**UNITED STATES DISTRICT COURT**

**DISTRICT OF MINNESOTA**

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| IN RE PORK ANTITRUST LITIGATION | Case No. 0:18-cv-1776-JRT-JFD<br>Honorable John R. Tunheim |
| This Document Relates to:<br>*All Consumer IPP Cases* | |

**CONSUMER INDIRECT PURCHASER PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR APPROVAL OF DIRECT NOTICE, PLAN OF NOTICE, AND PLAN OF ALLOCATION**

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## I. INTRODUCTION

Consumer Indirect Purchaser Plaintiffs (Consumer IPPs) move the Court for approval of notices and plan of notice for settlements with all remaining Defendants: Agri Stats, Clemens, Hormel, Seaboard, Triumph, and Tyson.[1] This Court has already granted preliminary approval to each of these settlements. Dkt. Nos. 3389, 3073, 2453, 2414, 3193. Collectively, these settlements total $117.065 million in funds to be returned to the class. This is in addition to the $95 million recovered from the JBS and Smithfield defendants, which received final approval from this Court in April 2023.[2] Dkt. Nos. 1903, 1491. In addition to this monetary compensation, the settlement with Agri Stats provides for unprecedented conduct relief to the class. Should Agri Stats resume its pork reports, Agri Stats has agreed to substantially reshape their form, including removing participant lists, stopping the sales reports altogether, aggregating critical plant-level fields, and removing suspect fields related to production and pricing altogether.

These settlements are the result of arm's-length negotiations and provide substantial monetary relief to the Consumer IPP class. Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, the Consumer IPPs request that this Court grant approval of this motion

[1] Agri Stats refers to Agri Stats, Inc.; Clemens refers to Clemens Food Group, LLC, The Clemens Family Corporation, and Hatfield Quality Meats; Hormel refers to Hormel Foods Corporation; Seaboard refers to Seaboard Foods LLC; Triumph refers to Triumph Foods, LLC; and ("Triumph"), and Tyson refers to Tyson Foods, Inc., Tyson Fresh Meats, Inc., and Tyson Prepared Foods, Inc. (collectively, referred to as settlements and Settled Defendants).

[2] JBS refers to JBS USA Food Company, JBS USA Food Company Holdings, and Swift Pork Company; Smithfield refers to Smithfield Foods, Inc.

to direct notice and approval for the plan of notice for this settlement. For this process, Class Counsel retained a skilled notice and claims administrator following a competitive bidding process and negotiated a cost ceiling to protect the settlement funds from unnecessary expense. The proposed notices are clear and inform class members of their rights, the notice plan meets the requirements of Rule 23; the allocation plan is fair, adequate, and reasonable; the distribution plan ensures the disbursement of settlement funds to class members efficiently and with minimal expense.

The Settled Defendants have been provided with a copy of this motion and proposed notices and have no objections.

## II. SUMMARY OF LITIGATION

Consumer IPPs – the first to file a complaint against the pork industry – have been litigating this case diligently for more than seven years. The Court certified the Consumer IPP class on March 29, 2023, and largely denied defendants' summary judgment motions (with the exception of Hormel) in March 2025. Dkt. Nos. 1887, 2929. Consumer IPPs allege that the pork processors inflated the price and restricted the supply of pork through the use of Agri Stats, production and slaughter restraints, and the use of exports. Scarlett Decl., ¶ 5.[3]

From the beginning of this litigation, Hagens Berman Sobol Shapiro LLP (Hagens Berman) and Gustafson Gluek PLLC (Gustafson Gluek) have acted as Co-Lead Counsel on behalf of the Consumer IPP Class. As Co-Lead Counsel, these two firms have spent

[3] Scarlett Decl. refers to the Declaration of Shana E. Scarlett in Support of Consumer Indirect Purchaser Plaintiffs' Motion to Direct Notice, filed concurrently herewith.

thousands of hours pursuing the claims of the Class. Plaintiffs have taken nearly 100 depositions of defendants' employees and their co-conspirators. Plaintiffs have taken the depositions of ten non-parties, many of which were also led by the Consumer IPP team. *Id.*, ¶ 6.

Document discovery has been no less intense. Defendants produced nearly 4 million documents that have been reviewed, catalogued, and distilled by attorneys representing the three classes. And the Consumer IPPs subpoenaed 79 non-parties for data and information relating to their claims and data to perform an analysis of the pass-through overcharges to the consumer Class. *Id.*, ¶ 10.

