

If you purchased any Turkey product in the United States and its territories from January 1, 2010, to January 1, 2017, for commercial or institutional use, a class action settlement may affect your rights.

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

- A Settlement has been reached in a class action antitrust lawsuit filed on behalf of Commercial and Institutional Indirect Purchaser Plaintiffs with Defendants Tyson Foods, Inc., Tyson Fresh Meats, Inc., Tyson Prepared Foods, Inc., and the Hillshire Brands Company (“Tyson” or “Settling Defendants”). This Settlement only applies to Settling Defendants and does not dismiss claims against other Defendants in the case entitled *Sandee’s Catering, et al. v. Agri Stats, Inc. et al., (Institutional Indirect Purchaser Actions)*, Case No. 1:20-cv-02295 (N.D. Ill.).
- If approved by the Court, the Settlement will resolve a lawsuit over whether Tyson’s combined and conspired in restraint of trade, the purpose and effect of which was to suppress competition and to allow Tyson and other Turkey producers to charge supra-competitive prices for Turkey products from January 1, 2010, to January 1, 2017, in violation of federal and state laws. If approved, the Settlement will avoid litigation costs and risks to Commercial and Institutional Indirect Purchaser Plaintiffs and Tyson and will release Tyson from liability to members of the Settlement Class.
- The Settlement requires Tyson to pay \$1,750,000. In addition to this monetary payment, Tyson has agreed to provide specified cooperation in the Commercial and Institutional Indirect Purchaser Plaintiffs’ continued prosecution of the litigation. There will be no payments to the Settlement Class at this time. You will be notified later of an opportunity to file a claim.
- The Court has not decided whether Tyson did anything wrong, and Tyson denies any wrongdoing.
- Recommend that you register at the case website, www.TurkeyCommercialCase.com, to receive updates – you may not receive further notices about this case unless you register. If you are uncertain about how to proceed, you should promptly contact the Claims Administrator to discuss your options.
- Your legal rights are affected whether you act or do not act. Please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS		DEADLINE
EXCLUDE YOURSELF	Get no settlement benefits, but keep any right to file your own lawsuit or be part of any <i>other</i> lawsuit against Tyson concerning the Released Claims (as defined in the Settlement Agreement).	Postmarked by January 4, 2022
OBJECT	Write to the Court about why you do not like the Settlement.	Postmarked by January 4, 2022
ATTEND A HEARING	Ask to speak to the Court about the fairness of the Settlement.	Notice of Appearance: January 4, 2022
DO NOTHING	You will remain part of the Settlement and you may participate in any monetary distribution, which may happen later. The Settlement will resolve your claims against Tyson, and you will give up your rights to sue Tyson about the Released Claims (as defined in the Settlement Agreement). You will be bound by the judgment.	

Questions? Go to www.TurkeyCommercialCase.com or call 1-800-403-3089

- These rights and options—and the deadlines to exercise them—are explained in this Notice.
- The Court in charge of this case must still decide whether to approve the Settlement and the requested attorneys’ fees and expenses.

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION.....PAGE 3

1. What is this lawsuit about?
2. Why is the lawsuit a class action?
3. Why is there a Settlement?
4. What if I received previous communications regarding this lawsuit?

WHO IS INCLUDED IN THE SETTLEMENTPAGE 4

5. How do I know if I am part of the Settlement?
6. What Turkey products are included in the Settlement?
7. Are there exceptions to being included in the Settlement?
8. What if I am still not sure whether I am part of the Settlement?

THE BENEFITS OF THE SETTLEMENTPAGE 5

9. What does the Settlement with Tyson provide?
10. What are the Settlement benefits being used for?
11. What am I giving up by staying in the Settlement Class?
12. What are the Released Claims?
13. What happens if I do nothing at all?

EXCLUDING YOURSELF FROM THE SETTLEMENT.....PAGE 6

14. How do I exclude myself from the Settlement with Tyson?
15. If I exclude myself, can I get anything from the Settlement with Tyson?
16. If I do not exclude myself, can I sue Tyson for the same thing later?

OBJECTING TO THE SETTLEMENT.....PAGE 6

17. How do I tell the Court that I do not like the Settlement?
18. What is the difference between objecting and excluding myself?

