

If you purchased any Pork product directly from a Pork producer for use or delivery in the United States from June 29, 2014, through June 30, 2018, a class action may affect your rights.

A federal court authorized this notice. This is not a solicitation from a lawyer.

- The purpose of this notice is to inform you that new settlements (the “Settlements”) have been reached in the class action, *In re Pork Antitrust Litigation*, D. Minn. Case No. 0:18-cv-01776. Direct Purchaser Plaintiffs allege that Defendants combined and conspired to suppress competition and allow them and other Pork producers to charge supra-competitive prices for Pork products, violating federal law.
- The new Settlements are with Defendants Clemens Food Group, LLC and The Clemens Family Corporation (“Clemens”); Triumph Foods, LLC (“Triumph”); and Tyson Foods, Inc., Tyson Prepared Foods, Inc., and Tyson Fresh Meats, Inc. (“Tyson”) (“Settling Defendants”).
- Previous settlements were reached on behalf of Direct Purchaser Plaintiffs and Defendants JBS USA Food Company Holdings (“JBS”), Smithfield Foods, Inc. (“Smithfield”), Seaboard Foods, LLC (“Seaboard”) and Hormel Foods Corporation (“Hormel Foods”). The Court gave final approval to these settlements.
- On March 29, 2023, Judge John R. Tunheim issued an Order certifying a class of direct purchasers defined as: “All persons and entities who directly purchased one or more of the following types of pork, or products derived from the following types of pork, from Defendants, or their respective subsidiaries or affiliates, for use or delivery in the United States from June 29, 2014 through June 30, 2018: fresh or frozen loins, shoulders, ribs, bellies, bacon, or hams. For this lawsuit, pork excludes any product that is marketed as organic or as no antibiotics ever (NAE); any product that is fully cooked or breaded; any product other than bacon that is marinated, flavored, cured, or smoked; and ready-to-eat bacon.” (the “Certified Class”).
- If the Court approves the proposed Settlements, the lawsuit will be resolved between the Direct Purchaser Plaintiffs and these Settling Defendants. The lawsuit will continue against the remaining non-settling Defendant, Agri Stats, Inc. (“Agri Stats”).
- These new Settlements require Tyson to pay \$50,000,000, Clemens to pay \$10,000,000, and Triumph to pay \$4,000,000. Tyson will also separately pay up to \$2,000,000 for notice and administration costs. In addition, Settling Defendants agreed to authenticate certain business records.
- The Settling Defendants strongly deny that they are liable or did anything wrong and deny the claims in this lawsuit. The Court has not determined who is right. The Settlements will avoid litigation costs and risks to both the Certified Class and the Settling Defendants.
- Your legal rights are affected whether you act or don’t act. Please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THESE SETTLEMENTS

PARTICIPATE IN THE SETTLEMENTS	<p>If you already filed a claim in this lawsuit and received a payment from the previous distribution (<i>see</i> Question 14), you <u>do not</u> need to submit another claim. You will be automatically eligible to get a payment from the settlement proceeds based on your eligible purchases during the Certified Class Period from June 29, 2014, to June 30, 2018.</p> <p>If you did not file a claim in this lawsuit previously, you must submit a claim by June 11, 2025 to get a payment from the settlement proceeds.</p> <p>If you previously submitted a claim, you may submit additional information about your eligible purchases during the Certified Class Period from June 29, 2014, to June 30, 2018 to supplement your claim, but it is not required. The deadline to submit additional information is June 11, 2025.</p> <p>The Settlements will resolve your claims against the Settling Defendants about the released claims (as defined in the Settlement Agreements).</p>
ATTEND THE FAIRNESS HEARING	Ask to speak in Court about the fairness of the Settlements.
OBJECT	<p>If you did not exclude yourself from the Certified Class, you may write to the Court about why you don't like the Settlements with the Settling Defendants and/or the request for payment of attorneys' fees and service awards. Objections must be postmarked by June 11, 2025.</p>