Unlike many other civil antitrust actions, this case was developed and brought without the benefit of a formal antitrust investigation by the U.S. Department of Justice (DOJ) or the assistance of a leniency applicant under the DOJ's Corporate Leniency Program. Rather, the alleged conspiracy was identified by the Consumer IPPs through the use of investigators and economists, leading to the first complaint filed – the Consumer IPP complaint. *Id.*, ¶ 7.

After years of discovery, the Defendants brought 12 motions for summary judgment and a motion to exclude most of Plaintiffs' experts in the case. Hagens Berman and Gustafson Gluek took the lead drafting and arguing many of the oppositions to these motions. Consumer IPPs settled with this last set of defendants during the briefing of summary judgment (Seaboard and Hormel), after the denial of summary judgment (Clemens and Tyson), and in the midst of trial preparation (Triumph and Agri Stats). *Id.*, ¶ 11.

## III. SUMMARY OF SETTLEMENT NEGOTIATIONS AND TERMS

These settlements are the product of confidential, protracted, intense, arm's-length negotiations with Defendants. These settlement agreements include significant monetary and conduct relief for the class.

The settlement with Tyson provides $85 million; the settlement with Hormel provides $4.465 million; the settlement with Clemens provides $13.5 million, the settlement with Seaboard provides $10 million; and the settlement with Triumph provides $4.1 million in monetary relief to the consumer indirect purchaser class. These settlements bring total compensation to the consumer class to $212.065 million. Each of these settlements have received preliminary approval from the Court. Dkt. Nos. 3389, 3073, 2453, 2414, 3193.

Additionally, the settlement with Agri Stats provides for significant conduct relief. The settlement with Agri Stats puts a permanent end to the reports that this Court concluded were "the most suspicious" of Agri Stats's products.[4] Pursuant to the Class Action Fairness Act, Agri Stats has notified appropriate federal and state officials of the settlement. Dkt. No. 3352. This Court granted preliminary approval to the Agri Stats settlement. Dkt. No. 3389.

## IV. THE COURT SHOULD APPROVE THE PLAN OF NOTICE AND PLAN OF ALLOCATION

Class Counsel retained Epiq Class Actions & Claims Solutions, Inc. (Epiq) to serve as notice and claims administrator; the class administrator has the expertise to oversee

[4] *See In re Pork Antitrust Litig.*, 781 F. Supp. 3d 758, 839 (D. Minn. 2025).

notice and distribution to this nationwide class of consumer indirect purchasers. AB Data was selected to oversee the first set of notices. Co-lead Class Counsel requested bids from a set of notice vendors regarding the second round of notice and distribution. Epiq was selected as the most cost-effective and efficient option for the class. Epiq has agreed to cap notice and distribution costs at $1.83 million, unless good cause exists to exceed this number. Azari Decl., ¶ 46.[5] Class Counsel will request approval from this Court should additional administrative costs be necessary. Scarlett Decl., ¶ 15.

Working together, Epiq and Class Counsel have proposed a set of notices to send to the class regarding these settlements. Two notices are proposed for the Court's approval: (1) an email notice (Azari Decl., Ex. 2); and (2) an example digital notice that will be used in the indirect notice campaign. *Id.*, Ex. 4. Consumer IPPs also provide a set of "Frequently Asked Questions" or FAQs to be put on the settlement website, which will continue to be updated as notice and distribution progress. *Id.*, Ex. 3. Class Counsel, together with the experienced claims administrator, drafted these documents with simple, clear language to apprise class members of their rights and options.

The proposed notice plan includes a robust combination of direct and indirect notices. Approximately 29 million class members will receive direct email notice of the settlements (*Id.*, ¶ 26); and an online digital campaign over six weeks will provide notice to the remaining class members. *Id.*, ¶ 37. The claims administrator estimates that this

[5] Azari Decl. refers to the Declaration of Cameron R. Azari, filed concurrently herewith.

notice program will reach at least 70% of the class, with class members receiving notice 2.3 times on average. *Id.*, ¶ 24.

Finally, Consumer IPPs request preliminary approval of the plan of allocation and distribution. Consumer IPPs propose that the funds will be allocated according to the amount of pork products purchased by a class member, likely with a minimum payment for all qualifying class members who submit valid claims. Plaintiffs submit a claims form with this motion for the Court's approval, and briefly describe the intended plan of distribution. *Id.*, Ex. 6.

