

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

IN RE TURKEY ANTITRUST LITIGATION

NO. 19-CV-08318

THIS DOCUMENT RELATES TO:

HON. SUNIL R. HARJANI

COMMERCIAL AND INSTITUTIONAL
INDIRECT PURCHASER PLAINTIFF
ACTION

HON. KERI L. HOLLEB HOTALING

**DECLARATION OF MICHAEL J. FLANNERY IN SUPPORT OF UNCONTESTED
MOTION FOR PRELIMINARY APPROVAL OF COMMERCIAL AND
INSTITUTIONAL INDIRECT PURCHASER PLAINTIFFS' SETTLEMENT WITH
AGRI STATS, INC.**

I, Michael J. Flannery, declare under oath, as follows:

1. I am a partner in the law firm Cuneo Gilbert Flannery & LaDuca, LLP. The Court appointed my firm, together with the firm of Barrett Law Group, P.A., as Co-Lead Counsel for Commercial and Institutional Indirect Purchaser Plaintiffs (“CIIPPs”) in this litigation. (*See* ECF No. 1107). I have full knowledge of the matters stated herein and could and would testify thereto.

2. I submit this Declaration in support of CIIPPs’ Uncontested Motion for Preliminary Approval of Commercial and Institutional Indirect Purchaser Plaintiffs’ Settlement with Agri Stats, Inc. (“Agri Stats”), filed simultaneously herewith.

3. On behalf of CIIPPs, CIIPP counsel (“we” or “Co-Lead Counsel”) conducted good-faith and arm’s-length settlement negotiations with counsel for Agri Stats after the Court granted CIIPPs’ motion for class certification and during the pendency of summary judgment briefing. As a result of these negotiations, the parties signed the proposed Settlement Agreement. A true and correct copy of the proposed Settlement Agreement between CIIPPs and Agri Stats, which is dated as of April 29, 2026, is attached as Exhibit A to this Declaration. For purposes of this Declaration, capitalized terms are as defined in the Settlement Agreement.

4. Prior to filing the initial complaint on behalf of our clients in April 2020, we commenced an extensive investigation into the United States’ Turkey market and the conduct underlying the allegations set forth in the CIIPPs’ initial complaint (ECF No. 1, Civil Action No. 20-cv-02295). In addition to our pre-filing investigation, we have vigorously litigated this case, including successfully opposing Defendants’ motions to dismiss CIIPPs’ Complaint, as well as fully litigating a motion for class certification, which included a two-day expert evidentiary hearing. The parties have exchanged written discovery, conducted depositions, and engaged in extensive motion practice. Because of the substantial information we have obtained through our

investigation and formal discovery, CIIPPs were fully aware of the strengths and weaknesses of each party's position prior to executing the proposed Settlement Agreement. (*See* Settlement Agreement, Recitals at pp. 2-3).

5. Additionally, during the course of the litigation, we have researched and analyzed many legal and factual issues contested by the parties. We thoroughly evaluated the relative strengths and weaknesses of the parties' respective litigation positions in relation to this proposed Settlement Agreement. Because of our research, analysis, and evaluation, we were well informed of the facts, benefits, risks, and consequences of the proposed Settlement Agreement. (*See id.*).

6. The resulting settlement negotiations with Agri Stats were at arm's length and in good faith, with counsel zealously representing their clients' positions. Co-Lead Counsel's focus during these negotiations was to achieve the best possible results for the Class. The settlement terms were heavily negotiated by the plaintiffs' groups following years of adversarial litigation with Agri Stats, and the Settlement Agreement is the product of those intensive settlement negotiations that included substantive and meaningful give-and-take between Co-Lead Counsel and counsel for Agri Stats. Although the settlement does not contain any monetary relief, the parties considered and discussed many issues and negotiated many terms of the Settlement Agreement, including the terms of Agri Stats unprecedented conduct reform, which will provide an enormous benefit to turkey purchasers should Agri Stats choose to restart its turkey report program. In addition to conduct reform, Agri Stats will provide material cooperation to the CIIPPs, including providing declarations related to the admissibility of documents at trial, and providing up to two witnesses to testify at trial. This cooperation will materially assist CIIPPs as they prepare for trial against the remaining Defendants. and potential cooperation against other Defendants. Throughout this process, Agri Stats was represented by experienced, sophisticated counsel.

7. There was no collusion or preference among counsel for the parties at any time during negotiation of this Settlement. To the contrary, the negotiations were contentious, hard fought, and fully informed. Co-Lead Counsel sought to obtain the greatest benefit possible from Agri Stats. The Certified Class benefits from Agri Stats conduct reform as it achieves the aims of this lawsuit—allowing the procompetitive benefits of the Agri Stats reports to continue but removing the anticompetitive pieces that acted to suppress production and raise prices. (Settlement Agreement ¶ 8). Furthermore, there was no discussion or agreement at any time regarding the amount of attorneys’ fees Co-Lead Counsel would petition the Court to award in this case. Indeed, Co-Lead Counsel do not intend to seek fees in connection with this settlement.

8. CIIPPs’ named plaintiffs are not afforded special compensation in the proposed Settlement Agreement. Co-Lead Counsel do not intend to seek representative service awards in connection with the settlement.

9. The Settlement Agreement requires Co-Lead Counsel to direct a settlement administrator to send out notice to the Class of, among other things, the fact and material terms of the proposed Settlement, instructions on how to opt out of the Class or object to the Settlement, and other information. (Settlement Agreement ¶ 6).

10. I specialize in antitrust class action law and am responsible for leading the prosecution of several antitrust class actions on behalf of groups like the CIIPP Class here. In my opinion, and in that of my Co-Lead Counsel, the proposed Settlement Agreement with Agri Stats is fair, reasonable, and adequate, and in the best interests of the Class members. The proposed Settlement provides substantial benefits to the Class and avoids the delay and uncertainty of continuing protracted litigation against Agri Stats.

11. To the best my knowledge, and that of my Co-Lead Counsel, no individual

commercial and institutional indirect purchaser actions have been filed against Agri Stats regarding an agreement during the class period related to the sale of Turkey or Agri Stats' turkey reports, and throughout this litigation, no Class member has expressed an interest in individually controlling separate actions against Agri Stats.

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

Executed on May 13, 2026 at St. Louis, Missouri.

By: /s/ Michael J. Flannery
Michael J. Flannery