What This Notice Contains

What This Notice Contains	2
1. Why did I receive a notice?	4
2. What is this lawsuit about?	4
3. What is a class action and who is involved?	4
4. Why are there Settlements?	4
5. Am I part of the Certified Class?	4
6. Are there exceptions to being included?	5
7. I'm still not sure if I'm included.	5
8. Can I still exclude myself?	5
9. If I didn't exclude myself from the Certified Class, can I sue Settling Defendants for the same thing later?	5
SETTLEMENT BENEFITS	5
10. What do the Settlements provide?	5
11. What are the Settlement benefits being used for?	5
HOW TO GET A PAYMENT	5
12. What settlement proceeds will be distributed?	5
13. How much will my payment from the Settlements be?	6
14. How can I get a payment?	6
15. How do I review or update my eligible purchase amount?	6

16.	When will I get my payment?.....	6
17.	What happens if there are funds remaining?.....	7
18.	Do I need to file another claim if I already filed a claim or received a payment in this litigation?	7
19.	Can I file a claim for the settlement proceeds that were already distributed?	7
20.	What happens if I do nothing at all?	7
OBJECTING TO THE SETTLEMENTS		7
21.	How do I tell the Court that I don't like the Settlements?	7
22.	Can I object to the previous settlements?	8
23.	What is the difference between excluding myself and objecting?	8
THE LAWYERS REPRESENTING YOU		8
24.	Do I have a lawyer in this case?.....	8
25.	How will the lawyers be paid?.....	8
THE COURT'S FAIRNESS HEARING.....		9
26.	When and where will the Court decide whether to approve the Settlements?.....	9
27.	Do I have to come to the hearing?	9
28.	May I speak at the hearing?	9
GETTING MORE INFORMATION		9
29.	How do I get more information?.....	9

1. Why did I receive a notice?

The Court has directed this notice to be sent to provide details about the proposed Settlements with the Settling Defendants. Defendants in this lawsuit produce Pork products. Defendants' records show that you may have purchased Pork products directly from one or more of the Defendants for use or delivery in the United States between June 29, 2014, and June 30, 2018. The Defendants are described in Question 2 below. The Court authorized this notice because you have a right to know about the new proposed Settlements and your rights and options before the Court decides whether to approve the Settlements. If the Court approves the Settlements, you will be bound by the judgment and Settlements' terms after any objections and appeals are resolved.

You may have received notices and submitted claims in prior settlements reached in this litigation. The prior notices and claims only relate to those settling Defendants. You are receiving this notice because Settlements have now been reached with Clemens, Triumph, and Tyson.

2. What is this lawsuit about?

This class action is called *In re Pork Antitrust Litigation*, D. Minn. Case No. 0:18-cv-01776, and is pending in the United States District Court for the District of Minnesota. U.S. District Court Judge John R. Tunheim is overseeing this class action.

Direct Purchaser Plaintiffs allege that Defendants and their co-conspirators conspired and combined to fix, raise, maintain, and stabilize the price of pork products, beginning at least as early as June 29, 2014, with the intent and expected result of increasing prices of pork products in the United States, in violation of federal antitrust laws.

Direct Purchaser Plaintiffs previously reached settlements with Defendants JBS, Smithfield, Seaboard, and Hormel Foods. The Court granted final approval to the JBS settlement on July 27, 2021, the Smithfield settlement on January 31, 2022, the Seaboard settlement on March 5, 2024, and the Hormel Foods settlement on October 2, 2024.

Direct Purchaser Plaintiffs have now reached new proposed Settlements with Defendants Clemens, Triumph, and Tyson. These Settling Defendants deny all allegations of wrongdoing in this lawsuit and would allege numerous defenses to Direct Purchaser Plaintiffs' claims if the case against them were to proceed. If the Court approves the proposed Settlements, the lawsuit will be fully resolved between the Direct Purchaser Plaintiffs and these Settling Defendants.

