the future, you may not be allowed to exclude yourself from the lawsuit.

10. What happens if I do nothing at all?

If you are a member of the Damages Class and you do nothing, you will remain a member of the Damages Class. You will be legally bound by all the decisions the Court makes. You also can participate in any future settlements or judgments obtained by Commercial and Institutional Indirect Purchaser Plaintiffs against the Defendants in the lawsuit. If the Commercial and Institutional Indirect Purchaser Plaintiffs obtain money or benefits you may be entitled to a share. Regardless of the outcome of the lawsuit, if you do nothing, and thereby remain in the Damages Class, you will never be able to sue (or continue to sue) the Defendants about the legal claims in this lawsuit. If you do nothing now and there is a Settlement or judgment in the future, you may not be allowed to exclude yourself from the lawsuit.

THE LAWYERS REPRESENTING YOU

11. Do I have a lawyer in this case?

Yes, the Court has appointed Cuneo Gilbert & LaDuca, LLP and Larson · King LLP as Class Counsel for the Injunctive Class and the Damages Class. You do not need to hire your own lawyer because Class Counsel is working on your behalf. If you wish to pursue your own case separate from this one, or if you exclude yourself from the Damages Class, these lawyers will no longer represent you. You will need to hire your own lawyer if you wish to pursue your own lawsuit against the Defendants.

12. How will Class Counsel be paid?

If Class Counsel obtains money or benefits for the Injunctive Class or the Damages Class, they may ask the Court for fees and expenses. You will not have to pay these fees and expenses. If the Court grants their request, the fees and expenses will either be deducted from any money obtained or paid separately by Defendants.

A TRIAL

13. How and when will the Court decide who is right?

If the lawsuit is not dismissed or settled, there may be a trial. To prevail in the lawsuit, Commercial and Institutional Indirect Purchaser Plaintiffs will have to prove their legal claims at a trial to be scheduled later. During the trial, the judge and/or jury will hear evidence to determine whether Commercial and Institutional Indirect Purchaser Plaintiffs or Defendants are right about the legal claims in the lawsuit. There is no guarantee the Commercial and Institutional Indirect Purchaser Plaintiffs will win any money or benefits for the Injunctive Class or the Damages Class.

14. If there is a trial, do I have to attend the trial?

If there is a trial, you will not need to attend unless you choose to do so, or you are asked to attend by the Court. You and/or your own lawyer are welcome to attend at your own expense. If you are interested in attending, please check the website, or call the toll-free number and ask to be kept informed of the trial schedule.

15. Will I get money if there is a trial?

If Commercial and Institutional Indirect Purchaser Plaintiffs obtain money or benefits for the Damages Class as a result of a trial, then members of the Damages Class will be notified about how to submit a claim to participate in a claims process. It is unknown how long this may take. Information will be posted on the website www.PorkCommercialCase.com as it becomes available. You can access the website whether you stay in the lawsuit or exclude yourself from the Damages Class.

GETTING MORE INFORMATION

16. How do I get more information about the lawsuit?

This Notice summarizes the lawsuit and your legal rights. More details are in the Class Certification Order. You can find a copy of the Class Certification Order, other important documents, and information about the current status of the lawsuit by visiting www.PorkCommercialCase.com. You may contact the Notice Administrator at info@PorkCommercialCase.com or toll-free at 1-855-867-0738.

PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.