

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE PORK ANTTITRUST
LITIGATION

Case No. 18-cv-1776 (JRT/JFD)

This Document Relates To:

COMMERCIAL AND
INSTITUTIONAL INDIRECT
PURCHASER PLAINTIFF ACTION

**Declaration of Shawn M. Raiter in
Support of Commercial and
Institutional Indirect Purchaser
Plaintiffs' Motion for Final Approval
of the Class Action Settlement with
Defendants Clemens Food Group,
LLC and The Clemens Family
Corporation**

I, Shawn M. Raiter, declare as follows:

1. I am a partner at Larson • King, LLP in St. Paul, Minnesota. This Court has appointed me and my firm, together with Michael Flannery of Cuneo, Gilbert & LaDuca, LLP, Co-Lead Counsel for the Commercial and Institutional Indirect Purchaser Plaintiffs (“CIIPPs”) in this litigation.

2. I submit this declaration in support of CIIPPs’ concurrently-filed motion for final approval of the class action settlement with Defendants Clemens Food Group, LLC and The Clemens Family Corporation (“Clemens”).

3. Counsel for the CIIPPs have conducted extensive discovery and litigated this action for seven years. They have thoroughly investigated the conspiracy alleged in the CIIPP complaints, have successfully opposed dispositive motions, and obtained certification of litigation classes. The parties have since engaged in additional motion practice, expert discovery, and trial preparation.

4. The CIIPPs were well-informed about the facts underlying their claims by the time the parties agreed to settle. Based on the information obtained from discovery and other sources, Co-Lead Counsel were well informed of the facts and the benefits, risks, and consequences of the Settlement with Clemens (the “Settlement”). Co-Lead Counsel thoroughly evaluated the relative strengths and weaknesses of the CIIPPs’ litigation positions in relation to the Settlement.

5. On behalf of CIIPPs, my co-counsel and I engaged in settlement negotiations with counsel for Clemens. The settlement negotiations were at arm’s length. The Settlement is the product of negotiations that included adversarial bargaining between Co-Lead Counsel and counsel for Clemens. The parties debated issues and negotiated various terms of the Settlement, including the settlement amount, the timing of payment, potential conditions on payment, potential cooperation for claims against non-settling Defendants, and other non-monetary relief. Throughout this process, Clemens was represented by experienced, sophisticated counsel.

6. There was no collusion or preferential treatment at any time during these negotiations. The negotiations were hard-fought and fully informed. The CIIPPs sought to obtain the greatest monetary benefit possible from Clemens. There was no discussion or agreement at any time regarding the attorneys’ fees Co-Lead Counsel would ask the Court to award in this case.

7. In its Settlement Agreement, Clemens committed to pay \$7,750,000.00 to the Settlement Fund and has made that payment. Clemens also agreed to provide specified assistance in the CIIPPs’ trial of this case against the remaining Defendants. The terms of this

assistance are set out in the Settlement Agreement. Clemens also agreed that they will continue to comply with antitrust laws.

8. There are several hundred thousand commercial and institutional indirect purchasers of Pork products in the United States who are potential members of the Certified Classes. The CIIPPs engaged the services of an experienced class action administrator, Epiq Class Action & Claims Solutions, Inc., to administer notice to the Settlement Class members. As set forth in the supporting Declaration of Cameron R. Azari, the Court-approved Notice Plan was successfully implemented, and Certified Class members were notified of the Settlement.

9. No Settlement Class member has objected to the Settlement or to any aspect of the notice program. No Certified Class member requested to be heard at the final approval hearing. No Class member opted out of the litigation classes previously certified by the Court.

10. Counsel for Clemens advised that Clemens provided the notice required by 28 U.S.C. § 1715 on or about May 29, 2025. (*See* Dkt. 3059). None of the recipients of that notice have contacted counsel for the CIIPPs. Counsel for Clemens have each confirmed that none of the recipients of the notice contacted them after receiving the Class Action Fairness Act notice.

11. I have practiced law since 1993. I have prosecuted numerous antitrust class actions as lead counsel, co-lead counsel, and other leadership positions. In my opinion, and in the opinion of my Co-Lead Counsel Michael Flannery, the Settlement provides substantial benefits to the Certified Classes and avoids the delay and uncertainty of continuing protracted litigation with Clemens. The Settlement is fair, reasonable, and adequate, is in the best interests

of the Certified Classes, and should be approved by the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 2nd day of December 2025 in Saint Paul, Minnesota.

s/ Shawn M. Raiter

Shawn M. Raiter