THE LAWYERS REPRESENTING YOU.....PAGE 7

19. Do I have lawyers in this case?
20. How will Settlement Class Counsel be paid?

THE COURT’S FAIRNESS HEARINGPAGE 8

21. When and where will the Court decide whether to approve the Settlement?
22. Do I have to attend the Fairness Hearing?
23. May I speak at the Fairness Hearing?

GETTING MORE INFORMATION.....PAGE 8

24. How do I get more information about the Settlement?

BASIC INFORMATION

1. What is this lawsuit about?

This class action is called *Sandee's Catering, et al. v. Agri Stats, Inc. et al., (Institutional Indirect Purchaser Actions)*, Case No. 1:20-cv-02295 and is pending in the United States District Court for the Northern District of Illinois. United States District Court, and Judge Virginia M. Kendall is overseeing this class action. Commercial and Institutional Indirect Purchaser Plaintiffs allege that Defendants and their co-conspirators conspired and combined to fix, raise, maintain, and stabilize the price of Turkey products, from January 1, 2010, to January 1, 2017, with the intent and expected result of increasing prices of Turkey products in the United States and its territories, in violation of federal antitrust laws and various state antitrust, consumer protection, and unjust enrichment laws.

The Defendants and co-conspirators named in the Commercial and Institutional Indirect Purchaser Plaintiffs' Second Amended Class Action Complaint are producers of Turkey products in the United States and its territories. In this notice, "Settling Defendants" refers Tyson Foods, Inc., Tyson Fresh Meats, Inc., Tyson Prepared Foods, Inc. and the Hillshire Brands Company (collectively "Tyson").

Commercial and Institutional Indirect Purchaser Plaintiffs have reached the Settlement with Tyson. However, Commercial and Institutional Indirect Purchaser Plaintiffs' case is still proceeding against other Defendants. Those other Defendants may be subject to separate settlements, judgments, or class certification orders. If applicable, you will receive a separate notice regarding the progress of the litigation and any resolution of claims against the other Defendants.

Please register at the case website, www.TurkeyCommercialCase.com, to receive updates regarding the progress of the litigation, the Settlement, and any resolution of claims against the non-settling Defendants. The case website will be updated as circumstances change, so check back regularly for updates.

Tyson has denied all allegations of wrongdoing in this lawsuit and would allege numerous defenses to Plaintiffs' claims if the case against it were to proceed.

2. Why is the lawsuit a class action?

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. The class representatives in this case are Plaintiffs: Sandee's Bakery d/b/a Sandee's Catering Bakery & Deli and Gnemi, LLC d/b/a/ Logan Farms.

3. Why is there a Settlement?

The Court did not decide in favor of Commercial and Institutional Indirect Purchaser Plaintiffs or Tyson. Commercial and Institutional Indirect Purchaser Plaintiffs believe they may have won at trial and possibly obtained a greater recovery. Tyson believes Commercial and Institutional Indirect Purchaser Plaintiffs may not have succeeded at class certification or won at a trial. But litigation involves risks to both sides, and therefore Commercial and Institutional Indirect Purchaser Plaintiffs and Tyson have agreed to the Settlement. The Settlement requires Tyson to pay money, as well as provide specified cooperation in the Commercial and Institutional Indirect Purchaser Plaintiffs' continued prosecution of the litigation. Commercial and Institutional Indirect Purchaser Plaintiffs and their attorneys believe the Settlement is in the best interests of all Settlement Class members.

Questions? Go to www.TurkeyCommercialCase.com or call 1-800-403-3089

4. What if I received previous communications regarding this lawsuit?

You may have received other communications regarding this lawsuit, including solicitations by other attorneys seeking to represent you as a plaintiff in an individual (or “direct action”) lawsuit against Defendants. These communications were not approved by the Court and did not come from Court-appointed Settlement Class Counsel. You should carefully review this Notice and your rights as a potential member of the Settlement Class before deciding whether to opt out or stay in the Settlement Class.

