

**UNITED STATES DISTRICT COURT  
IN THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: PROCESSED EGG PRODUCTS  
ANTITRUST LITIGATION**

**MDL No. 2002  
Case No: 08-md-02002**

**THIS DOCUMENT APPLIES TO :  
*ALL DIRECT PURCHASER ACTIONS***

**[AMENDED PROPOSED] ORDER APPROVING DISSEMINATION OF  
COMBINED CLASS NOTICE OF:**

- (A) CERTIFICATION OF THE SHELL EGG LITIGATION CLASS;**
- (B) THE PROPOSED MICHAEL FOODS, INC. SETTLEMENT  
AGREEMENT; AND**
- (C) THE CLAIMS PROCESS FOR SETTLEMENT AGREEMENTS WITH  
UNITED STATES EGG MARKETERS, UNITED EGG PRODUCERS,  
HILLANDALE FARMS OF PA., INC., HILLANDALE-GETTYSBURG,  
L.P., MIDWEST POULTRY SERVICES, L.P., NATIONAL FOODS  
CORPORATION, AND NUCAL FOODS, INC.**

It is hereby ORDERED AND DECREED as follows:

1. The motion of Direct Purchaser Plaintiffs (“Plaintiffs”) for approval of the proposed plan for and manner of dissemination of combined Notice of the Certification of the Shell Egg Litigation Class, of the Proposed Settlement Agreement between Michael Foods, Inc. (“MFI”) and Plaintiffs, and of the claims process for the previously finally approved settlement agreements between Plaintiffs and United States Egg Marketers, United Egg Producers, Hillandale Farms of Pa., Inc. and Hillandale-Gettysburg, L.P., Midwest Poultry Services L.P., National Foods Corporation, and NuCal Foods, Inc. (collectively, the “Previously Approved Settlements”) is hereby APPROVED.

- a. The Notice Plan proposed by Direct Purchaser Plaintiffs as described herein, which includes Direct Mail Notice, Publication Notice, an internet advertising campaign, a website, and a toll-free hotline, is “the best notice that is practicable under the circumstances,” as required by Fed. R. Civ. P. 23(c)(2)(B);
  - b. The manner of providing notice to all class members who would be bound by the Notice Plan is “reasonable,” as required by Fed. R. Civ. P. 23(e).
2. Garden City Group (“GCG”) is hereby appointed as Claims Administrator for the MFI Settlement and is approved to implement the Notice Plan and to administer claims under the MFI Settlement, having been previously appointed to do so for the Previously Approved Settlements.

### **NOTICE PLAN**

3. Within 24 days of the entry of this Order, GCG shall send notice of the certification of the Litigation Class, the MFI Settlement Agreement, and of the claims process for the MFI Settlement and for the Previously Approved Settlements, along with a claim form for those settlements, by U.S. First Class mail, postage prepaid, to all individuals and entities whose names and addresses were previously produced by Defendants to GCG (Direct Mail Notice) or which were obtained by GCG through administration of prior settlements in this Action and who are not facially ineligible under the settlements. The Direct Mail Notice and Claim Form shall be in substantially the same format as those attached as Exhibits C and D to the Affidavit of Shandarese Garr in support of Plaintiffs’ Motion for Approval of the Combined Notice Plan (ECF No. 1499-3) (“Garr Affidavit”).

4. Within 7 days of this Order’s entry, GCG shall publish the Direct Mail Notice and the Claim Form, relevant Court documents, the MFI Settlement Agreement, the Court’s Order

regarding certification of a Shell Egg Litigation Class, the Court's Order preliminarily approving the Michael Foods Settlement, any Settlement updates, and updated answers to "Frequently Asked Questions" at [www.eggproductssettlement.com](http://www.eggproductssettlement.com).

5. Within 7 days of this Order's entry, GCG will staff a toll-free hotline, (866) 881-8306, to answer any potential class members' questions.