### A. Class Counsel selected an experienced claims administrator through a fair selection process, and the administrator agreed to a cap on costs.

To protect the class's funds, Class Counsel requested bids from multiple vendors for the next phase of notice and distribution. In selecting a notice and claims administrator, class counsel sent a request for proposal to multiple nationwide claims administrators. Class Counsel reviewed the bids and tried to align the bids to be as close a comparison as possible.

Epiq has successfully administered more than a thousand class action notice and settlement administration matters. *Id.*, ¶ 4. With experience in more than 700 cases, including more than 75 multidistrict litigation settlements, Epiq's notice plans has consistently been approved by courts. *Id*. Class Counsel selected Epiq in part due to their background employing best practices, proprietary technology, and experienced claims analysts to ensure quality control and prevent fraud during the claims administration process. Epiq's experience as settlement administrator for the Commercial and Institutional

Indirect Purchaser class in this litigation and in the *In re Cattle and Beef Antitrust Litigation*, also persuaded Class Counsel of their adequacy and ability to serve as settlement administrator for the Consumer IPP class. *See e.g.*, Dkt. No. 3254 (determining that Epiq's proposed forms of notice comply with Rule 23 and due process requirements); *In re Cattle and Beef Antitrust Litigation*, No. 0:22-md-03031, Dkt. No. 261 (D. Minn. May 25, 2023) (same).

In selecting Epiq as the vendor, Epiq agreed to the following commitments:

- *Epiq will disclose all related entities that it intends to engage in this litigation.*
- *Epiq does not have and will not enter into an agreement or financial arrangement with another entity by which it receives any financial compensation in any way related to this Settlement or Litigation other than compensation expressly agreed to and directed by Class Counsel.*
- *Epiq does not have a personal relationship (including but not limited to familial, romantic, or financial/business) with any Class Counsel employee, partner, and/or owner.*
- *Epiq agrees that any digital payment cards and gift cards that are never redeemed, claimed, or activated shall be treated the same as uncashed checks.*

Scarlett Decl., ¶¶ 14-15.

In addition, Epiq agreed to a cap of $1.83 million for the notice and claims distribution in this case. Azari Decl., ¶ 46. If there is a change of circumstances that warrants a deviation, Class Counsel will return to this Court to provide an explanation.

Epiq has agreed to this process. *Id.* Class Counsel believes that these disclosures and commitments are in the best interests of the class and ensure that the class's funds are being zealously guarded. Scarlett Decl., ¶ 15. Consumer IPPs request appointment of Epiq as the notice and claims administrator.

### B. The proposed form of class notice clearly and fairly apprises class members of the nature of this action and the scope of their rights.

In any class action certified under Rule 23(b)(3), the court must direct notice of class certification to class members using "the best notice that is practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort." Fed. R. Civ. P. 23(c)(2)(B). The class notice "must clearly and concisely state in plain, easily understood language" the following (i) the nature of the action; (ii) the definition of the class certified; (iii) the class claims, issues, or defenses; (iv) that a class member may enter an appearance through an attorney; (v) that the court will exclude from the class any member who requests exclusion; (vi) the time and manner for requesting exclusion; and (vii) the binding effect of a class judgment on class members. *Id*.

Because the results of a certified Rule 23(b)(3) class action bind class members unless they affirmatively opt out, this notice protects the constitutional due process rights of absent class members.[6] To satisfy Rule 23 and due process, the class notice should be

[6] *Phillips Petroleum Co. v. Shutts*, 472 U.S. 797, 812 (1985); *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156, 173–74 (1974).

