

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In Re Turkey Antitrust Litigation

Civil Action No. 1:19-cv-08318

This Document Relates to:

Hon. Sunil R. Harjani

Hon. Keri L. Holleb Hotaling

Direct Purchaser Plaintiff Actions

**UNOPPOSED MOTION TO AMEND ORDER GRANTING DIRECT PURCHASER
PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF
SETTLEMENT WITH AGRI STATS, INC., APPROVAL OF THE MANNER
AND FORM OF CLASS NOTICE PLAN, AND RELATED RELIEF**

I. INTRODUCTION

Direct Purchaser Plaintiffs (DPPs or Plaintiffs) respectfully submit this unopposed motion to correct a small number of scrivener's errors in the Court's Order Granting Preliminary Approval of Settlement with Agri Stats, Inc., Approval of the Manner and Form of Class Notice Plan, and Related Relief (Dkt. No. 1794). Direct Action Plaintiffs (DAPs); Agri Stats, Inc. (Agri Stats); and all defendants were provided a draft of this motion and the amended proposed order. DAPs and Agri Stats have no opposition to this motion, and no other defendant raised an objection to the motion.¹

The proposed amendments correct clerical errors that do not affect the substance of the Court's ruling. Importantly, the notice campaign to the Settlement Class has not yet commenced, and thus no class member has received notice containing the erroneous information. Accordingly, correction at this time will cause no prejudice to the Class or to any party and will ensure that the class notice accurately reflects the terms of the Settlement Agreement.

II. BACKGROUND

On March 30, 2026, the DPP class and Agri Stats reached a settlement of this action. Dkt. No. 1773-2. On March 31, 2026, the parties moved for preliminary approval of the settlement. Dkt. No. 1773. On April 15, 2026, this Court held a preliminary approval hearing and one day later issued the order granting preliminary approval of the settlement. Dkt. No. 1794.

DPPs have since discovered that the proposed order submitted to the Court contains a number of scrivener's errors that should be corrected for the record. These include:

¹ DAPs join DPPs in the requested relief, which confirms they are not parties to the Agri Stats settlement and therefore are not bound by it.

- Paragraph 2: Correcting the list of exclusions to match the one contained in the settlement agreement.
- Paragraph 3: Deleting a duplicative paragraph of exclusions.
- Paragraph 17: Inserting the docket numbers of the proposed notice documents.
- Paragraph 21: Correcting the time of the Fairness Hearing to 10:00 a.m.
- Paragraphs 22-23: Deleting paragraphs referencing the ability for class members to request exclusion. No such right of exclusion exists under the settlement agreement.

Critically, the notice campaign to the Settlement Class has not yet commenced. The Settlement Administrator has not distributed the Class Notice, and no class member has received notice based on the original order. Accordingly, correction of these errors at this juncture will ensure that class members receive accurate information without any confusion or prejudice.

DAPs and Defendants have been advised of this motion and do not oppose the relief requested herein.

III. ARGUMENT

Federal courts possess broad discretion to modify or amend their own orders, particularly to correct clerical mistakes or scrivener's errors. This authority derives from both Federal Rule of Civil Procedure 60(a) and the court's inherent power to manage its own proceedings.

Rule 60(a) provides that "[t]he court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record."² The Seventh Circuit has held that a "clerical error" is "one that results from 'a minor mistake or inadvertence' such as '[a] typist's technical error that can be rectified without serious

² Fed. R. Civ. P. 60(a).

doubt about the correct reading.”³ The principal function of Rule 60(a) is to “protect[] the court’s (or the parties’) actual meaning from mistakes in implementation.”⁴ In addition, the Supreme Court recognizes “a district court’s inherent power to modify or rescind its orders before final judgment in a civil case, or to manage its docket and courtroom with a view toward the efficient and expedient resolution of cases.”⁵

The amendments sought here are precisely the type of corrections contemplated by Rule 60(a) and the court’s inherent authority. The proposed amendments conform the preliminary approval order to conform with the Agri Stats settlement agreement itself, by clarifying that any party who have previously requested exclusion to the certified litigation class are excluded,⁶ and that no further right of exclusion exists to this settlement.⁷ It incorporates the docket entries of the proposed class notices. And it corrects the time of the preliminary approval hearing to that set by the Court. It does not alter the substance of the Court’s ruling, change the terms of the settlement, or modify the rights of any party or class member.

No prejudice will attach by amendment at this time. Notice to the Settlement Class has not commenced. Class members have not yet received notice containing the erroneous information. Correction at this time ensures that the Class Notice distributed to Settlement Class members will accurately reflect the terms of the Settlement Agreement and the Court’s Order. Because no class member has relied upon the erroneous information, there is no risk of confusion, no need for

³ *Sinha v. Bradley U.*, 995 F.3d 568, 575–76 (7th Cir. 2021) (citing Black’s Law Dictionary).

⁴ *United States v. Griffin*, 782 F.2d 1393, 1396 (7th Cir. 1986).

⁵ *Dietz v. Bouldin*, 579 U.S. 40, 41 (2016) (citations omitted).

⁶ See Dkt. No. 1773-2 at 5 (Agri Stats settlement agreement defining DPP class to exclude “all persons who previously filed a valid request for exclusion from the Certified Class by the Court-ordered deadline (ECF No. 1296).”).

⁷ See *id.* at 12 (“Such notice will make clear that members of the Certified Class may not exclude themselves from this Settlement, but instead may only submit an objection to the settlement.”).

corrective notice, and no prejudice whatsoever. Moreover, DAPs, Agri Stats, and the litigating defendants have advised Class Counsel that they do not oppose the relief sought in this Motion.

