

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

IN RE TURKEY ANTITRUST LITIGATION

Civil No. 1:19-cv-08318

This Document Relates To:

Hon. Sunil R. Harjani

Hon. Keri L. Holleb Hotaling

Direct Purchaser Plaintiff Actions

**DECLARATION OF BRIAN DEVERY IN SUPPORT OF DIRECT PURCHASER
PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF
SETTLEMENT WITH DEFENDANT BUTTERBALL, LLC, APPROVAL OF THE
MANNER AND FORM OF CLASS NOTICE PLAN, AND RELATED RELIEF**

I, Brian Devery, declare and state as follows:

1. I am Director of Case Management with A.B. Data, Ltd. (“A.B. Data”). I am fully familiar with the facts contained herein based upon my personal knowledge, and if called as a witness, could and would testify competently thereto.

2. A.B. Data was appointed by the Court to act as the Notice, Claims, and Settlement Administrator¹ in the above-captioned action (the “Action”). In these roles, A.B. Data, completed notice to inform Class Members about the settlement with Tyson Foods, Inc., Tyson Fresh Meats, Inc., Tyson Prepared Foods, Inc. and the Hillshire Brands Company (“Tyson”) (ECF Nos. 265, 352); the settlement with Cargill, Incorporated and Cargill Meat Solutions Corporation (“Cargill”) and claims process for the settlements with Tyson and Cargill (ECF No. 1128); and class certification and settlements with Cooper Farms, Inc. (“Cooper Farms”) and Farbest Foods, Inc. (“Farbest”) (ECF No. 1230). The Court also appointed A.B. Data to act as the Notice, Claims and Settlement Administrator for the DPP’s settlements with Agri Stats, Inc. (“Agri Stats”); House of Raeford Farms, Inc. (“House of Raeford”); Prestage Farms, Inc., Prestage Foods, Inc., and Prestage Farms of South Carolina, LLC (“Prestage”); Foster Farms LLC and Foster Poultry Farms LLC (“Foster Farms”); and Perdue Farms, Inc. and Perdue Foods LLC (“Perdue”) (see ECF Nos. 1799, 1902). An updated profile of A.B. Data’s background and capabilities, including representative case and client lists, is included as **Exhibit 6**.

Class Certification

3. On January 22, 2025, the Court granted Direct Purchaser Plaintiffs’ motion for class certification. The Certified Class is generally defined as “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.” (See Class Certification Order (ECF No. 1107) at 4.)

¹ Unless otherwise noted, all capitalized terms shall have the same meaning as in the Settlement Agreements between Direct Purchaser Plaintiffs and Agri Stats; House of Raeford; Prestage; Foster Farms; Perdue; Butterball; and Hormel Foods Corporation and Jennie-O Turkey Store, Inc. (“JOTS”).

4. Specifically excluded from the Certified Class are Defendants and their Co-conspirators; the officers, directors or employees of any Defendant or Co-conspirator; any entity in which any Defendant or their 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 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 Co-conspirator identified in this action.

5. 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 breast; (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; and

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.

6. The Certified Class Period is January 1, 2010, through December 31, 2016.

**Settlements with Agri Stats, House of Raeford, Prestage,
Foster Farms, Perdue, JOTS, and Butterball**

7. On March 31, 2026, Co-Lead Counsel for the Certified Class reached a Settlement Agreement with Defendant Agri Stats, Inc. on behalf of the Certified Class.

8. On April 27, 2026, Co-Lead Counsel for the Certified Class reached a Settlement Agreement with Defendant House of Raeford Farms, Inc. (“House of Raeford”) on behalf of the Certified Class.

9. On July 14, 2026, Co-Lead Counsel for the Certified Class reached a Settlement Agreement with Defendants Prestage Farms, Inc., Prestage Foods, Inc., and Prestage Farms of South Carolina, LLC (“Prestage”) on behalf of the Certified Class.

10. On July 21, 2026, Co-Lead Counsel for the Certified Class reached a Settlement Agreement with Defendant Foster Farms LLC and Foster Poultry Farms LLC, (“Foster Farms”) on behalf of the Certified Class.

11. On July 22, 2026, Co-Lead Counsel for the Certified Class reached a Settlement Agreement with Perdue Farms, Inc. and Perdue Foods LLC (“Perdue”) on behalf of the Certified Class.

12. On July 30, 2026, Co-Lead Counsel for the Certified Class reached a Settlement Agreement with Hormel Foods Corporation and Jennie-O Turkey Store, Inc. (“JOTS”) on behalf of the Certified Class.

13. On August 19, 2026, Co-Lead Counsel for the Certified Class reached a Settlement Agreement with Butterball, LLC (“Butterball”) on behalf of the Certified Class.

14. Co-Lead Counsel informed me that they are seeking approval from the Court to combine notice of the Butterball Settlement Agreement and JOTS Settlement Agreement (ECF No. 1936) with the notice to the Certified Class regarding the Agri Stats, House of Raeford, Prestage, Foster Farms, and Perdue Settlement Agreements that this Court previously preliminarily approved (ECF Nos. 1799, 1833, 1902).

Notice Plan

15. Co-Lead Counsel have asked me to develop a multi-method notice plan to inform the Certified Class about the Settlement Agreements with Agri Stats, House of Raeford, Prestage, Foster Farms, Perdue, JOTS, and Butterball (“Class Notice Plan”). The plan must comport with requirements of Federal Rule of Civil Procedure 23 (“Rule 23”).

16. In consultation with Co-Lead Counsel, I prepared the proposed Class Notice Plan described below to provide notice of the Settlement Agreements to the Certified Class. The Class Notice Plan utilizes direct notice and paid media similar to the notice plans used to successfully notify class members about the certified litigation class and in the previous settlements with the Tyson Defendants (*see* Amended Order and Final Judgment (ECF No. 406, ¶ 10), Cargill Defendants (ECF 1362, ¶ 10), and the Farbest Foods and Cooper Farms Defendants (ECF 1355, ¶ 10)).