WHO IS INCLUDED IN THE SETTLEMENT

5. How do I know if I am part of the Settlement?

The Court decided that, for settlement purposes, members of the Settlement Class are defined as:

All commercial and institutional purchasers in the United States and its territories that purchased turkey, once or more, other than directly from Defendants, entities owned or controlled by Defendants, or other producers of turkey, from January 1, 2010, to January 1, 2017. Excluded from the Nationwide Class are the Court and its personnel, and any Defendants and their parent or subsidiary companies.

All Settlement Class members are members of the nationwide class. Only Settlement Class members who reside or purchased in the following jurisdictions are eligible to potentially recover money from the settlement funds: Arkansas, Arizona, California, District of Columbia, Florida, Iowa, Kansas, Maine, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, West Virginia and/or Wisconsin. Money will be distributed to class members according to a plan of allocation, which will be filed with the Court at a later point. Before any funds will be disbursed, the Court will have to approve a plan of allocation.

While this Settlement is only with Tyson at this time, the Settlement Class includes all commercial and institutional purchasers of Turkey products (as defined below in Paragraph Six) who purchased the products other than directly from Defendants, entities owned or controlled by Defendants, or other producers of Turkey products. If you are a member of the Settlement Class and do not exclude yourself, you may be eligible to participate in (or exclude yourself from) any additional settlements which may arise with any other Defendants in the case.

6. What Turkey products are included in the Settlement?

For purposes of the Settlement, “Turkey” means turkey meat, which may be sold in a variety of forms, including fresh or frozen, ground or parts, and raw or cooked. “Turkey” includes, but is not limited to, the following products: breasts, wings, drums, legs, thighs, tenderloins, necks, tails, gizzards, feet, trim, tenders, mechanically separated turkey (“MST”), ground turkey, and further processed and value-added turkey products such as lunch meat, deli meat, sausage, franks, bacon, and corn dogs.

7. Are there exceptions to being included in the Settlement?

Yes. Specifically excluded from the Settlement Class are the Court and its personnel, and any Defendants and their parent or subsidiary companies.

If you are in one of these categories, you are not a member of the Settlement Class and not eligible to participate in the Settlement.

8. What if I am still not sure whether I am part of the Settlement?

If you are still not sure if you included, please review the detailed information contained in the Settlement Agreement available at www.TurkeyCommercialCase.com, or call the Settlement Administrator toll-free at 1-800-403-3089.

THE BENEFITS OF THE SETTLEMENT

9. What does the Settlement with Tyson provide?

If the Settlement is approved, Tyson will pay \$1,750,000 to resolve all Settlement Class members' claims against Tyson for the Released Claims (as defined in the Settlement Agreement). In addition to this monetary benefit, Tyson has also agreed to provide specified cooperation in the Commercial and Institutional Indirect Purchaser Plaintiffs' continued prosecution of the litigation. The Settlement Agreement is available at www.TurkeyCommercialCase.com.

10. What are the Settlement benefits being used for?

No money will be distributed at this time. Settlement Class Counsel will continue to pursue the lawsuit against the other Defendants. Settlement Class Counsel may request that the Court award attorneys' fees and permit the reimbursement of certain litigation costs and expenses. Settlement Class Counsel will also seek service awards for the class representatives. See Question 20 for more information regarding Settlement Class Counsel's attorneys' fees, costs, expenses, future expense set-aside, and class representative service awards. All Settlement funds that remain after payment of the Court ordered attorneys' fees, costs, expenses, future expense set-aside, and service awards will be distributed at the conclusion of the lawsuit or as ordered by the Court. You will be notified later when there is an opportunity to make a claim to receive a payment.

11. What am I giving up by staying in the Settlement Class?

Unless you exclude yourself, you are staying in the Settlement Class, which means that you cannot sue, continue to sue, or be part of any other lawsuit against Settling Defendants that pertains to the Released Claims (as defined in the Settlement Agreement).

It also means that all of the Court's orders will apply to you and legally bind you. The Released Claims are detailed in the Settlement Agreement available at www.TurkeyCommercialCase.com.

You are not releasing your claims against any Defendant other than the Settling Defendants by staying in the Settlement Class.

