

Recent and Pending Cases in Food and Agriculture Antitrust and Competition Law

This information is provided by the [Food & Agriculture Impact Project](#) at the University of Arkansas School of Law.

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In re Broiler Chicken Antitrust Litigation,
No. 1:16-cv-08637 (N.D. Ill.).

Federal Antitrust Law Claims¹:

- Conspiracy to "fix, raise, stabilize, and maintain prices for Broilers," unreasonable restraint of trade in violation of Section 1 of the Sherman Act, 15 U.S.C. §1.²

Key Decisions:

- 11/02/2024 - Amended Memorandum Opinion and Order Granting in Part and Denying in Part, Defendants' Motion for Summary Judgment³
- 06/14/2024 - Memorandum Opinion and Order Granting Pilgrim's Pride's Motion to Enforce Settlement with Carina/Sysco.⁴
 - Appeal Filed by Sysco Corporation, 7th Circuit Court of Appeals (July 12, 2024).
- 6/30/2023 - Memorandum Opinion and Order Granting in Part and Denying in Part Defendants' motions for Summary Judgment.⁵
- 9/5/2023 - Memorandum Opinion and Order on Defendants' motion for summary judgment on certain state law issues.⁶

¹ Numerous cases also include state antitrust laws, consumer protection laws, and other state law claims. We have only included the relevant federal laws.

² https://storage.courtlistener.com/recap/gov.uscourts.ilnd.330954/gov.uscourts.ilnd.330954.1.0_1.pdf

³ <https://casetext.com/case/in-re-broiler-chicken-antitrust-litig-24>

⁴ <https://storage.courtlistener.com/recap/gov.uscourts.ilnd.330954/gov.uscourts.ilnd.330954.7272.0.pdf>

⁵ <https://storage.courtlistener.com/recap/gov.uscourts.ilnd.330954/gov.uscourts.ilnd.330954.6641.0.pdf>

⁶ <https://storage.courtlistener.com/recap/gov.uscourts.ilnd.330954/gov.uscourts.ilnd.330954.6782.0.pdf>

- 11/2/2023 - Amended Memorandum Opinion and Order on Defendants' motions for summary judgment⁷

Other Documents:

- 09/02/2016 - Original Complaint filed by Maplevale Farms⁸
 - 12/16/2016 - Complaint filed by End User Consumer Plaintiffs⁹
 - 11/23/2016 - Complaint filed by Direct Purchaser Plaintiff Class (DPP)¹⁰
 - 12/16/2016 - Complaint filed by Commercial and Institutional Indirect Purchaser Plaintiff Class (CIIPP)¹¹

Current Status:

- Settlements:
 - Peco Foods (DPP) \$5.15 million¹²
 - Tyson (DPP, CIIPP, and End User Plaintiffs) 221.5 million¹³
 - Pilgrim's Pride (DPP) \$75 million¹⁴
 - George's (DPP) \$4.25 million¹⁵
 - Amick Farms, LLC (DPP) \$3.95 million¹⁶
 - Defendants Fieldale Farms, George's, Mar-Jac, Peco, Pilgrim's Pride, and Tyson (End User Plaintiffs) \$181 million.¹⁷
 - Simmons Foods (DPP) \$8 million¹⁸
 - Mountaire (DPP) \$15.899 million
 - O.K. Foods (DPP) \$4.964 million¹⁹
 - Fieldale Farms \$4.1 million²⁰
 - Defendants House of Raeford and Koch (DPP) \$75 million²¹

⁷ https://storage.courtlistener.com/recap/gov.uscourts.ilnd.330954/gov.uscourts.ilnd.330954.7028.0_1.pdf

⁸ https://storage.courtlistener.com/recap/gov.uscourts.ilnd.330954/gov.uscourts.ilnd.330954.1.0_1.pdf

⁹ <https://www.courtlistener.com/docket/4508538/255/in-re-broiler-chicken-antitrust-litigation/>

¹⁰ <https://www.courtlistener.com/docket/4508538/213/in-re-broiler-chicken-antitrust-litigation/>

¹¹ <https://www.courtlistener.com/docket/4508538/253/in-re-broiler-chicken-antitrust-litigation/>

¹² <https://aglaw.psu.edu/wp-content/uploads/2022/05/In-re-chicken-Approval-Peco-George-10.26.20.pdf>

¹³ <https://www.sec.gov/ix?doc=/Archives/edgar/data/100493/000010049321000002/tsn-20210119.htm>

¹⁴ <https://aglaw.psu.edu/wp-content/uploads/2022/05/In-re-chicken-shareholder-announcement-1.11.21.pdf>

¹⁵ <https://aglaw.psu.edu/wp-content/uploads/2022/05/In-re-chicken-Approval-Peco-George-10.26.20.pdf>

¹⁶ <https://aglaw.psu.edu/wp-content/uploads/2022/05/In-re-chicken-Approval-Amick-Farms-10.26.20.pdf>

¹⁷ <https://aglaw.psu.edu/wp-content/uploads/2022/05/In-re-chicken-Order-12.20.21.pdf>