"reasonably calculated, under all the circumstances, to apprise [class members] of the pendency of the action and afford them an opportunity to present their objections".[7]

The notice must "fairly apprise" prospective class members of both the settlement terms and their options.[8] In particular, the notice must describe the settlement terms in sufficient detail to alert those with adverse viewpoints to investigate and to come forward and be heard.[9] Notices need not provide "a complete source of information" or an exact amount of recovery for each class member.[10]

Plaintiffs and the claims administrator worked to propose forms of notice that are highly informative and readily accessible. In clear, simple language, the proposed notices describe the settlement classes' definitions, the allegations and claims, the objection and opt-out procedures, and the right of any class member who does not opt out to appear at the fairness hearing. If class members require additional information, the proposed website provides the claims administrator's and Class Counsel's contact information. Plaintiffs provide two forms of notice here – the proposed email notice and proposed sample digital ads. Azari Decl., ¶¶ 26, 31. Plaintiffs also provide proposed Frequently Asked Questions (FAQs) that will be added to the settlement website, Class Counsel has worked with their

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[7] *Petrovic v. Amoco Oil Co.*, 200 F.3d 1140, 1153 (8th Cir. 1999) (citing to *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950)); *see also e.g., Taqueria El Primo LLC v. Illinois Farmers Ins. Co.*, 630 F.3d 1121, 1125 (D. Minn. 2022).

[8] *Ramsey v. Sprint Commc'ns Co., L.P.*, No. 4:11-CV-3211, 2012 WL 6018154, at *2 (D. Neb. Dec. 3, 2012)*; see also Petrovic*, 200 F.3d at 1153; *Taqueria El Primo*, 630 F.3d at 1125.

[9] *Petrovic*, 200 F.3d at 1153.

[10] *Id*. (citing *DeBoer v. Mellon Mortg. Co.*, 64 F.3d 1171, 1176 (8th Cir. 1995).

experts and the claims administrator to create a list (which will be included in the form of a lookup table on the website) to allow class members to identify qualifying products by the names by which these pork products are commonly found at the grocery store. *Id.*, ¶ 42. Plaintiffs believe that this list will assist class members in easily and confidently completing their claims forms regarding which products will qualify for settlement funds. Plaintiffs also request the ability to amend the Frequently Asked Questions from time to time to ensure that class members stay updated on developments in this litigation.

The proposed notices plainly satisfy the requirements of due process according to the specific requirements of Rule 23(c)(2)(B). Plaintiffs respectfully request the Court to approve the contents of the proposed notices.

### C. The proposed manner of notice dissemination is reasonable and represents the best notice practicable under the circumstances

Upon settlement of a class action, "[t]he court must direct notice in a reasonable manner to all class members who would be bound by the proposal[.]" Fed. R. Civ. P. 23(e)(l)(B). Class actions certified under Rule 23(c)(2)(B) require "the best notice that is practicable under the circumstances," including "individual notice to all members who can be identified through reasonable effort."[11] Notice that is mailed to each member of a settlement class "who can be identified through reasonable effort" constitutes the best notice practicable.[12]

[11] *Eisen*, 417 U.S. at 173.

[12] *Id.* at 176; *Pollard v. Remington Arms Co., LLC*, 896 F.3d 900, 906 (8th Cir. 2018).

Notice may also be given via electronic means. Fed. R. Civ. P. 23(c)(2)(B). Additionally, when class members cannot be individually identified, notice by publication is considered sufficient to comply with the requirements of due process.[13]

The settlement with Agri Stats is for conduct relief. For the purposes of Rule 23(b)(2), it is sufficient for a notice program merely to circulate settlement information via publication methods.[14] Nevertheless, Plaintiffs' devised notice plan also includes directed notice of the settlement with Agri Stats for conduct relief.

Consumer IPPs propose a state-of-the-art notice program designed by an experienced notice and claims administrator. The notice program includes: direct email notice to all class members for whom an email address is available, indirect notice in the form of website publication and banner ads, a supplemental informational release which will be made available to thousands of media outlets, and a toll-free number for class members to call with questions.

**1. Direct email notice.**

Consumer IPPs have contact information for approximately 29 million potential class members, allowing individual direct notice. For those receiving email notice, the

[13] *See, e.g., DeBoer*, 64 F.3d at 1176; *In re Potash Antitrust Litig.*, 161 F.R.D. 411, 413 (D. Minn. 1995); *Hashw v. Dep't Stores Nat'l Bank*, 182 F.Supp.3d 935, 946 (D. Minn. 2016) (finding that notice published in *People* and *USA Today* was sufficient as notice for unidentifiable class members).

