

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

IN RE TURKEY ANTITRUST LITIGATION

Case No.: 1:19-cv-08318

This Document Relates To:

Hon. Sunil R. Harjani
Hon. Keri L. Holleb Hotaling

Direct Purchaser Plaintiff Actions

**ORDER GRANTING IN PART AND DENYING IN PART DIRECT PURCHASER
PLAINTIFFS' MOTION FOR INTERIM PAYMENT OF ATTORNEYS' FEES,
REIMBURSEMENT OF EXPENSES, AND CLASS REPRESENTATIVE SERVICE
AWARDS**

This Court, having considered Direct Purchaser Plaintiffs' Motion for Interim Payment of Attorneys' Fees, Reimbursement of Expenses, and Class Representative Service Awards and the memorandum and declarations in support thereof (collectively, the "Motion"),¹ and after a duly noticed hearing, hereby finds:

1. Tyson and Cargill paid a total of \$37,125,000.00 into escrow (the "Gross Settlement Fund"), which has accumulated an additional \$835,607.23 in interest through July 29, 2025. The Net Settlement Fund equals \$32,389,949.88, which is net of approved expenses and taxes (including an additional \$30,224 in taxes paid since the Motion was filed). Now, Direct Purchaser Plaintiffs ("DPPs") seek (a) an interim award of attorneys' fees in the amount of \$10,796,649.96, which represents 33 and 1/3 percent of the Net Settlement Fund (defined below) (b) reimbursement of \$4,500,000.00 for current and ongoing litigation expenses, and (c) \$25,000.00 in service awards for each of the two named DPP Class Representatives.

¹ For the purposes of this order, the Court adopts the defined terms in the Motion.

2. The amount of attorneys' fees requested is fair and reasonable under the percentage-of-the-fund method, which is confirmed by a lodestar "cross-check." An award of 33 and 1/3 percent of the Settlement Fund plus interest and less net expenses is reasonable and warranted for the reasons set forth in the Motion, including the following: the outstanding result obtained for the DPP Class—payment by settling Defendants of over \$37 million; the quality and quantity of work performed by Class Counsel since 2019 in zealously representing the DPP Class, including extensive motion practice, substantial discovery, and successful class certification, all involving complex issues of fact and law; and the risks faced throughout the litigation, which existed from the outset. The attorneys' fees requested were entirely contingent upon a successful outcome for the DPP Class, which was never guaranteed.

3. The Court finds that Class Counsel's lodestar since the inception of the case through February 28, 2025, is \$25,799,127.00 based on historical hourly rates, and that such a lodestar is reasonable given the extensive scope of this case. Accordingly, DPPs' requested fee award of \$10,796,649.96 represents a negative multiplier of 0.418. Class Counsel will continue to incur attorneys' fees, which are not included in this Motion, as the case proceeds to trial.

4. In addition to expending time and effort, Class Counsel advanced substantial costs and expenses in prosecuting the litigation with no guarantee of compensation. From October 1, 2021, through February 28, 2025, Class Counsel have incurred \$106,313.46 in unreimbursed specific Firm Costs. From November 4, 2021, through March 31, 2025, Class Counsel have incurred \$4,277,874.68 in common cost Litigation Fund Expenses. The Court has reviewed these expenses and approves them as reasonable and necessary to the litigation, and approves them for a total expense reimbursement award of \$4,384,188.14.

5. On January 10, 2022, the Court granted Co-Lead Counsel's request for \$410,119.04 from the settlement with Tyson for ongoing litigation expenses as this case proceeds to trial. (*See* ECF No. 367.) Class Counsel has provided the Court with the expenses corresponding to this award. The Court has reviewed the expenses and approves them as reasonable and necessary to the litigation.

6. Throughout the case, each of the two DPP Class Representatives has kept apprised of the status of the litigation, actively participated in discovery including searching for and producing documents, appearing for depositions, and responding to written discovery, and engaged in other efforts necessary to fulfill their duties as Class Representatives. The DPP Class Representatives took a risk both financially and otherwise in representing the Class in this lawsuit and each dedicated significant time and effort to the litigation in supporting Class Counsel during the course of the litigation. Therefore, the Court approves the request for service awards of \$10,000.00 each for the two DPP Class Representatives (\$20,000.00 total), without prejudice to a future request for an additional service award.

7. On January 30, 2025, in the Court-approved notice (*see* ECF No. 1128-1), Class Counsel informed all DPP Class members that they would bring this Motion and seek (1) an award of attorneys' fees in an amount not to exceed 33 and 1/3 percent of the Tyson and Cargill settlement proceeds plus interest and net expenses; (2) up to \$4,500,000.00 in reimbursement of current and on-going litigation expenses; (3) payment of up to \$250,000.00 to pay the costs for notice, approval, and administration of the claims process; and (4) Class Representative service awards not to exceed \$25,000.00 per Class Representative. The notice also told DPP Class members that they could access a copy of the Motion and supporting papers on the case website. The deadline for Class Members to object to this Motion was April 21, 2025, and no Class Member objected to

the Motion.

8. The Court finds that this notice, which includes individual notice to all members of the DPP Class who could be identified through reasonable efforts, was the most effective and practicable under the circumstances; that it provided due and sufficient notice of the proceedings and of the matters set forth therein, including the Motion, to all persons entitled to such notice; and that it fully satisfied the requirements of Rules 23(c)(2) and 23(e)(1) of the Federal Rules of Civil Procedure and the requirements of due process.

9. Therefore, upon consideration of DPPs' Motion, and based upon all matters of record in this action, the Court hereby finds that: (1) the requested attorneys' fees are warranted and just; (2) the expenses Class Counsel have incurred and anticipate in this litigation are necessary, reasonable, and proper, and (3) the requested DPP Class Representative service awards are warranted and just.

10. Having considered DPPs' Motion for Interim Payment of Attorneys' Fees, Reimbursement of Expenses, and Class Representative Service Awards **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:**

1. DPPs request for interim attorneys' fees in the amount of \$10,796,649.96 or 33 and 1/3 percent of the Settlement Fund plus interest and net of approved expenses and taxes, is **GRANTED**.

2. DPPs' request for \$4,384,188.14 for current expenses is **GRANTED**.

3. DPPs' request for service awards of \$10,000.00 each for John Gross and Company, Inc. and Maplevale Farms, Inc. is **GRANTED**.

4. The attorneys' fees and service awards granted by this Order shall be paid *pro rata* from each one of the settlements with Tyson and Cargill based on the proportional monetary

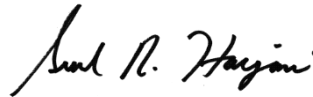
amount recovered and shall be paid once all of the aforementioned settlements become final under the terms of the settlement agreements. The reimbursed litigation expenses and ongoing litigation expense fund granted by this Order shall be paid from the Cargill settlement and shall be paid once the Cargill settlement becomes final under the terms of the settlement agreement.

5. The awarded interim attorneys' fees and reimbursed litigation expenses shall be equitably distributed among Class Counsel by the Co-Lead Counsel in a good-faith manner that reflects Co-Lead Counsel's judgment as to each individual Class Counsel's contribution to the institution, prosecution, and resolution of the litigation.

6. The Court, finding no just reason for delay, states that this Order shall be entered as of this date pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

This 30th day of July, 2025.



HONORABLE SUNIL R. HARJANI
UNITED STATES DISTRICT JUDGE