¹⁸ <https://storage.courtlistener.com/recap/gov.uscourts.ilnd.330954/gov.uscourts.ilnd.330954.6615.0.pdf>

¹⁹ <https://storage.courtlistener.com/recap/gov.uscourts.ilnd.330954/gov.uscourts.ilnd.330954.6830.0.pdf>

²⁰ <https://storage.courtlistener.com/recap/gov.uscourts.ilnd.330954/gov.uscourts.ilnd.330954.6833.0.pdf>

²¹ <https://www.courtlistener.com/docket/4508538/7356/in-re-broiler-chicken-antitrust-litigation/>

- Agri Stats, Inc. (DPP)²²
- Defendants Foster Farms, Perdue, Case, Claxton, Wayne Farms, and Sanderson Farms (DPP)²³

In re Broiler Chicken Grower Antitrust Litigation II,
6:20-md-02977-RJS-CMR (E.D. Oklahoma).

Claims:

- Restraint of Trade/ Horizontal conspiracy to suppress grower pay in violation of Section 1 of the Sherman Act, 15 U.S.C. §1.
- Violation of Packers and Stockyards Act section 202(a), 7 U.S.C. §192(a) (unfair, deceptive practices), 7 U.S.C. §192(f)(3)(prohibit manipulating or controlling prices) and 7 U.S.C §192(g) (conspiracy).

Key Decisions:

- 08/20/2024 - Order by District Judge Robert J. Shelby granting Motion for Preliminary Approval of Settlement with Pilgrim's and for Certification of the Settlement Class and Appointing Settlement Class Counsel²⁴
- 06/10/2022 – Order Approving Notice Plan and Authorizing Issuance of Notice to the Koch Settlement Class²⁵
- 06/10/2022 – Order Preliminarily Approving Settlement with Koch, Certifying the Settlement Class for Purposes of Settlement, and Appointing Settlement Class Counsel²⁶

²²

<https://www.broilerchickenantitrustlitigation.com/docs/Multiple/Order%20Granting%20DPP%20MFPA%20of%20settlement%20w.Agri.pdf>

²³

<https://www.broilerchickenantitrustlitigation.com/docs/Multiple/Order%20Granting%20Final%20Approval%20of%20Settlement%20w.FF,%20Perdue,%20Case,%20Clax,%20Wayne%20and%20Sanderson.pdf>

²⁴ <https://www.courtlistener.com/docket/22581016/617/broiler-chicken-grower-antitrust-litigation-no-ii/>

²⁵ <https://www.courtlistener.com/docket/22581016/366/broiler-chicken-grower-antitrust-litigation-no-ii/>

²⁶ <https://www.courtlistener.com/docket/22581016/broiler-chicken-grower-antitrust-litigation-no-ii/?page=2>

- 10/28/2022 - Order by District Judge Robert J. Shelby granting Motion for Final Approval of Settlement with Koch and Entering Final Judgment under Rule 54(B) as to Koch²⁷

Other Documents:

- 2016 – First lawsuits filed alleging that Sanderson Farms LLC, Tyson Foods Inc., Perdue Foods, and Koch Foods participated in a conspiracy to artificially suppress the growers’ pay.²⁸
- 2016 – First lawsuits filed alleging that Sanderson Farms LLC, Tyson Foods Inc., Perdue Foods, and Koch Foods participated in a conspiracy to artificially suppress the growers’ pay.²⁹
- 12/17/2020 – Transfer Order from the Judicial Panel on Multidistrict Litigation.
 - The following were transferred: District of Colorado - McEntire, et al. v. Tyson Foods, Inc., et al., 1:20-cv-2764; District of Kansas - Colvin v. Tyson Foods, Inc., et al., 2:20-cv-2464; Eastern District of North Carolina - In Re: Sanderson and Koch Broiler Chicken Grower Litigation, 7:18-cv-31; Eastern District of Oklahoma - Haff Poultry, Inc., et al. v. Tyson Foods, Inc., et al., 6:17-cv-33.³⁰
- 02/19/2021 – Amended Complaint with Jury Demand against Koch Foods, Inc., Koch Meat Co., Inc., Perdue Foods, LLC, Pilgrim's Pride Corporation, Sanderson Farms, Inc., Sanderson Farms, Inc. (Food Division), Sanderson Farms, Inc. (Processing Division), Sanderson Farms, Inc. (Production Division), Tyson Breeders, Inc., Tyson Chicken, Inc., Tyson Foods, Inc., Tyson Poultry, Inc³¹
- 12/16/2021 - Motion for Final Approval of Settlements with Perdue and Tyson³²
- 01/05/2023 - Notice of Settlement with Defendants Sanderson Farms, Inc., Sanderson Farms, Inc. (Foods Division), Sanderson Farms, Inc. (Processing Division), and Sanderson Farms, Inc. (Production Division)³³

Current status:

- Settlements:
 - Sanderson Farms \$17.75 million
 - Tyson Foods \$21 million

²⁷ <https://www.courtlistener.com/docket/22581016/420/broiler-chicken-grower-antitrust-litigation-no-ii/>
²⁸ <https://www.law360.com/articles/1871177/pilgrim-s-pride-agrees-to-pay-100m-in-chicken-farmers-suit>
²⁹ <https://www.law360.com/articles/1871177/pilgrim-s-pride-agrees-to-pay-100m-in-chicken-farmers-suit>
³⁰ <https://www.courtlistener.com/docket/22581016/broiler-chicken-grower-antitrust-litigation-no-ii/?page=1>
³¹ <https://www.courtlistener.com/docket/22581016/59/broiler-chicken-grower-antitrust-litigation-no-ii/>
³² <https://www.courtlistener.com/docket/22581016/232/broiler-chicken-grower-antitrust-litigation-no-ii/>
³³ <https://www.courtlistener.com/docket/22581016/426/broiler-chicken-grower-antitrust-litigation-no-ii/>

- Perdue Foods \$14.75 million
- Koch Foods \$15.5 million
- Pilgrim’s Pride \$100 million
- Not required to pursue arbitration in any claims against Pilgrim’s Pride for the next five years

In re Pork Antitrust Litigation,
No. CV 18-1776, (JRT/JFD) (D. Minn.).

Federal Antitrust Law Claims:

- Price fixing and restraint of trade by exchanging competitively sensitive information through Agri Stats in violation of Section 1 of the Sherman Act, 15 U.S.C. §1.
- DPPs brought a claim under § 4 of the Clayton Act, 15 U.S.C. § 15(a); IPPs and CIPs brought a claim for injunctive relief under § 16 of the Clayton Act, 15 U.S.C. § 26.
- Action Meat DAPs, Kroger DAPs, and Publix DAPs also allege that all Defendants-except Agri Stats-violated the Packers and Stockyard Act 7 U.S.C. § 192(f).

Key Decisions:

- 09/26/2023 - Court denied Defendants’ Motion to Dismiss.³⁴
- 10/20/2020 – Court granted in part and denied in part Defendants’ Motion to Dismiss³⁵

Other Documents:

- 6/28/2018 - Original Complaint (end user consumers)³⁶
- 11/6/2019 - Commercial and Institutional Indirect Purchaser Plaintiffs (CIPS and IPPs) filed a class action complaint³⁷
- 01/15/20 - Direct Purchaser Plaintiffs filed a class action complaint³⁸

³⁴ <https://casetext.com/case/in-re-pork-antitrust-litig-13>

³⁵ [In re Pork Antitrust Litig., 495 F. Supp. 3d 753, 764; https://aglaw.psu.edu/wp-content/uploads/2022/05/In-re-Pork-Order-10.20.20.pdf.](https://www.fda.gov/oc/2020/10/20/20-cv-1776-jrt-jfd)

³⁶ <https://storage.courtlistener.com/recap/gov.uscourts.mnd.174320/gov.uscourts.mnd.174320.1.0.pdf>

³⁷ <https://storage.courtlistener.com/recap/gov.uscourts.mnd.174320/gov.uscourts.mnd.174320.390.0.pdf>

Amended Complaint 1/15/2020:

<https://storage.courtlistener.com/recap/gov.uscourts.mnd.174320/gov.uscourts.mnd.174320.432.0.pdf>

³⁸ <https://storage.courtlistener.com/recap/gov.uscourts.mnd.174320/gov.uscourts.mnd.174320.431.0.pdf>

Current Status:

- Settlements
 - JBS \$20 million³⁹
 - Smithfield \$42 million⁴⁰
 - Smithfield Foods, Inc. \$75 million⁴¹
 - Seaboard Foods LLC \$9.75 million⁴²
 - Hormel Foods⁴³ \$2.249 million⁴⁴
 - Hormel Foods Corporation \$4.865 million⁴⁵

In re Turkey Antitrust Litigation,
1:19-cv-08318, (N.D. Ill.).

Federal Claims:

- Conspiracy to exchange competitively sensitive information and fix prices by limiting the turkey supply in violation of Section 1 of the Sherman Act, 15 U.S.C. §1.

Key Decisions:

- 08/16/2024 - Memorandum Opinion and Order Denying Defendants' Motion to Dismiss.⁴⁶
- 03/28/2024 - Memorandum Opinion and Order Denying Defendants' Motion for Summary Judgment.⁴⁷

³⁹

https://storage.courtlistener.com/recap/gov.uscourts.mnd.174320/gov.uscourts.mnd.174320.1491.0_1.pdf

⁴⁰ <https://storage.courtlistener.com/recap/gov.uscourts.mnd.174320/gov.uscourts.mnd.174320.1548.0.pdf>

⁴¹ <https://storage.courtlistener.com/recap/gov.uscourts.mnd.174320/gov.uscourts.mnd.174320.1903.0.pdf>

⁴² Amount from the Memorandum of Law in Support of Motion for Final Approval of the Class Action Settlement Between Direct Purchaser Plaintiffs and Seaboard Foods, LLC

<https://storage.courtlistener.com/recap/gov.uscourts.mnd.174320/gov.uscourts.mnd.174320.2111.0.pdf>

⁴³ <https://storage.courtlistener.com/recap/gov.uscourts.mnd.174320/gov.uscourts.mnd.174320.2217.0.pdf>

