

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

IN RE BROILER CHICKEN ANTITRUST
LITIGATION

No. 1:16-cv-08637

This Document Relates To:

Honorable Thomas M. Durkin

End-User Consumer Plaintiffs Action

**DECLARATION OF BRIAN DEVERY IN SUPPORT OF END-USER CONSUMER
PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENTS**

I, Brian Devery, hereby declare as follows:

1. I am a Client Services Director at the class action notice and settlement administration division of A.B. Data, Ltd. ("A.B. Data"). I am fully familiar with the facts contained herein based upon my personal knowledge, and if called as a witness, could and would testify competently thereto. I submit this declaration at the request of Co-Lead Counsel in connection with the above-captioned action (the "Action").

2. A.B. Data has been acting as the notice and settlement administrator for this Action. In that role, A.B. Data has successfully executed multiple Court-approved notice plans in this matter, as detailed in the previous Declaration of Eric Schachter in Support of Plaintiffs' Motion to Approve the Manner and Form of Class Notice dated June 22, 2021 (Dkt. No. 4921-2) (the "Notice Declaration"), as well as the Declaration of Eric Schachter in Support of Direct Purchaser Plaintiffs' Motion for Final Approval of Settlements with Defendants House of Raeford and Koch dated July 10, 2024 (Dkt. No. 7317). Pursuant to the Court's Order regarding June 30, 2025 hearing on final approval of settlements with Claxton, Foster Farms, House of Raeford, Koch Foods, Mountaire, O.K. Foods, Perdue, Sanderson, Simmons, and Wayne Farms,

dated February 11, 2025 (Dkt. No. 7499), A.B. Data was responsible for implementing the Court-approved notice plan for the most recent settlements. The notice plan was designed to provide notice to potential settlement class members. The Settlement Class is defined as follows:

All persons and entities who indirectly purchased the following types of raw chicken, whether fresh or frozen: whole birds (with or without giblets), whole cut-up birds purchased within a package, breast cuts or tenderloin cuts, but excluding chicken that is marketed as halal, kosher, free range, organic, diced, minced, ground, seasoned, flavored or breaded—from defendants or co-conspirators for personal consumption in the Repealer Jurisdictions from January 1, 2012 to July 31, 2019.¹

3. As detailed in the Notice Declaration, the notice plan featured a combination of: i) direct email notice to potential settlement class members; ii) a digital advertising campaign on numerous digital and social media platforms; iii) a news release disseminated via *PR Newswire*; and iv) a toll-free telephone number and case-specific website to address potential settlement class member inquiries.

4. As a result of these efforts, a total of 10,417,964 claims from potential settlement class members have been submitted as of June 4, 2025, though these claims must still be processed to identify fraudulent markers, *see* Declaration of Eric Schachter in Support of Plaintiffs’ Motion to Approve the Manner and Form of Class Notice dated Jan. 29, 2025 (Dkt. No. 7495-2). A.B. Data expects additional claims to be submitted until the claims period closes, on July 31, 2025.

¹ The “Repealer Jurisdictions” are California, District of Columbia, Florida, Hawaii, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, and Wisconsin.

DIRECT NOTICE

5. As detailed in the Notice Declaration, A.B. Data obtained from Co-Lead Counsel contact information for potential settlement class members provided by third parties that had been subpoenaed from grocery stores and club stores. A.B. Data also had access to contact information for potential class members who had already submitted claims in the litigation. A.B. Data electronically processed all potential settlement class member contact information to consolidate duplicate records and ultimately load all unique potential settlement class member names and contact information into our secure notice database for purposes of providing notice.

6. On March 13, 2025, A.B. Data began to send the email notice to potential settlement class members with a known email address. To maximize deliverability, A.B. Data implemented several best practices such as ensuring no inclusion of words or phrases known to trigger SPAM or junk filters, not including attachments to the email, and sending the emails in tranches over a period of days. In total, A.B. Data sent the email notice to 28,353,987 unique email addresses. Based on our records, those emails were successfully delivered to 18,589,189 or 66% of the unique email addresses.

7. A true and correct copy of the email notice is attached as **Exhibit A**.

DIGITAL MEDIA

8. To supplement direct notice efforts, beginning on March 13, 2025, A.B. Data caused digital banner and newsfeed ads to appear on various websites and social media platforms. These banner ads were placed on the Google Display Network and on social media channels such as Facebook, Instagram, and YouTube. These ads appeared in both English and Spanish, and on both desktop and on mobile formats.