The lawsuit is proceeding against the non-settling Defendant, Agri Stats. Agri Stats may be subject to a separate settlement or judgment.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people or businesses, called class representatives, sue on behalf of others who have similar claims, all of whom together are a "class." Individual class members do not have to file a lawsuit to participate in the class action settlement or be bound by the judgment in the class action. One court resolves the issues for everyone in the class, except for those who exclude themselves from the class.

4. Why are there Settlements?

The Court did not decide in favor of Direct Purchaser Plaintiffs or the Settling Defendants. Direct Purchaser Plaintiffs believe they may have won at trial and possibly obtained a greater recovery. The Settling Defendants believe the Direct Purchaser Plaintiffs would not have succeeded at a trial. But litigation involves risks to both sides, and therefore, Direct Purchaser Plaintiffs and the Settling Defendants agreed to Settlements. The Settlements require the Settling Defendants to pay money for the benefit of the Certified Class. Direct Purchaser Plaintiffs and their attorneys believe the Settlements are in the best interests of the Certified Class.

5. Am I part of the Certified Class?

The Certified Class¹ is defined as:

All persons and entities who directly purchased one or more of the following types of pork, or products derived from the following types of pork, from Defendants, or their respective subsidiaries or affiliates, for use or delivery in the United States from June 29, 2014, through June 30, 2018:

¹ The Court dismissed Indiana Packers Corporation from this lawsuit with prejudice, but if you purchased Pork directly from Indiana Packers between June 29, 2014, and June 30, 2018, your purchases may be included in the claims process.

fresh or frozen loins, shoulders, ribs, bellies, bacon, or hams. For this lawsuit, pork excludes any product that is marketed as organic or as no antibiotics ever (NAE); any product that is fully cooked or breaded; any product other than bacon that is marinated, flavored, cured, or smoked; and ready-to-eat bacon.

6. Are there exceptions to being included?

Yes. Specifically excluded from the Certified Class are the Defendants; the officers, directors, or employees of any Defendant; any entity in which any Defendant has a controlling interest; and any affiliate, legal representative, heir, or assign of any Defendant. Also excluded from the Certified 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, and any juror assigned to this action.

Anyone who previously excluded themselves from the Certified Class is also not included. The Court approved the list of those entities who excluded themselves from the Certified Class on January 24, 2024 (ECF No. 2086).

If you are in one of these categories described above, you are not a member of the Certified Class and not eligible to participate in these Settlements.

7. I'm still not sure if I'm included.

If you are still not sure if you are included, please review the details in the Settlement Agreements, available on the settlement website, www.PorkAntitrustLitigation.com. You may also call the Settlement Administrator at 1-866-797-0864 or call or write to Co-Lead Class Counsel at the phone numbers or addresses listed in Question 21.

8. Can I still exclude myself?

No. The option to exclude yourself from the Certified Class, these Settlements, and previous settlements has passed. If you did not exclude yourself from the Certified Class previously, you are a Class Member and cannot ask to be excluded now.

9. If I didn't exclude myself from the Certified Class, can I sue Settling Defendants for the same thing later?

No. Unless you previously excluded yourself from the Certified Class, you gave up the right to sue Settling Defendants for the claims that are subject to the releases in the Settlement Agreements. You can access the Settlement Agreements, including the release language, on the settlement website: www.PorkAntitrustLitigation.com.

SETTLEMENT BENEFITS

10. What do the Settlements provide?

If the Settlements are approved, Tyson will pay \$50,000,000, Clemens will pay \$10,000,000, and Triumph will pay \$4,000,000 to resolve all Certified Class Members' claims against them for the released claims (as defined in the Settlement Agreements). Tyson will also separately pay up to \$2,000,000 for notice and administration costs. In addition, Settling Defendants agreed to authenticate certain business records and make their personnel available for trial to the same extent those witnesses are made available to the non-settling Defendant.

11. What are the Settlement benefits being used for?

The combined settlement proceeds from these Settlements and the Hormel Foods and Seaboard settlements will pay eligible Class Members (*see* Questions 12-13), attorneys' fees (subject to Court approval), excess notice and administration costs (other than the \$2 million to be paid separately by Tyson), and \$25,000 in service awards to each of the three Class Representative Plaintiffs (subject to Court approval) (*see* Question 23).