⁴⁴ Amount from Memorandum in Support of Motion for Preliminary Approval of Class Action Settlement Between CIIPP and Defendant Hormel Foods

<https://storage.courtlistener.com/recap/gov.uscourts.mnd.174320/gov.uscourts.mnd.174320.2183.0.pdf>

⁴⁵ https://www.law360.com/dockets/download/66feb9d80e30780a1c6945eb?doc_url=https%3A%2F%2Fecf.mnd.uscourts.gov%2Fdoc1%2F101110606347&label=Case+Filing

⁴⁶ <https://storage.courtlistener.com/recap/gov.uscourts.ilnd.371822/gov.uscourts.ilnd.371822.1029.0.pdf>

⁴⁷ <https://casetext.com/case/in-re-turk-antitrust-litig-1>

- Memorandum Opinion and Order Denying Defendants' Motion to Dismiss for Failure to State a Claim.⁴⁸
- 10/19/2020 - Memorandum Opinion and Order Denying in Part and Granting in Part Plaintiffs Motion to Dismiss.⁴⁹

Other Documents:

- 12/19/2019 - Original Complaint⁵⁰
- 01/28/2022 - Second Amended Complaint - Direct Purchaser Plaintiffs⁵¹
- 02/7/2022 - Third Amended Complaint - Commercial and Institutional Indirect Purchaser Plaintiffs⁵²
- 02/17/2023 – Fourth Amended Class Action Complaint⁵³

Current Status:

- Settlements
 - 02/3/2022 - Amended Order and Final Judgment Granting Direct Purchaser Plaintiffs' Motion for Final Approval of Settlement Defendants Tyson Foods, Inc., Tyson Fresh Meats, Inc., Tyson Prepared Foods, Inc., and the Hillshire Brands Company.⁵⁴
 - \$4.65 million⁵⁵
 - 02/10/2022 - Order and Final Judgment Granting Commercial and Institutional Indirect Purchaser Plaintiff (CIIPP) Settlement with Defendants Tyson Foods, Inc., Tyson Fresh Meats, Inc., Tyson Prepared Foods, Inc., and the Hillshire Brands Company.⁵⁶
 - 07/6/2021 - Tyson (Commercial and Institutional Indirect Purchaser Plaintiffs) \$1.75 million⁵⁷

⁴⁸ 642 F.Supp.3d 711; <https://casetext.com/case/in-re-turk-antitrust-litig>.

⁴⁹ <https://storage.courtlistener.com/recap/gov.uscourts.ilnd.371822/gov.uscourts.ilnd.371822.173.0.pdf>

The court stated:

"Plaintiffs have only adequately alleged a Sherman Act violation under a rule of reason analysis."

⁵⁰ https://storage.courtlistener.com/recap/gov.uscourts.ilnd.371822/gov.uscourts.ilnd.371822.1.0_1.pdf

⁵¹ <https://www.courtlistener.com/docket/16610105/387/in-re-turkey-antitrust-litigation/>

⁵² <https://www.courtlistener.com/docket/16610105/417/in-re-turkey-antitrust-litigation/>

⁵³ [In re TURKEY ANTITRUST Litigation. This Document Relates To: Commercial and Institutional Indirect Purchaser Plaintiff Action \(1:20-cv-02295\).. 2023 WL 4559649](#)

⁵⁴ <https://storage.courtlistener.com/recap/gov.uscourts.ilnd.371822/gov.uscourts.ilnd.371822.406.0.pdf>

⁵⁵ Amount from the Order Granting Direct Purchaser Plaintiff's Motion for an Award for Costs and Ongoing Litigation Expenses From the Tyson Settlement Fund, <https://storage.courtlistener.com/recap/gov.uscourts.ilnd.371822/gov.uscourts.ilnd.371822.367.0.pdf>

⁵⁶ <https://storage.courtlistener.com/recap/gov.uscourts.ilnd.371822/gov.uscourts.ilnd.371822.433.0.pdf>

⁵⁷ <https://turkeycommercialcase.com/Content/Documents/Settlement%20Agreement.pdf>

In re Cattle and Beef Antitrust Litigation,
0:22-md-03031, Consolidated Cases, No. 19-cv-1222, No. 19-cv-1129, No. 20-cv-
1319, No. 20-cv-1414 (D. Minn.).

Federal Claims:

- Conspiracy to unreasonably restrain trade, and to fix, raise, and stabilize the price of wholesale beef in violation of Section 1 of the Sherman Act, 15 U.S.C. §1.
- Violations of the Packers and Stockyards Act 7 U.S.C. §192 and §209 ("unfair, unjustly discriminatory, or deceptive trade practice," price fixing, restraint of trade, or creating a monopoly).