12. What are the Released Claims?

The Settlement Agreement in paragraph 14 (titled "Release") describes these "Released Claims" and the "Released Parties" in necessary legal terminology, so read this section carefully. The Settlement Agreement is available at www.TurkeyCommercialCase.com or in the public court records on file in this lawsuit. For questions regarding the Releases or what they mean, you can also contact one of the lawyers listed in Question 17 for free, or you can talk to your own lawyer at your own expense.

13. What happens if I do nothing at all?

If you do nothing, you will remain a member of the Settlement Class and participate in this Settlement if you submit a valid Claim Form, if required, when that option is available at a later date. You will

Questions? Go to www.TurkeyCommercialCase.com or call 1-800-403-3089

also have the opportunity to participate in (or exclude yourself from) any future settlements or judgments obtained by Commercial and Institutional Indirect Purchaser Plaintiffs against other Defendants in the case.

EXCLUDING YOURSELF FROM THE SETTLEMENT

14. How do I exclude myself from the Settlement with Tyson?

If you do not want the benefits offered by the Settlement and you do not want to be legally bound by the terms of the Settlement, or if you wish to pursue your own separate lawsuit against Settling Defendants, you must exclude yourself by submitting a written request to the Settlement Administrator stating your intent to exclude yourself from the Settlement Class (an “Exclusion Request”). Your Exclusion Request must include the following:

- (a) Your name and address;
- (b) A statement that you want to be excluded from the Settlement Class in (*Turkey Commercial and Institutional Indirect Purchaser Litigation*); and
- (c) Your signature.

You must mail your Exclusion Request, **postmarked by January 4, 2022**, to:

Turkey Commercial and Institutional Indirect Purchaser Litigation
P.O. Box 5560
Portland, OR 97228-5560

15. If I exclude myself, can I get anything from the Settlement with Tyson?

No. If you exclude yourself, you are telling the Court that you do not want to be part of the Settlement with Tyson. You can only get settlement benefits from the Settlement with Tyson if you stay in the Settlement and submit a valid Claim Form when that option is available at a later date.

16. If I do not exclude myself, can I sue Tyson for the same thing later?

No. Unless you exclude yourself, you give up the right to sue Tyson for the claims that the Settlement resolves. If you have a pending lawsuit against Tyson, speak to your lawyer for that lawsuit immediately to determine whether you must exclude yourself from this Settlement Class to continue your own lawsuit against Settling Defendants.

By staying in the lawsuit, you are not releasing your claims in this case against any Defendant other than the Settling Defendants.

OBJECTING TO THE SETTLEMENT

17. How do I tell the Court that I do not like the Settlement?

If you are a member of the Settlement Class and have not excluded yourself from the Settlement, you can object to the Settlement if you do not like part or all of it. The Court will consider your views.

To object, you must send a letter or other written statement saying that you object to the Settlement with Tyson in (*Turkey Commercial and Institutional Indirect Purchaser Litigation*) and the reasons why you object to the Settlement. If you wish to appear in person to be heard or object to the Settlement Agreement, you must submit an appropriate and timely request to appear. Be sure to include your full name, 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. Do not send your written objection

Questions? Go to www.TurkeyCommercialCase.com or call 1-800-403-3089

to the Court or the judge. Instead, mail the objection to the Settlement Administrator, Settlement Class Counsel, and counsel for Tyson at the addresses listed below. Your objection must be **postmarked** by **January 4, 2022**.

<u>Settlement Administrator:</u> Turkey Commercial and Institutional Indirect Purchaser Litigation Settlement Administrator P.O. Box 5560 Portland, OR 97228-5560	<u>Settlement Class Counsel:</u> Blaine Finley Cuneo Gilbert & LaDuca, LLP 4725 Wisconsin Ave. NW, Suite 200 Washington, DC 20016 <u>Settlement Class Counsel:</u> Sterling Aldridge Barrett Law Group, P.A. P.O. Box 927 Lexington, MS 39095	<u>Counsel for Tyson:</u> Tiffany Rider Rohrbaugh AXINN, VELTROP & HARKRIDER LLP 1901 L Street NW Washington, DC 20036
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------

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

Objecting is telling the Court that you do not like something about the Settlement. You can object only if you do not exclude yourself from the Settlement Class. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself, you cannot object because the Settlement no longer affects you.