HOW TO GET A PAYMENT

12. What settlement proceeds will be distributed?

On October 18, 2023, payments from previous settlements with JBS and Smithfield were made to class members who submitted claim forms with validated qualifying pork purchases. These distributions are now complete, and all payments were negotiated or voided.

Proceeds from the settlements with Seaboard and Hormel Foods were not part of that distribution. Seaboard paid \$9,750,000, and Hormel Foods paid \$4,856,000 to settle the claims in this lawsuit.

The total (gross) amount of the Hormel Foods and Seaboard settlements combined with the new Settlements (if approved) will be \$78,606,000 (plus interest). Any attorneys' fees, excess notice and administration costs (other than the \$2 million to be paid separately by Tyson), and service awards approved by the Court will be deducted from these settlement proceeds before they are paid to qualified claimants.

The net settlement proceeds will be distributed to eligible Class Members who have filed or will file valid claims (*see* Question 13) by **June 11, 2025**.

13. How much will my payment from the Settlements be?

Payments to qualified claimants from the net settlement proceeds will be calculated based on the proportional (or *pro rata*) amount of their approved pork purchases during the Certified Class Period from June 29, 2014, to June 30, 2018. Purchases and transaction amounts will be based on the review of Defendants' records and updated based on any audits for information obtained during the previous and current settlement distribution process. A distribution plan, to be approved by the Court at a later date, will determine the *pro rata* amount, if any, that each eligible claimant will receive based on eligible purchases during the Certified Class Period from June 29, 2014, to June 30, 2018. No matter how many claims are filed, no settlement proceeds will be returned to the Settling Defendants.

14. How can I get a payment?

If you filed a claim and/or received a payment from the previous distribution, you do not need to submit another claim. You will be automatically eligible to get a payment from the settlement proceeds. You may submit additional information about your eligible purchases during the Certified Class Period from June 29, 2014, to June 30, 2018 to supplement your claim, but it is not required. The deadline to submit additional information is **June 11, 2025**.

If you did not file a claim in this lawsuit previously, and if you did not exclude yourself from the Seaboard settlement or Certified Class, you must complete and submit a claim form by **June 11, 2025** to be eligible to get a payment from the settlement proceeds.

Submit your claim form online at www.PorkAntitrustLitigation.com by **June 11, 2025** or fill out the claim form and mail it to the address below, postmarked no later than **June 11, 2025**.

You can get a claim form at the website, or you can write to the Settlement Administrator by mail: *In re Pork Antitrust Litigation*, c/o A.B. Data, Ltd., PO Box 173117 Milwaukee, WI 53217 or email: info@PorkAntitrustLitigation.com to ask for one to be mailed to you.

15. How do I review or update my eligible purchase amount?

You can review your eligible purchase amounts during the Certified Class Period from June 29, 2014, to June 30, 2018 on the settlement website: www.PorkAntitrustLitigation.com. If you participated during a prior claims process, note that the Certified Class Period from June 29, 2014, to June 30, 2018 is shorter than prior settlement class periods and has been adjusted for all Class Members to reflect this shorter period. You should use your unique identifier (or access code) listed on the top of the notice that was mailed to you to login and review these amounts.

If you disagree with or want to supplement your purchase amounts, you can complete a purchase audit request form (posted on the website) and provide supporting documentation by **June 11, 2025**. Instructions to complete and submit a purchase audit request form can be found on the settlement website.

All revised pork purchase amounts will be subject to review by the Settlement Administrator, Co-Lead Counsel, and ultimately the Court.

16. When will I get my payment?

Payments from the settlement proceeds will be distributed once all of the claims are processed, any claim disputes are resolved, the Court approves the distribution plan, and any related issues are resolved. It is uncertain when this process will be completed. Settlement updates will be provided on the settlement website at www.PorkAntitrustLitigation.com or may be obtained by contacting the Settlement Administrator by phone toll-free at 1-866-797-0864. Please be patient.