Recent Key Decisions:

- 09/14/2021- The court denied the Defendant's Motion to Dismiss except for some state law claims. The court allowed Sherman Act and Packers and Stockyards Act claims to proceed because there was enough "evidence at this stage to plausibly allege" a Sherman Act Section 1 violation.⁵⁸
- 8/17/2023 - The court granted Defendant's Motion to Dismiss, holding that, as to the Specht Class, the cow-calf rancher plaintiffs failed to establish antitrust standing under the Sherman Act and that antitrust standing was necessary to maintain a claim under the Packers and Stockyards Act. The court held that antitrust standing was necessary for state consumer protection claims and that the cow-calf rancher plaintiffs failed to state a claim under state law.⁵⁹
- 05/28/2024 - The court dismissed Indirect Seller Plaintiff *Specht* Class Sherman Act, PSA, and state antitrust and consumer protection claims for lack of antitrust standing. Defendants' Motion to Dismiss the Amended *Specht* Complaint is Granted. The Court also dismissed the remaining state law claims.⁶⁰

Other Documents:

⁵⁸ In re Cattle Antitrust Litig., No. CV 19-1129 (JRT/HB), 2021 WL 7757881, at *1 (D. Minn. Sept. 14, 2021); <https://aglaw.psu.edu/wp-content/uploads/2022/09/In-re-DPP-Beef-Memo-Opinion-9.14.21.pdf>

⁵⁹ No. 22-cv-3031 and 22-cv-2903, 2023 WL 5310905 (JRT/JFD) (D. Minn. August 17, 2023) <https://casetext.com/case/in-re-cattle-beef-antitrust-litig-1>

⁶⁰ [In re Cattle & Beef Antitrust Litig., No. CV 22-2903, 2024 WL 2728280 \(D. Minn. May 28, 2024\)](#)

- 06/6/2020 - Original Complaint⁶¹
- 06/3/2022 - Transfer Order⁶²
- 10/4/2022 - Order for Consolidation⁶³
- 01/30/2023 - Amended Complaint - Direct Action Plaintiffs⁶⁴
- 10/1/2024 - Amended Complaint - Indirect Seller Plaintiffs⁶⁵

Current Status:

- 02/1/2022 – Direct Purchaser Class Final Settlement Agreement.⁶⁶
 - \$52.5 million Settlement Fund
- 08/31/2022 - The court issued an Order Granting Direct Purchaser Plaintiffs’ Motion for Final Approval of Class Action Settlement with JBS Defendants, No. 20-cv-1319 (D. Minn. August 31, 2022)⁶⁷
- 11/21/2023 - The court granted commercial and institutional indirect purchaser plaintiffs’ motion for final approval of the class action settlement with defendants JBS USA Food Company, Swift Beef Company, JBS Packerland, Inc., and JBS S.A.⁶⁸
- 09/30/2024- Memorandum Opinion and Order Granting Plaintiffs Leave to Amend First Amended Complaint to include a new class: Backgrounder/ Stockers class (Indirect sellers just one step removed; not cow-calf producers).⁶⁹
- 10/04/2024 - McDonald's Corporation v. Cargill, Inc., 1:24-cv-07017, (E.D.N.Y) complaint against Cargill Meat Solutions Corporation, Cargill, Inc., JBS Packerland, Inc., JBS S.A., JBS USA Food Company, National Beef Packing Company, Swift Beef Company, Tyson Foods, Inc., Tyson Fresh Meats, Inc.⁷⁰
 - 10/16/2024 - Case transferred out to the U.S. District Court of Minnesota as case 0:24-cv-03937⁷¹
 - 10/16/2024 - Consolidated with *In re: Cattle and Beef Antitrust Litigation*⁷²

⁶¹ https://storage.courtlistener.com/recap/gov.uscourts.mnd.188051/gov.uscourts.mnd.188051.1.0_1.pdf

⁶² <https://storage.courtlistener.com/recap/gov.uscourts.mnd.201247/gov.uscourts.mnd.201247.1.0.pdf>

⁶³ https://storage.courtlistener.com/recap/gov.uscourts.mnd.201247/gov.uscourts.mnd.201247.21.0_1.pdf

⁶⁴ <https://storage.courtlistener.com/recap/gov.uscourts.mnd.201247/gov.uscourts.mnd.201247.132.0.pdf>

⁶⁵ <https://storage.courtlistener.com/recap/gov.uscourts.mnd.201247/gov.uscourts.mnd.201247.917.0.pdf>

⁶⁶ <https://beefdirectpurchasersettlement.com/docs/Court%20Docs/Settlement%20Agreement.pdf>

⁶⁷ <https://aglaw.psu.edu/wp-content/uploads/2022/09/In-re-DPP-Beef-Antitrust-Litigation-Order-8.31.22.pdf>

⁶⁸ No. 22-cv-3031, 2023 WL 8098642 (JRT/JFD) (D. Minn. Nov. 21, 2023). <https://casetext.com/case/in-re-cattle-beef-antitrust-litig-2>

⁶⁹ *In re Cattle & Beef Antitrust Litig.*, No. CV 22-2903, 2024 WL 4355119 (D. Minn. Sept. 30, 2024);

<https://www.courtlistener.com/docket/63363039/914/in-re-cattle-and-beef-antitrust-litigation/>

⁷⁰ <https://www.courtlistener.com/docket/69227716/1/mcdonalds-corporation-v-cargill-inc/>

⁷¹ https://www.pacermonitor.com/public/case/55340226/McDonalds_Corporation_v_Cargill,_Inc_et_al

⁷² <https://www.law360.com/cases/670fe8644a934601de8280f1/dockets>

- 11/19/2024 - Hearing on Motion to Enforce Settlement and Summary Dismissal of Sysco Corporation's Claims filed by JBS S.A., JBS Packerland, Inc., Swift Beef Company, JBS USA Food Company.⁷³

U.S. v. Agri Stats, Inc.,
0:23-cv-03009 (D.Minn.).