[14] *DeBoer*, 64 F.3d at 1176; *In re Potash Antitrust Litig.*, 161 F.R.D. at 413; *Hashw*, 182. F.Supp.3d at 946; *see also, e.g.*, *Berry v. LexisNexis Risk & Info. Analytics Grp., Inc.*, No. 3:11-CV-754, 2014 WL 4403524, at *2 (E.D. Va. Sept. 5, 2014), *aff'd sub nom.*; *Berry v. Schulman*, 807 F.3d 600 (4th Cir. 2015).

claims administrator will perform several tasks to maximize deliverability and avoid spam and junk filters. These tasks include running the list of recipient email addresses through a deliverability analysis to ensure the email addresses are valid and working with email service providers to develop sending strategies to achieve optimal deliverability. The claims administrator will also incorporate certain best practices to maximize deliverability, such as ensuring no inclusion of words or phrases known to trigger spam or junk filters, and not including attachments to the mail. Azari Decl., ¶¶ 26-29.

**2. Website notice.**

Consumer IPPs have purchased the website www.overchargedforpork.com to communicate with class members. Over the past five years, this website has been populated with important documents to inform class members and constant updates on the litigation. Upon approval of this notice program, Consumer IPPs will ensure that the website contains the notices, answers to a set of "frequently asked questions" or FAQs (which will be updated by Class Counsel as the case progresses), and relevant deadlines for class members. The current list of FAQs and their respective answers is submitted for review of this Court. *Id*., Ex. 3.

The entire media campaign and settlement website will use a standard logo that will help class members identify the correct official settlement website. Each piece of the campaign – the simple text, standard logo, and eye-catching colors on the online banner ads and social media newsfeed ads – is designed to provide continuity and allow class members to know they are interacting with the court-approved administrator and website.

The logo is as follows:

**3. Supplemental paid media.**

Plaintiffs also propose a paid media campaign on both digital and social media to reach class members who did not receive direct email notice. The ads – which will appear on desktops, tablets, and mobile devices for up to six weeks on Google Display Network, YouTube, Facebook, Instagram, and Reddit – are estimated to achieve approximately 247 million gross impressions. The ads will appear nationally, including within the class states. *Id.*, ¶ 37. An example of a sponsored advertisement is submitted for the Court's review. *Id.*, Ex. 4.

Sponsored search listings will also appear on Google, the most-visited search engine, and other search partners. A person will be able to use specific target phrases or keywords to search for information, and the link to the case-specific website may appear on the search result pages. This supplemental paid media is flexible and will be adjusted as necessary to provide sufficient notice coverage. *Id.*, ¶ 39.

**4. Earned media.**

The proposed notice plan also includes an informational release (in English and Spanish) that will be issued broadly over PR Newswire to approximately 13,000 general media (print and broadcast) outlets, including local and national newspapers, magazines, national wire services, television and radio broadcast media across the United States as well as approximately 4,000 websites, online databases, internet networks and social networking media. The informational release will also be distributed to more than 160 contacts in the food industry. *Id.*, ¶ 40.

**5. Toll-free number.**

The claims administrator will maintain a case-specific toll-free telephone number. The toll-free number will allow members of the Settlement Class to call for additional information, listen to answers to FAQs, and request that a copy of the FAQs be mailed to them. *Id.*, ¶ 43.

According to the claims administrator, who is experienced in complex class actions, this notice program is constitutional and guarantees that 70% of the class will receive notice. *Id.*, ¶ 38.

**D. The proposed claims process and plan of allocation are fair and reasonable**

Allocation plans must pass muster under Fed. R. Civ. P. 23(e)(2)(C)(ii). Courts evaluate the fairness, reasonableness, and adequacy of proposed allocation plans to determine whether class members are treated "equitably relative to each other."[15] *Pro rata* allocation plans are routinely approved by courts as fair, adequate, and reasonable.[16]

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[15] *In re Resideo Techs., Inc., Secs. Litig.*, No. 19-CV-2863, 2022 WL 872909, at *3 (D. Minn. Mar. 24, 2022) (citing Fed. R. Civ. P. 23(e)(2)(D)); *see also In re Pork Antitrust Litig.*, No. CV 18-1776, 2022 WL 4238416, at *7 (D. Minn. Sept. 14, 2022).

[16] *See, e.g.*, *Resideo*, 2022 WL 872909, at *3; *Pork*, 2022 WL 4238416, at *7.

Here, Consumer IPPs propose that the funds will be allocated according to the amount of pork products purchased by a class member. The claims form asks for simple details regarding the number of qualifying purchases through a brief, simple set of questions. No documentation is required unless there is a potentially suspicious number of purchases or amount of costs claimed. Azari Decl., ¶ 45.