17. What happens if there are funds remaining?

If there are any funds remaining after all claims are processed, the Court will decide if the remaining funds will be redistributed to qualified claimants (if there are sufficient funds) or distributed to a Court-approved non-profit. No settlement proceeds will be returned to the Settling Defendants. This information will be posted to www.PorkAntitrustLitigation.com once available.

18. Do I need to file another claim if I already filed a claim or received a payment in this litigation?

No. If you already submitted a claim in the previous settlements and/or received a payment from the previous distribution (*see* Question 14), you will be automatically eligible to get a payment from the settlement proceeds and do not need to submit another claim.

19. Can I file a claim for the settlement proceeds that were already distributed?

No. The deadline to submit a claim to share in proceeds from the JBS and Smithfield settlements that were already distributed has passed. You are no longer able to submit a claim for payment from the JBS and Smithfield settlement proceeds.

20. What happens if I do nothing at all?

If you do nothing and you already filed a claim in this lawsuit and/or received a payment in the previous distribution (*see* Question 14), you will automatically be eligible to get a payment from the settlement proceeds.

If you do nothing and you did not previously file a claim, you will not get a payment from the settlement proceeds. The Settlements will resolve your claims against the Settling Defendants about the released claims (as defined in the Settlement Agreements).

OBJECTING TO THE SETTLEMENTS

21. How do I tell the Court that I don't like the Settlements?

You can object to the Settlements if you don't like part or all of them. You can also object to the request for payment of attorneys' fees and service awards. The Court will consider your views.

To object, you must send a letter or other written statement saying that you object to the Settlements and/or the request for payment of attorneys' fees and service awards in *In re Pork Antitrust Litigation*, what you are objecting to, and the reasons why you object. Be sure to include your full name, the name of your business that purchased pork, current mailing address, and email address. Your objection must be signed. You may include or attach any documents that you would like the Court to consider. By submitting an objection, you agree to be bound by the jurisdiction of the district court presiding over the case for the purpose of your objection, including for the purpose of any appropriate discovery. Do not send your written objection to the Court or the judge. Instead, mail the objection to the Settlement Administrator, Co-Lead Class Counsel, and counsel for the Settling Defendants at the addresses listed below. Your objection must be postmarked no later than **June 11, 2025**.

Settlement Administrator	Direct Purchaser Plaintiffs' Co-Lead Class Counsel:	Counsel for Tyson
Pork Antitrust Litigation ATTN: OBJECTIONS c/o A.B. Data, Ltd. P.O. Box 173001 Milwaukee, WI 53217	W. Joseph Bruckner Brian D. Clark LOCKRIDGE GRINDAL NAUEN PLLP 100 Washington Ave. S., Ste. 2200 Minneapolis, MN 55401 (612) 339-6900 wjbruckner@locklaw.com bdclark@locklaw.com Clifford H. Pearson Bobby Pouya PEARSON WARSHAW, LLP 15165 Ventura Blvd., Ste. 400 Sherman Oaks, CA 91403 (818) 788-8300 cpearson@pwfirm.com bpouya@pwfirm.com	Tiffany Rider Rohrbaugh AXINN, VELTROP & HARKRIDER LLP 1901 L Street Northwest Washington, D.C. 20036 John M. Tanski TYSON FOODS INC. 2200 W Don Tyson Pkwy, Springdale, AR 72762
Counsel for Triumph	Counsel for Clemens	
Christopher A. Smith HUSCH BLACKWELL LLP 8001 Forsyth Boulevard, Ste. 1500 St. Louis, MO 63105	Christa C. Cottrell Daniel Laytin Amarto Bhattacharyya Nicholas M. Ruge KIRKLAND & ELLIS LLP 333 West Wolf Point Plaza, Chicago, IL 60654	

22. Can I object to the previous settlements?

No. The deadline to object to the JBS, Smithfield, Seaboard, and Hormel Foods settlements has passed.

