UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE TURKEY ANTITRUST LITIGATION This Document Relates To: *Direct Purchaser Plaintiff Actions*	Civil Action No. 19-cv-08318 Hon. Sunil R. Harjani Hon. Keri L. Holleb Hotaling

DECLARATION OF BRIAN D. CLARK IN SUPPORT OF DIRECT PURCHASER PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT WITH DEFENDANTS HORMEL FOODS CORPORATION AND JENNIE-O TURKEY STORE, INC., APPROVAL OF THE MANNER AND FORM OF CLASS NOTICE PLAN, AND RELATED RELIEF

I, Brian D. Clark, declare under oath, as follows:

1. I am a Partner in the law firm of Lockridge Grindal Nauen PLLP. This Court appointed my firm, together with the firm of Hagens Berman Sobol Shapiro LLP, as Co-Lead Class Counsel for the certified Direct Purchaser Plaintiffs Class ("Certified Class") in this litigation. (*See* ECF No. 1107). Based on personal knowledge or discussions with counsel in my firm of the matters stated herein, if called upon, I could and would competently testify thereto.

2. I submit this Declaration in support of DPPs' Unopposed Motion for Preliminary Approval of Settlement with Defendants Hormel Foods Corporation and Jennie-O Turkey Store, Inc., Approval of the Manner and Form of Class Notice Plan, and Related Relief filed simultaneously herewith. This Court previously granted DPPs' Unopposed Motion for Preliminary Approval of the Settlement with Agri Stats, Inc., Approval of the Manner and Form of Class Notice Plan, and Related Relief (ECF No. 1799), and DPPs' Unopposed Motion for Preliminary Approval of the Settlements with House of Raeford, Prestage, Foster Farms, and Perdue, Approval of the Manner and Form of Class Notice Plan, and Related Relief (ECF No. 1902). DPPs propose

combining notice for the Settlements reached with Agri Stats, Inc. ("Agri Stats"), House of Raeford Farms, Inc. ("House of Raeford"), Defendants Prestage Farms, Inc., Prestage Foods, Inc., and Prestage Farms of South Carolina, LLC ("Prestage"), Foster Farms LLC and Foster Poultry Farms LLC, ("Foster Farms"), Perdue Farms, Inc. and Perdue Foods LLC ("Perdue"), and Hormel Foods Corporation and Jennie-O Turkey Store, Inc. ("JOTS").

3. DPPs filed the first complaint in this litigation in December 2019. Over the subsequent six and a half years of litigation, Co-Lead Class Counsel collected more than 1.7 million documents and deposed more than 75 of Defendants' employees and their alleged Co-Conspirators and deposed over 15 non-parties. We have engaged in extensive investigation, written discovery, research, oral argument, and contested motion practice, including successfully moving for certification of the Certified Class. Plaintiffs submitted responses to Defendants' motions for summary judgment in March 2026 which totaled hundreds of pages and contained thousands of exhibits. In April 2026, prior to this Court issuing its Summary Judgment Order, Co-Lead Class Counsel executed a Settlement Agreement with House of Raeford. Co-Lead Class Counsel then reached a Settlement Agreement with Prestage within a week of this Court denying in-part Prestage's motion for summary judgment. Co-Lead Class Counsel reached the Foster Farms and Perdue Settlement Agreements soon thereafter, taking into consideration the risks of continued litigation after the Court entered summary judgment in favor of Foster Farms and Perdue on the Certified Class's claims against Foster Farms and Perdue. After this Court granted preliminary approval to the House of Raeford, Prestage, Foster Farms, and Perdue Settlements, and amid pre-trial evidentiary negotiations, Co-Lead Class Counsel reached the JOTS Settlement Agreement. Because of the substantial information we have obtained over the course of this

litigation, Co-Lead Class Counsel were fully aware of the strengths and weaknesses of each party's position prior to executing the Settlement Agreement.