Class Counsel is considering adopting a minimum payment for all valid claimants to ensure that payments to class members are feasible from a claims administration standpoint. Once claims are received and processed, Class Counsel will make a determination regarding minimum payments and post it on the settlement website.

Consumer IPPs also propose a distribution plan which will provide for efficient and cost-effective disbursement of the settlement funds to class members. Settlement Class members must submit a timely, valid claim through the settlement website or by mail to be eligible to receive payment. Payment will be sent electronically to each eligible claimant using the email address provided on the Claim Form. At the time of the distribution, each eligible claimant will be provided with several electronic options to instantaneously receive their payment. Working with this claims administrator, Class Counsel selected the following digital payment options: Digital Mastercard, Zelle, Amazon, Starbucks, Walmart, Kroger, and Safeway. A physical check payment option will also be available. It is the opinion of Class Counsel that these payment options represent the right balance of accessibility for class members, a direct relationship to the good at issue (a commonplace staple in people's grocery carts), and the ease of digital payments. Scarlett Decl., ¶ 16.

Consumer IPPs propose that class members be able to submit claims for 90 days after an order from the Court granting approval to direct notice. Payments will be based on the amount of class products purchased by each class member, on a *pro rata* basis. Class Counsel will work with the Claims Administrator to determine if a minimum payment for claimants is feasible and will increase efficiencies once all claims have been received. Scarlett Decl., ¶ 17. There may be multiple rounds of distribution if economically feasible. After it is no longer economically feasible to distribute to class members, the residual money may be sent to a court-approved *cy pres* recipient, escheated, or be distributed as this Court orders. Before distributing the residual money, Class Counsel will seek Court approval, post any relevant documents on the website for class members to review.

Thus, Consumer IPPs respectfully request that the Court approve the proposed claim form, as well as the proposed plan of allocation.

## V. PROPOSED SCHEDULE

Consumer IPPs propose the following schedule for the dissemination of notice, period for objections, and motion for final approval:

| Task | Proposed Deadline |
|---|---|
| Notice campaign begins through direct email and implementation of publication notice campaign | Notice Order + 30 days |
| Last day for Co-lead Counsel to move for attorneys' fees, expenses, and service awards for named representatives | Notice Order + 75 days |
| Last Day for Settlement Class members to request exclusion, object, file notices to | Notice Order + 90 days |

| Task | Proposed Deadline |
| --- | --- |
| appear at the final approval hearing, and to file a claim. | |
| Co-lead Counsel to provide Settling Defendants with a list of all persons and entities who have timely and adequately requested exclusion from the Settlement Class | Notice Order + 97 days |
| Co-lead Counsel shall file a motion for final approval of the Settlement and all supporting documents, as well as responses to any objections to the settlement or attorneys' fees | 14 days before the Final Approval Hearing |
| Final Approval Hearing and Hearing on Request for Attorneys' Fees and Expenses | 40 days from the last day to request exclusion from the Settlement, or as soon thereafter may be heard by the Court |

## VI. CONCLUSION

For these reasons, Consumer IPPs respectfully request that the Court approve the direct notices and plan for notice in the form and manner on the schedule proposed here.

DATED: June 12, 2026

Respectfully submitted,

By: *<u>/s/ Shana E. Scarlett</u>*

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**UNITED STATES DISTRICT COURT**

**DISTRICT OF MINNESOTA**

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| IN RE PORK ANTITRUST LITIGATION | Civil No. 0:18-cv-1776-JRT-JFD |
| This Document Relates to:<br>*All Consumer IPP Cases* | Honorable John R. Tunheim |

**CERTIFICATE OF COMPLIANCE ON MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR PRELIMINARY APPROVAL OF THE CLASS ACTION SETTLEMENTS BETWEEN CONSUMER INDIRECT PURCHASER PLAINTIFFS AND TRIUMPH FOODS, LLC AND AGRI STATS, INC.**

I, SHANA E. SCARLETT, certify that this Memorandum in Support of Motion for Approval of Direct Notice, Plan of Notice, and Plan of Allocation complies with the type-size limit of D. Minn. L.R. 7.1(h)(1). The brief has 3,818 words of type, font size 13 and was prepared using Microsoft Word, which includes all text including headings, footnotes, and quotations in the word count.

DATED: June 12, 2026

Respectfully submitted,

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