

## More Broiler Grower Settlement Forms Arriving to Mid-Atlantic Growers: Background on the Class Action

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The region's poultry growers may have started to receive additional or new settlement forms for broiler grower class action lawsuit settlement. Many growers might be surprised to receive this form in the mail and may have questions about the class action. If you have questions about the settlement process, please check out the website for the litigation [here](#), which includes many important deadlines for broiler growers. On the website, you must look at the form and click on the settlement your form lists. Growers for Sanderson Farms and any of the listed co-conspirators below are getting forms. This means even if you did not grow for Sanderson Farms, you might still receive a claims form with that company listed because you grew for a co-conspirator. Each settlement adds to the pot of funds for growers, with other companies named in the litigation as co-conspirators. At this point, only Pilgrim's Pride has not settled in this class action litigation.

Initially filed in 2017 in the federal district court for the Eastern District of Oklahoma, the lawsuit alleges that several integrators colluded in the broiler market. According to the court filings, the plaintiffs alleged that the integrators agreed not to poach growers. In addition to the no-poaching agreement, the integrators allegedly used Agri Stats to share detailed data about their operations. Although this data shared through Agri Stats is anonymous, it is highly detailed, making it possible for companies to distinguish various operations. According to the court filings, this data is also non-public -- private data only available to the integrators. By sharing this detailed data with Agri Stats, the integrators can collude to lower grower compensation.

Plaintiffs brought these claims of collusion, antitrust, and unfair competition practices under the Sherman Antitrust Act and the Packers and Stockyards Act. Growers for other integrators may also be receiving settlement agreement forms. This is because the lawsuit involves a large number of integrators, including Koch Poultry, Pilgrim's Pride, Sanderson Farms, Tysons, and Perdue, and several co-conspirators, including Agri Stats, Foster Farms, Mountaire Farms, Wayne Farms, George's, Inc., Peco Foods, Inc., House of Raeford Farms, Simmons Foods, Keystone Foods, Fieldale Farms Corp., O.K. Industries, Case Foods, Marshall Durbin Companies, Amick Farms, Inc., Mar-Jac Poultry, Inc., Harrison Poultry, Inc., and Claxton Poultry Farms. At this point, Pilgrim's has not agreed to the settlement, and Koch, Sanderson Farms, Tysons, and Perdue have settled.

Growers for all these companies will receive settlement forms as potential class members impacted by the lower grower compensation amount due to the alleged collusion. Initially, growers getting settlement forms must pay attention to specific dates. The first date is July 31, 2023, for postmarking requests to be excluded from the settlement or to object to the settlement/attorneys' fees. Remember that you always have the right to be excluded from a settlement. When you do this, you often have the right to sue for similar claims on your own or do nothing, but you must opt out by the July 31st date. Secondly, a fairness hearing will be held on August 25, 2023, at 2 pm in Oklahoma. Thirdly, all claims forms must be submitted online or be postmarked by December 13, 2023. Please check the website at <https://www.broilergrowersantitrustsettlement.com/> for the critical dates to determine if a grower wants to be part of the settlement or notices mistakes on the settlement form.