4. DPPs have previously reached settlement agreements with the Tyson Defendants ($4,625,000), Cargill Defendants ($32,500,000), Cooper Farms Defendants ($1,687,500), Farbest Foods Defendants ($1,687,500), Agri Stats, Inc. (with substantial conduct reform), House of Raeford Defendants ($3,700,000), Prestage Defendants ($15,000,000), Foster Farms Defendants (with "walk-away" provisions), and Perdue Defendants (with "walk-away" provisions). The Tyson and Cargill settlements were reached prior to the Court granting DPPs' motion for class certification on January 22, 2025, and reflected settlements valued at approximately $1-2 million per settlement class market share point (as defined in the settlement agreements). The Cooper Farms and Farbest Foods settlements were reached shortly after the Court granted DPPs' motion for class certification and were valued at approximately $2.9-3.6 million per market share point. The Agri Stats, Inc. settlement was reached after DPPs filed their responses to Defendants' summary judgment motions and involved substantial conduct reform addressing aspects of Agri Stats turkey reports that were central to this case. The House of Raeford settlement was reached prior to this Court's Summary Judgment Order (ECF No. 1865) and is valued at approximately $2.47 million per settlement class market share point. The Prestage settlement was reached within a week of this Court's Summary Judgment Order (*Id.*) and is valued at approximately $3.47 million per settlement class market share point. The Foster Farms and Perdue settlements were reached after this Court granted summary judgment in favor of Foster Farms and Perdue. The Foster Farms and Perdue settlements allow the parties to walk away from this litigation without further adjudication, through appeal or other means, and in consideration the parties will not seek or assert

against each other any claims for costs, fees, attorney's fees or any other form of recovery in connection with this case.

5. DPPs' settlement agreement with JOTS is almost identical to the settlement agreements DPPs reached with Cargill in January 2025, Cooper Farms and Farbest Foods in March 2025, and House of Raeford and Prestage in April and July of 2026, respectively. The $37.5 million in additional monetary payments from this Settlement joins the $59.2 million from previous settlements reached with defendants, bringing total recoveries to approximately $96.7 million for the Certified Class.

The JOTS Settlement

6. On behalf of the DPPs and Certified Class, I, my firm, and my Co-Lead Class Counsel conducted settlement negotiations with JOTS. DPPs and JOTS signed a term sheet after extensive negotiations on July 30, 2026. Those negotiations were intense and focused, with multiple video conferences, phone calls, and emails, which resulted in a settlement agreement signed on July 30, 2026. A true and correct copy of the proposed JOTS Settlement Agreement is attached as **Exhibit A** to this Declaration.

7. Under the terms of the JOTS Settlement Agreement, JOTS will pay $37,500,000 in monetary relief to the Certified Class. In addition to monetary relief, JOTS will provide material cooperation to the DPPs, including authenticating and providing foundation for documents produced by JOTS in the litigation and providing up to two trial witnesses, which will assist DPPs at trial against the remaining Non-Settling Defendant.

8. JOTS's market share of the Class Products as defined in the Court's Class Certification Order (ECF No. 1107) is approximately 29.50%. A payment to the Certified Class of $37,500,000 represents approximately $1.27 million per settlement class market share point. This

market share value is comparable to the settlements with Tyson and Cargill. The JOTS Settlement reflects the extensive litigation undergone to bring the case to this point.

9. The JOTS Settlement comes after extensive and confidential arm's length negotiations between the parties. The negotiations required numerous calls and written exchanges between the parties. The parties negotiated the material terms of the Settlement, including the amount of payment, the timing of payment, potential conditions on payment, and potential cooperation, all of which culminated in the final JOTS Settlement Agreement. Throughout this process, JOTS was represented by experienced and sophisticated counsel. At all times, Co-Lead Class Counsel were focused on obtaining the best possible result for DPPs and the Certified Class.

10. There was no collusion or preference among counsel for the parties at any time during these negotiations. To the contrary, the negotiations were contentious, hard-fought, and fully informed. DPPs sought to obtain the greatest monetary benefit possible from JOTS. Furthermore, throughout the course of the negotiations there was never any discussion or agreement at any time regarding the amount of attorneys' fees Co-Lead Class Counsel would ask the Court to award in this case.

Opinion of Co-Lead Class Counsel

11. I have practiced law and specialized in antitrust class action litigation for over 16 years, and I have prosecuted numerous antitrust class actions as lead counsel or in other leadership positions. I have personally negotiated many settlements. In my opinion, and in the opinion of my Co-Lead Class Counsel colleagues, the proposed JOTS Settlement is fair, reasonable, and adequate. The proposed Settlement provides substantial benefits to the Certified Class and avoids

the delay and uncertainty of continuing protracted litigation against JOTS. The Settlement Agreement is in the best interests of DPPs and the Certified Class.

* * *

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on August 14, 2026, in Minneapolis, Minnesota.

s/ Brian D. Clark
Brian D. Clark