23. What is the difference between excluding myself and objecting?

Objecting is telling the Court that you do not like something about the Settlements. You can object only if you did not exclude yourself from the Certified Class. Excluding yourself is telling the Court that you do not want to be part of a class or the lawsuit. The time to exclude yourself has already passed. If you previously excluded yourself, you cannot object because the case no longer affects you.

THE LAWYERS REPRESENTING YOU

24. Do I have a lawyer in this case?

The Court has appointed Lockridge Grindal Nauen PLLP and Pearson Warshaw, LLP as Co-Lead Class Counsel for the Certified Class. Their contact information is provided above in Question 21. If you are a Class Member, you do not need to hire your own lawyer because Co-Lead Class Counsel is working on your behalf.

25. How will the lawyers be paid?

You will not have to pay any attorneys' fees or costs out-of-pocket. Co-Lead Counsel will file a motion by July 30, 2025, in which they will request up to 33⅓% of the Seaboard, Hormel Foods, Tyson, Clemens, and Triumph settlement proceeds, plus interest, in attorneys' fees and up to \$25,000 in service awards for each of the three Class Representative Plaintiffs. A copy of the motion for payment of attorneys' fees and service awards will be available on the settlement website,

www.PorkAntitrustLitigation.com, and the Court docket. The Court will determine the amount to be paid for attorneys' fees and service awards.

THE COURT'S FAIRNESS HEARING

26. When and where will the Court decide whether to approve the Settlements?

The Court will hold a hearing to decide whether to approve the Settlements (the "Fairness Hearing"). You may attend and you may ask to speak, but you don't have to.

The Court will hold a Fairness Hearing on **August 13, 2025**, at **10:00 a.m.** Central Time, at the United States District Court for the District of Minnesota, Courtroom 14E, 300 South Fourth Street, Minneapolis, MN 55415. At this hearing, the Court will consider whether the Settlements are fair, reasonable, and adequate, and Co-Lead Counsel's request for payment of attorneys' fees and service awards. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing. After the hearing, the Court will decide whether to approve the Settlements. We do not know how long these decisions will take. The Fairness Hearing may take place remotely, including via telephone or video conference. The Court may also move the Fairness Hearing to a later date without providing additional notice to the Certified Class. Updates will be posted to the settlement website regarding any changes to the hearing date or conduct of the Fairness Hearing.

27. Do I have to come to the hearing?

No. Co-Lead Class Counsel will answer any questions the Court may have. However, you are welcome to attend in person (or attend via telephone or video conference, if the Court holds a telephone or video hearing) at your own expense. If you send an objection, you do not have to come to court to talk about it. As long as you mail your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

28. May I speak at the hearing?

You may ask to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear in *In re Pork Antitrust Litigation*." Be sure to include your name, including the name of your business which purchased pork, current mailing address, telephone number, and signature. Your Notice of Intention to Appear must be postmarked no later than **June 11, 2025**, and it must be sent to the Clerk of the Court, Co-Lead Class Counsel, and Settling Defendants' counsel. The address for the Clerk of the Court is: 300 South Fourth Street, Courtroom 14E, Minneapolis, MN 55415. The addresses for Co-Lead Class Counsel and Settling Defendants' counsel are provided in Question 21. You cannot ask to speak at the hearing if you excluded yourself from the Certified Class.

GETTING MORE INFORMATION

29. How do I get more information?

This notice summarizes the proposed Settlements. More details are in the Settlement Agreements. You can find copies of the Settlement Agreements, other important documents, and information about the current status of the litigation by visiting www.PorkAntitrustLitigation.com. You may contact the Settlement Administrator at *In re Pork Antitrust Litigation*, c/o A.B. Data, Ltd., PO Box 173117, Milwaukee, WI 53217; info@PorkAntitrustLitigation.com or 1-866-797-0864 (toll-free). You may also contact Co-Lead Class Counsel at the addresses, phone numbers, and email addresses provided in Question 21.

PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.