17. This Declaration will describe the Class Notice Plan and how it will meet the requirements of Rule 23 and provide due process to the potential members of the Certified Class. This Declaration is based upon my personal knowledge and upon information provided to me by Co-Lead Counsel, my associates, and A.B. Data staff members. The objective of the Class Notice Plan is to provide the best practicable notice under the circumstances of the proposed settlements to potential members of the Certified Class.

18. The Class Notice Plan includes direct notice by mail and/or email to potential Certified Class members using the contact information previously provided by Defendants and used to provide notice of the previous settlements and certified litigation class. Direct notice will be provided via a Long-Form Notice, attached as **Exhibit 1**, that will be mailed to all members of the Certified Class with a known mailing address via first-class mail and posted on the case-specific website. A Short-Form Notice, attached as **Exhibit 2**, will be formatted as an email (the “Email Notice”) and sent to all members of the Certified Class with a known email address. A.B. Data anticipates that direct-mail notice will be sent via first-class mail to approximately 3,357

potential Certified Class members. A.B. Data anticipates that direct-email notice will be sent to approximately 351 potential Certified Class members.

19. The Long Form Notice and Short Form Notice will include summary information concerning the Settlement Agreements, including: (1) this is a class action and the nature of the Settlement Agreements; (2) the Certified Class definition (“[a]ll 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.”) as well as the relevant member and product exclusions; (3) that the Action alleges antitrust violations and price-fixing claims; (4) a member of the Certified Class may appear through an attorney if the member wants; (5) the time and manner for submitting an objection; and (6) the binding effect of a judgment on the Certified Class. The Long Form and Short Form Notices also explain that Certified Class members must submit a Claim Form (attached as **Exhibit 4**) to take part in these Settlements (even if they submitted a claim in the first round of Settlements), which will be personalized to include each Certified Class member’s annual purchase information with respect to each Defendant based on the Defendants’ records. Certified Class members who disagree with or wish to supplement their known purchase information will be able to do so by completing a Purchase Audit Request Form (attached as **Exhibit 5**). The Claim Form will also contain a personal Unique ID number that can be utilized to file claims online through the case website. Prepopulating the Claim Form with known purchase information will simplify the claims process for most Certified Class members, as it eliminates the need to independently verify all Certified Class purchases. The Email Notice will also include a hyperlink to the case website on which A.B. Data will post the more detailed Long Form Notice and additional important documents and information.

20. For the Email Notice, A.B. Data implements certain best practices to increase deliverability and bypass SPAM and junk filters and verifies how many emails were successfully delivered. For the mailed Long Form Notice, A.B. Data will track any mail returned as undeliverable by the United States Postal Service (“USPS”). If the returned mail includes a

forwarding address, the Long Form Notice will be mailed to the updated address. If the returned mail does not include a forwarding address, A.B. Data will use third-party information providers to which it subscribes to attempt to ascertain an updated address and resend the Long Form Notice accordingly.

21. As stated above, there have been three prior rounds of notice in this Action that informed class members about the Tyson settlement, Cargill settlement, and Certified Class and Farbest Foods and Cooper Farms settlements. These notice plans included robust direct notice to class members via mail and email and supplemental published notice.

22. To supplement direct notice efforts, A.B. Data will publish the Short Form Notice in *Supermarket News* and *Nation's Restaurant News*,² trade journals targeting supply chain executives and food industry professionals. A.B. Data will also implement a digital media banner ad campaign on www.supermarketnews.com and www.nrn.com. A sample banner ad is attached as **Exhibit 3**.

WEBSITE AND TELEPHONE

23. To assist potential members of the Certified Class in understanding the terms of the Settlement Agreements and their rights, A.B. Data will update the case-specific toll-free telephone number, 877-777-9637, and website, www.turkeylitigation.com.

24. The toll-free telephone number is equipped with an automated interactive voice response system in both English and Spanish. The automated interactive voice response system will present callers with a series of choices to hear prerecorded information about the Settlement Agreements. If callers need further help, they have an option to speak with a live operator during business hours.

25. The case-specific website will provide, among other things, a summary of the case, all relevant documents including the Settlement Agreements, Preliminary Approval Orders, important dates, and any pertinent updates concerning the litigation or the Settlement approval

² A.B. Data will make every effort to publish notice in these trade publications but will make substitutions as necessary due to lack of inventory or if the advertisement is not accepted.

process. The website will also include a copy of the Claim Form, Purchase Audit Request Form, and functionality for Certified Class members to review their known purchases and submit their claims electronically.

OBJECTION PROCESSING

26. The notices provide that members of the Certified Class may submit an objection by sending a written, mailed request to the Settlement Administrator as well as Counsel for the parties. A.B. Data will promptly circulate to the parties a copy of any such objections.

CONCLUSION

27. It is my opinion, based on my individual expertise and experience and that of my A.B. Data colleagues, that the Notice Plan is designed to effectively reach potential members of the Certified Class, will deliver plain language notices that will capture readers' attention, and will provide relevant information in an informative and easy to understand manner that is necessary for those affected to effectively understand their rights and options under the terms of the Settlement Agreements. This Notice Plan conforms to the standards employed by A.B. Data in notification plans designed to reach potential class members of settlement groups or classes that are national in scope and narrowly defined entities and demographic targets. For all these reasons, in my opinion, the proposed notice plan satisfies Rule 23 and due process requirements.

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

Executed this 21st day of August 2026 in Milwaukee, Wisconsin.

/s Brian Devery
Brian Devery