Claims:

- Facilitating the sharing of "competitively sensitive information" between meat processors, unreasonably restraining trade, suppressing competition, increasing prices and reducing output" in violation of Section 1 of the Sherman Act, 15 U.S.C. §1.

Key Decisions:

- 05/28/2024 - Order Denying Defendant's Motion to Transfer and Denying Defendant's Motion to Dismiss⁷⁴
- 05/17/2024 – Order Denying Motion to Stay Discovery⁷⁵

Other Documents:

- 09/28/2023 – Complaint filed by the U.S. Department of Justice against Agri Stats, Inc. in the United States District Court for the District of Minnesota.⁷⁶
- 11/06/2023 – Amended Complaint
 - Filed by the United States of America, the State of Minnesota, the State of California, the State of North Carolina, and the State of Tennessee.⁷⁷
- 11/15/2023 – Second Amended Complaint⁷⁸
 - Adds the State of Texas and the State of Utah as plaintiffs.

Current Status

⁷³ <https://www.law360.com/cases/629e2b11216b7601866ef0fe/dockets?page=1>

⁷⁴ <https://www.courtlistener.com/docket/67840811/118/united-states-v-agri-stats-inc/>

⁷⁵ <https://www.courtlistener.com/docket/67840811/117/united-states-v-agri-stats-inc/>

⁷⁶ <https://www.justice.gov/d9/2023-10/416782.pdf>

⁷⁷ <https://www.justice.gov/d9/2023-11/417694.pdf>

⁷⁸ <https://www.justice.gov/d9/2023-11/418025.pdf>

- 06/26/2024 – Order for Settlement Conference⁷⁹
 - Settlement Conference scheduled for 2/11/25 and 2/12/25

Potato Cartel Cases,
N.D. Ill. (Nov. 2024).

Claims:

- Violation of Sections 1 and 3 of the Sherman Act, 15 U.S.C. §§ 1, 3 by agreeing to "fix, raise, stabilize, or maintain" prices and restraining competition in the frozen potato products market.

Key Decisions:

- None yet.

Other Documents:

- Redner's Markets, Inc. v. Lamb Weston Holdings, Inc. et al
 - 11/15/2024 – Class Action Complaint filed by Redner's Markets, Inc.; Jury Demand⁸⁰
- Govea v. National Potato Promotion Board d/b/a Potatoes USA et al
 - 11/17/2024 – Class Action complaint filed by Alexander Govea; Jury Demand.⁸¹
- Pollack v. Cavendish Farms, Ltd. et al
 - 11/18/2024 – Complaint filed by Karen Pollack; Jury Demand.⁸²
 - 11/22/2024 - Summons Issued as to Defendants Cavendish Farms, Inc., Cavendish Farms, Ltd., J.R. Simplot Company, Lamb Weston BSW, LLC, Lamb Weston Holdings, Inc., Lamb Weston Sales, Inc., Lamb Weston, Inc., McCain Foods USA, Inc., McCain Foods, Ltd.⁸³

Current Status:

⁷⁹ <https://www.courtlistener.com/docket/67840811/125/united-states-v-agri-stats-inc/>

⁸⁰ <https://www.law360.com/cases/6737caf5d34bc27c67a5e391/dockets?page=2>
<https://storage.courtlistener.com/recap/gov.uscourts.ilnd.468365/gov.uscourts.ilnd.468365.1.0.pdf>

⁸¹ <https://www.law360.com/cases/673a7a89b2997613df626539/dockets>

⁸² <https://www.law360.com/cases/673bcda0b60ac003b6514c38/dockets?page=2>

⁸³ <https://www.law360.com/cases/673bcda0b60ac003b6514c38/dockets?page=1>

- Plaintiff Pollack has petitioned the court to designate the Pollack and Redner cases as related and reassigned to the same judge.⁸⁴

U.S. v. Cargill Meat Solutions,
No. 22-cv-1821 (D. Md.).