THE LAWYERS REPRESENTING YOU

19. Do I have lawyers in this case?

Yes, the Court has appointed Blaine Finley of Cuneo Gilbert & LaDuca, LLP and Sterling Aldridge of Barrett Law Group, P.A. as Settlement Class Counsel for the Settlement Class. If you wish to remain a member of the Settlement Class, you do not need to hire your own lawyer because Settlement Class Counsel is working on your behalf. If you wish to pursue your own case separate from this one, or if you exclude yourself from the Settlement Class, these lawyers will no longer represent you. You will need to hire your own lawyer if you wish to pursue your own lawsuit against Tyson.

20. How will Settlement Class Counsel be paid?

Settlement Class Counsel intend to ask the Court at a later date for attorneys' fees in connection with future settlements based on their services in this litigation, but Settlement Class Counsel do not intend to request an award of attorneys' fees at this time. In relation to this Settlement, Settlement Class Counsel will request a future expense set-aside not to exceed 50% of the Settlement Fund, net of any past expense reimbursement, class representative service awards, and notice costs. Settlement Class Counsel will ask to be reimbursed for certain expenses already incurred on behalf of the Settlement Class in an amount not to exceed \$200,000. Settlement Class Counsel will seek service awards of up to \$5,000 for each putative class representative. Any payment to the attorneys or class representatives will be subject to Court approval, and the Court may award less than the requested amount. Any attorneys' fees, costs, expenses, and service awards that the Court orders, plus the costs to administer the Settlement, will come out of the Settlement Fund. Settlement Class Counsel may seek additional attorneys' fees, costs, expenses, and service awards from any other settlements or recoveries obtained in the future. When Settlement Class Counsels' motion for fees, costs, expenses, and service awards is filed, it will be available at www.TurkeyCommercialCase.com. The motion will be posted on the

Questions? Go to www.TurkeyCommercialCase.com or call 1-800-403-3089

Settlement Website at least 14 days before the deadline for objecting, commenting on, or excluding yourself from the Settlement. You will have an opportunity to comment on this request.

THE COURT'S FAIRNESS HEARING

21. When and where will the Court decide whether to approve the Settlement?

The Court will hold a hearing to decide whether to approve the Settlement (the "Fairness Hearing"). You may attend and you may ask to speak, but you do not have to. The Court will hold a Fairness Hearing on **February 22, 2022**, at **10:00 a.m.** via video conference. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to class members who have asked to speak at the hearing. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take. The Court may also move the Fairness Hearing to a later date without providing additional notice to the Class. Updates will be posted to the Settlement Website www.TurkeyCommercialCase.com regarding any changes to the hearing date.

22. Do I have to attend the Fairness Hearing?

No. Settlement Class Counsel will answer any questions the Court may have. However, you are welcome to attend the video conference. If you send an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

23. May I speak at the Fairness Hearing?

Yes. 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 *Sandee's Catering, et al. v. Agri Stats, Inc. et al., (Commercial and Institutional Indirect Purchaser Actions)*." Be sure to include your name, current mailing address, telephone number, and signature. Your Notice of Intention to Appear must be **postmarked by January 4, 2022**, and it must be sent to the Clerk of the Court, Settlement Class Counsel, and counsel for Tyson. The address for the Clerk of the Court is: United States District Court for the Northern District of Illinois, Eastern Division, Dirksen U.S. Courthouse, 219 S. Dearborn Street, Chicago, IL 60604. The addresses for Settlement Class Counsel and counsel for Tyson are provided in Question 17. You cannot ask to speak at the hearing if you excluded yourself from the Settlement Class.

GETTING MORE INFORMATION

24. How do I get more information about the Settlement?

This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can find a copy of the Settlement Agreement, other important documents, and information about the current status of the litigation by visiting www.TurkeyCommercialCase.com. You may contact the Settlement Administrator at info@TurkeyCommercialCase.com or toll-free at 1-800-403-3089.

PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.

Questions? Go to www.TurkeyCommercialCase.com or call 1-800-403-3089