6. GCG shall publish Summary Notice (or "Publication Notice") in substantially the same format as Exhibit E to the Garr Affidavit as follows:

- a. Within 21 days of this Order's entry, on one occasion, in the National Edition of the Wall Street Journal, on one-eighth of one page;
  - b. Commencing within 45 days of this Order's entry (or as close thereto as publication schedules permit) and completed within 75 days, on one occasion, in the following industry publications: *Convenience Store News*, *Progressive Grocer*, *Supermarket News*, *Food Service Director*, *Restaurant Business*, *Nation's Restaurant News*, *Food Processing*, *Bake*, *Pet Food Industry*, and *Egg Industry Magazine*; and
  - c. Within 14 days of this Order's entry, GCG shall issue press releases, consisting of substantially the same language of the Publication Notice, through (i) PR Newswire's US1 List and Restaurant and Food Industry Microlist; and (ii) National Hispanic Newslines.
7. Within 21 days of this Order's entry, GCG shall implement the keyword search advertising campaign described in the Garr Affidavit, on one or more leading search engines.
8. Commencing within 24 days of this Order's entry (or as close thereto as publication schedules permit) and completed within 75 days, GCG shall publish internet banner

ads linked to the Settlement Website, in substantially the same format as attached as Exhibit F to the Garr Affidavit, as follows:

- a. On the Wall Street Journal Digital Network websites for a period of four weeks;
  - b. On the following trade-related websites for a period of four weeks:  
hotelfandb.com, bakingbusiness.com, and foodprocessing.com; and
  - c. In the following trade e-newsletters for one-time insertion except as noted:  
*Restaurant Business Weekly Recap, Nation's Restaurant News's NRN A.M., FoodService Director Updates, Today in Food Manufacturing, SN Daily, Stores Weekly (two insertions), and Watt Poultry Update;*
9. Within 90 days of this Order's entry, Plaintiffs shall file an affidavit prepared by GCG that details the process engaged in by GCG to effect the Notice Plan, and confirms that the requirements regarding Direct Mail Notice, Publication Notice, the website, the toll-free hotline, the internet banner ad campaign, and the keyword search advertising campaign have been completed in accordance with this Order.

#### **SIGNIFICANT DATES**

1. Objections to the Michael Foods Settlement: Must be postmarked within 105 days of entry of this Order, and if such date falls on a Sunday or Holiday, on the next business day (exact date to be inserted in Direct Mail Notice and Publication Notice).
2. Requests for Exclusion from the Michael Foods Settlement: Must be postmarked within 105 days of entry of this Order, and if such date falls on a Sunday or Holiday, on the next business day (exact date to be inserted in Direct Mail Notice and Publication Notice).

3. Plaintiffs' Motion for and Award of Attorneys' Fees and Reimbursement of Costs:

Must be filed within 75 days of entry of this Order, and promptly published on the

[www.eggproductssettlement.com](http://www.eggproductssettlement.com) website.

4. Motion for Final Approval of the Michael Foods Settlement: Must be filed within

115 days from entry of this Order.

5. Fairness Hearing: November [6-10, 2017], at \_\_:\_\_\_.m., United States District

Court, Eastern District of Pennsylvania, 601 Market Street, Courtroom \_\_\_\_, Philadelphia, PA

19106-1797 (exact date to be inserted in Direct Mail Notice and Publication Notice). The date,

time, and location of this hearing are subject to change, and Class members are advised to check

[www.eggproductssettlement.com](http://www.eggproductssettlement.com) for any updates.

BY THE COURT:

\_\_\_\_\_  
Gene E.K. Pratter  
United States District Judge

Date:\_\_\_\_\_

UNITED STATES DISTRICT COURT  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of **Plaintiffs' [Amended Proposed] Order Approving Dissemination of Combined Class Notice** was served via electronic mail upon Liaison Counsel listed below and through this Court's ECF system.

**Liaison Counsel**

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***Defendants' Liaison Counsel***

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***Indirect Purchaser Plaintiffs' Liaison Counsel***

***Direct Action Plaintiffs' Liaison Counsel***

Date: June 20, 2017

BY: /s/ Mindee J. Reuben  
Mindee J. Reuben