Claims:

- Violation of Section 1 of the Sherman Act, 15 U.S.C. §1 by engaging in an anticompetitive agreement and unlawful restraint of trade regarding compensation for workers.⁸⁵
- Violation of Section 202(a) of the Packers and Stockyards Act, 7 U.S.C. 192(a) by using "deceptive practices" regarding grower contracts.⁸⁶

Key Decisions:

- 04/09/2024 - Modified Final Judgement⁸⁷
 - Restitution \$15 million for Cargill Meat Solutions, \$38.3 million for Sanderson, and \$31.5 million for Wayne.
- 04/09/2024 - Modified Final Judgement - Georges⁸⁸
 - \$5.8 million
- 06/05/2023 - Final Judgment - Webber, Meng, Sahl & Company and G. Jonathan Meng⁸⁹

Other Documents:

- 07/25/2022 - Complaint⁹⁰

Current Status:

- The Cargill, Sanderson, Wayne and Georges settlements prohibit direct or indirect communications with poultry processors about worker compensation and expire 7

⁸⁴ <https://storage.courtlistener.com/recap/gov.uscourts.ilnd.468365/gov.uscourts.ilnd.468365.9.0.pdf>

⁸⁵ <https://www.justice.gov/media/1238931/dl?inline>

⁸⁶ <https://www.justice.gov/media/1238931/dl?inline>

⁸⁷ <https://www.justice.gov/d9/2024-08/424533.pdf>

⁸⁸ <https://www.justice.gov/d9/2024-08/424531.pdf>

⁸⁹ <https://www.justice.gov/d9/2023-11/418171.pdf>

⁹⁰ <https://www.justice.gov/media/1238931/dl?inline>

years from date of entry or after 3 years, it “may be terminated upon notice” by the court, if “no longer necessary or in the public interest.”⁹¹

- Sanderson and Wayne cannot “reduce the Base Payment made to any Grower supplying broiler chicken to the Settling Defendants as a result of that Grower’s performance or as a result of the Grower’s performance in comparison with the performance of other Growers supplying the Settling Defendants.” They can still offer up to a certain amount of incentive pay to growers within the stipulations of the final judgement. They also cannot retaliate against any grower who reports concerns to the government appointed compliance monitor or other government agency. The companies are also required to follow the grower disclosure contract requirements in the transparency rules finalized by USDA.⁹²
- The Webber, Meng, Sahl & Company settlement prohibits providing services “directly or indirectly” for the purpose of exchanging “Confidentially Competitively Sensitive Information.” It prohibits joining any meeting “of members of the same trade, industry, or profession” that is not open to the public” if the meeting relates to poultry processing or exchange of "Confidentially Competitively Sensitive Information." It also prohibits accepting "Confidentially Competitively Sensitive Information" from any poultry processor or its representative and participating in any non-public discussion of compensation in the poultry processing industry.

In Re: Packaged Seafood Products Antitrust Litigation, 3:15-md-02670 (S.D. Cal.).

Federal Claims:

- Conspiracy to restrain trade and fix prices of packaged seafood products in violation of Sections 1 and 3 of the Sherman Act, 15 U.S.C. §§1, 3.

Key Decisions:

⁹¹ <https://www.justice.gov/d9/2024-08/424533.pdf>
<https://www.justice.gov/d9/2024-08/424531.pdf>

⁹² <https://www.justice.gov/atr/media/1365521/dl?inline>

- 11/16/2021 - Order Granting in Part and Denying in Part Direct Action Plaintiffs and End Purchaser Plaintiffs Motions for Partial Summary Judgment Against Starkist Company Based on Guilty Pleas and Admissions in Parallel Criminal Proceedings⁹³
- 03/21/2022 - Order (1) Granting Plaintiffs Motion for Reconsideration; (2) Vacating Order Granting Defendants Motion to Dismiss; (3) Denying Defendants Motion to Dismiss; and (4) Denying as Moot Plaintiffs Motion for Certification of Rule 54(B) Judgment and The Parties Joint Motion To Seal.⁹⁴
- 04/18/2022 - Order denying Defendants’ Motion for Partial Summary Judgment on Plaintiffs' gear-type claims⁹⁵
- 07/19/2022 - Order denying Defendants’ motion for partial summary judgment against Plaintiffs' private label claims.⁹⁶
- 10/19/2022 - Order granting in part and denying in part Defendants’ Motion for Summary Judgment on certain State Law Claims⁹⁷
- 04/21/2023 - Order granting 2023 Starkist Co., Del Monte Corporation, and Dongwon Industries Co., Ltd's Motion for Partial Summary Judgment dismissing all claims for purchases made prior to May 30, 2011⁹⁸
- 08/18/2023 - Order granting in part and denying in part The Lion Companies' Motion For Summary Judgment⁹⁹

Other Documents:

- 10/05/2018 – Amended Complaint with Jury Demand Direct Purchaser Plaintiffs' Fourth Amended Consolidated Class Action Complaint against Big Catch Cayman LP, Bumble Bee Foods LLC, Chicken of the Sea International, Inc., Dongwon Industries Co., Ltd., Lion Capital (Americas), Inc., Lion Capital LLP, Starkist Company, Thai Union Group Public Company, Ltd., Tri-Union Seafoods LLC (doing business as Chicken of the Sea International, Inc.), filed by Piggly Wiggly Alabama Distributing Co., Inc., Olean Wholesale Grocery Cooperative, Inc., Central Grocers,

⁹³ <https://www.courtlistener.com/docket/4193574/2654/in-re-packaged-seafood-products-antitrust-litigation/>

⁹⁴ <https://www.courtlistener.com/docket/4193574/2781/in-re-packaged-seafood-products-antitrust-litigation/>

⁹⁵ <https://www.courtlistener.com/docket/4193574/2809/in-re-packaged-seafood-products-antitrust-litigation/>