IV. CONCLUSION

For the foregoing reasons, DPPs respectfully request that the Court grant this Unopposed Motion and enter the Amended Preliminary Approval Order, attached hereto as Exhibit A, which corrects the scrivener's errors identified herein.

Dated: April 28, 2026

Respectfully submitted,

/s/ Shana E. Scarlett

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*Co-Lead Counsel for the Direct Purchaser
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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on April 28, 2026, a copy of the foregoing was electronically filed with the Clerk of the Court using the Court's CM/ECF system, which will send notification of the filing to all counsel of record.

/s/ Shana E. Scarlett _____

Shana E. Scarlett

EXHIBIT A

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE TURKEY ANTITRUST LITIGATION

This Document Relates To:

Direct Purchaser Plaintiff Class

Civil Action No. 19-cv-08318

Hon. Sunil R. Harjani

Hon. Keri L. Holleb Hotaling

**[PROPOSED] AMENDED ORDER GRANTING DIRECT PURCHASER PLAINTIFFS’
UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT WITH
AGRI STATS, INC., APPROVAL OF THE MANNER AND FORM OF CLASS NOTICE
PLAN, AND RELATED RELIEF**

Direct Purchaser Plaintiffs (“DPPs”) have entered into a settlement agreement with Agri Stats, Inc. on behalf of the direct purchaser litigation class certified by the Court (“Settlement” or “Settlement Agreement”). Before the Court is DPPs’ Motion for Preliminary Approval of Settlement with Agri Stats, Inc., Approval of the Manner and Form of Class Notice Plan, and Related Relief (“Motion”). This Motion seeks an order granting preliminary approval to the Settlement and approving the plan of notice, and agreeing to defer the sending of notice for no later than July 10, 2026, to permit the possibility of cost-savings and efficiency with combining notice with any other future settlements. The Court, having reviewed the Motion; its accompanying memorandum, declarations and exhibits thereto; the proposed Settlement Agreement; and the file; hereby **ORDERS:**

Notice of the Court’s Class Certification Order

1. The Court certified the following DPP litigation class in its order dated January 22, 2025 (Dkt. 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 (Dkt. No. 1296). 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 appoints 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 Settlement Agreements with Agri Stats, Inc. (the “Settlement” or “Settlement Agreement”) on behalf of the Certified Class.

9. The Court has jurisdiction over this action and each of the Parties to the Settlement Agreement. Upon review of the record, the Court finds that the Settlement Agreement, which was arrived at by arm’s-length negotiations by highly experienced counsel, meets 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 finds that the Settlement was preliminarily determined be fair, reasonable, adequate, and in the best interests of the Certified Class; raises no obvious reason to doubt its fairness; and raises a reasonable basis for presuming that the Settlement satisfies the requirements of Rule 23(c)(2), Rule 23(e), and due process.

10. The Court grants preliminary approval of the Settlement.

11. The Court defers notice of the Settlement until a later date where it will be more efficient to combine notice with other anticipated settlements. Therefore at a later date, the Court

will direct notice regarding the Settlement to be distributed to the Certified Class pursuant to Rule 23(c)(2)(B) and Rule 23(e)(1).

Approval of the Manner and Form of Class Notice

12. The Court hereby directs that notice of this Settlement Agreement be issued to the Certified Class no later than July 10, 2026.

13. The Court finds that deferring notice of this Settlement Agreement until no later than July 10, 2026, is in the best interests of the Certified Class. Waiting to provide notice to the class until other settlements may be reached will be efficient, cost effective, and minimize confusion to the Certified Class.

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, Cooper Farms, and Farbest Foods.

15. The Class Notice Plan set forth in the Motion is substantially similar to the notice plan given Final Approval by this Court for the Tyson, Cargill, Cooper Farms, and Farbest Foods Settlements. (*See* Dkt. Nos. 406, 1362, 1355.) 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.

16. The proposed notice documents found at Dkt. No. 1773-3 (collectively, “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) members of the Certified Class *may not* exclude themselves from this Settlement, but any Certified Class member may object to the Settlements; (vi) the time and manner for requesting exclusion or submitting objections; and (vii) the binding effect of a class judgment on Certified Class members under Rule 23(c)(3).

17. Co-Lead Class Counsel are not seeking payment of interim attorneys' fees, current and ongoing expenses, or service awards from the 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.

18. 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.

19. 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.

Schedule for Class Notice and Fairness Hearing

20. The Court hereby sets the schedule below for the dissemination of Class Notice to the Certified Class; for Certified Class members to object to either or both 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
No later than July 10, 2026	Settlement Administrator to commence direct mail and email notice
30 days after the commencement of the Notice	Last day for Certified Class Members to: (1) file objections to the Settlements, and (2) file notices to appear at the Fairness Hearing
August 25, 2026	Co-Lead Class Counsel shall file a motion for Final Approval of the Settlements and all supporting papers, and Co-Lead Class Counsel and Defendant Agri Stats may respond to any objections to the proposed Settlement
September 8, 2026 at 10:00 a.m.	Fairness Hearing regarding the Settlement ¹

Other Provisions

21. If 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 Agreement, the Court will modify any existing scheduling orders as necessary to ensure that the DPPs and Agri Stats will have sufficient time to prepare for the resumption of litigation.

IT IS SO ORDERED.

DATED: _____

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

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, Agri Stats will serve upon the appropriate state officials and the 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.