⁹⁶ <https://www.courtlistener.com/docket/4193574/2873/in-re-packaged-seafood-products-antitrust-litigation/>

⁹⁷ <https://www.courtlistener.com/docket/4193574/2925/in-re-packaged-seafood-products-antitrust-litigation/>

⁹⁸ <https://www.courtlistener.com/docket/4193574/3051/in-re-packaged-seafood-products-antitrust-litigation/>

⁹⁹ <https://www.courtlistener.com/docket/4193574/3103/in-re-packaged-seafood-products-antitrust-litigation/>

Inc., Benjamin Foods LLC, Trepco Imports and Distribution LTD, Pacific Groservice Inc.¹⁰⁰

- 10/05/2018 – Amended Complaint with Jury Demand Sixth Amended Consolidated Class Action Compliant of the Indirect Purchaser End Payer Plaintiffs against All Defendants¹⁰¹
- 10/05/2018 – Amended Complaint with Jury Demand Commercial Food Preparer Plaintiffs' Fourth Amended Complaint against Big Catch Cayman LP, Bumble Bee Foods LLC, Del Monte Corporation, Dongwon Industries Co., Ltd., Lion Capital (Americas), Inc., Lion Capital LLP, Starkist Company, Thai Union Group Public Company, Ltd., Tri-Union Seafoods LLC, filed by Harvesters Enterprises, LLC, Rushin Gold, LLC, Painted Plate Catering, Sandee's Catering, Francis T Enterprises, Lesgo Personal Chef LLC, Maquoketa Care Center, GlowFisch Hospitality, Groucho's Deli of Five Points, LLC, Groucho's Deli of Raleigh, A-1 Diner, Thyme Cafe & Market, Inc., Capitol Hill Supermarket, Confetti's Ice Cream Shoppe, Janet Machen, Erbert & Gerbert's, Inc., Dutch Village Restaurant, SIMON-HINDI, LLC.¹⁰²

Current Status:

- 08/23/2024 - Order Granting End Payer Plaintiffs Motion For Preliminary Approval of Class Action Settlements¹⁰³
 - StarKist settlement amount is \$130,000,000
 - Lion Companies Settlement Agreement amount is \$6,000,000
- 08/23/2024 - Order Granting Direct Purchaser Plaintiffs Motion For Preliminary Approval of Settlements¹⁰⁴
 - “total value of the settlement agreements with COSI and TUG, StarKist and DWI, and the Lion Companies is \$83,701,961.86 (including a partial reimbursement of fees and advanced costs from the COSI settlement)”¹⁰⁵

¹⁰⁰ <https://www.courtlistener.com/docket/4193574/1460/in-re-packaged-seafood-products-antitrust-litigation/>

¹⁰¹ <https://www.courtlistener.com/docket/4193574/1461/in-re-packaged-seafood-products-antitrust-litigation/>

¹⁰² <https://www.courtlistener.com/docket/4193574/1470/in-re-packaged-seafood-products-antitrust-litigation/>

¹⁰³ <https://www.courtlistener.com/docket/4193574/3302/in-re-packaged-seafood-products-antitrust-litigation/>

¹⁰⁴ <https://www.courtlistener.com/docket/4193574/3303/in-re-packaged-seafood-products-antitrust-litigation/>

¹⁰⁵ <https://www.courtlistener.com/docket/4193574/3303/in-re-packaged-seafood-products-antitrust-litigation/>. Pg. 13.

- 11/15/2024 – Order Granting Commercial Food Preparer Plaintiffs’ Motion for Final Approval of Starkist and Lion Settlements¹⁰⁶
- 11/22/2024 - Order Granting End Payer Plaintiffs' Motion for Final Approval of Class Action Settlements and Judgment.¹⁰⁷
- 11/22/2024 - Order Granting Direct Purchaser Plaintiffs' Motion for Final Approval of Class Action Settlement¹⁰⁸
- 11/25/2024 – Order Granting Plaintiff’s Motion for Suggestion of Remand re 3314¹⁰⁹
 - Associated Wholesale Grocers, Inc. v. Bumble Bee Foods LLC et al., Case No. 18cv1014-JLS-MDD remanded to the United States District Court for the District of Kansas

This information is provided by the [Food & Agriculture Impact Project](#) at the University of Arkansas School of Law.



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¹⁰⁶ <https://www.courtlistener.com/docket/4193574/3323/in-re-packaged-seafood-products-antitrust-litigation/>

¹⁰⁷ <https://casetext.com/case/in-re-packaged-seafood-prods-antitrust-litig-61>

<https://storage.courtlistener.com/recap/gov.uscourts.casd.490709/gov.uscourts.casd.490709.3327.0.pdf>

¹⁰⁸

<https://storage.courtlistener.com/recap/gov.uscourts.casd.490709/gov.uscourts.casd.490709.3326.0.pdf>

¹⁰⁹ https://www.law360.com/dockets/download/674502d556434c05cda118d3?doc_url=https%3A%2F%2Fcf.casd.uscourts.gov%2Fdoc1%2F037120719556&label=Case+Filing