9. Targeted advertisements were delivered to potential settlement class members using their known contact information and to digital users who expressed an interest related to

the subject of this case, such as cooking. These ads were placed in “premium positioning” on websites and social media sites, and were specifically designed to be readable, noticeable, and widely disseminated.

10. A.B. Data also used Google AdWords to place sponsored search listings to direct potential settlement class members to the settlement website when users searched for target phrases and keywords relevant to the action to assist potential settlement class members with finding and accessing the settlement website.

11. Over 330 million impressions have been delivered, resulting in over 89,000 engagements and/or conversions across Google Display Network, Google AdWords, Facebook, Instagram, and YouTube. A case-specific Facebook page was also created as a landing page for the links in the Facebook and Instagram newsfeed ads. A sampling of the digital banner and newsfeed ads are attached as **Exhibit B**.

EARNED MEDIA

12. On March 13, 2025, A.B. Data caused the notice to be disseminated as a news release via *PR Newswire*’s US1 Newswire distribution list. This news release was distributed via *PR Newswire* to the news desks of approximately 10,000 newsrooms, including those of print, broadcast, and digital websites across the United States. The news release was also translated and published to *PR Newswire*’s U.S. Hispanic media contacts and Hispanic news websites. A copy of the news release is attached as **Exhibit C**.

13. News about the settlements was also broadcast to the news media via X (formerly known as Twitter). It was tweeted from *PR Newswire*’s and A.B. Data’s X accounts to thousands of media outlets, journalists, and other followers.

WEBSITE AND TELEPHONE

14. To assist potential settlement class members in understanding the terms of the settlements and their rights, A.B. Data updated the case-specific website (www.overchargedforchicken.com) and the prerecorded information on the case-specific toll-free telephone number (877-888-5428).

15. The dedicated toll-free telephone number has an automated interactive voice response system that presents callers with a series of choices to hear prerecorded information. It provides updated information about the proposed settlements and class members' rights and options.

16. The case-specific website for this matter provides, among other things, a summary of the case, all relevant documents, important dates, any pertinent updates concerning the litigation and the settlement process, and functionality for potential class members to submit claim forms online. The website notice, which contains a detailed summary of the terms of the proposed settlements in both English and Spanish, is posted prominently. Copies of the long-form notice in English and Spanish are attached as **Exhibit D** and **Exhibit E**, respectively. As of June 4, 2025, the website has 33,744,344 hits.

17. On April 29, 2025, A.B. Data posted the End-User Consumer Plaintiffs' Second Motion for an Award of Attorneys' Fees, Expenses, and Class Representative Awards and associated documents to the website. On May 1, 2025, A.B. Data posted the End-User Consumer Plaintiffs' Corrected Second Motion for an Award of Attorneys' Fees, Expenses, and Class Representative Awards and associated documents.

REQUESTS FOR EXCLUSION AND OBJECTIONS

18. The notices provide that settlement class members may request exclusion from some of the new settlements by sending a written request to the settlement administrator that was

postmarked by May 12, 2025. As of the date of this declaration, A.B. Data has received requests for exclusion from the Settlement Class from four class members, one of whom submitted two duplicate requests. As stated in prior declarations, A.B. Data previously received 18 opt-out requests. In total, 22 class members have requested exclusion. A chart showing the claim ID, names, and postmark date of each request is attached as **Exhibit F**.

19. The deadline to object to the Settlement was May 12, 2025. The Notice informed settlement class members that objections were to be mailed to the Settlement Administrator and End-User Consumer Plaintiffs' Co-Lead Counsel. As of the date of this declaration, A.B. Data is aware of one objection postmarked after this deadline.

ESTIMATED COSTS OF ADMINISTRATION & PLAN OF DISTRIBUTION

20. A.B. Data will incur a total of \$892,780.00 in expenses and fees to complete its obligations. This includes its expenses thus far effectuating notice, including media placements, email notice to over 25 million potential class members, and implementing a targeted digital media campaign, as well as maintaining and updating the settlement website, corresponding with potential class members via phone and email, and overseeing and managing the project. It will also be processing and distributing the net settlement funds to class members who submit valid claims. Additionally, A.B. Data is partnering with a third-party service to review and validate claims to detect fraud, which is estimated to cost between \$450,000–\$900,000.

21. To reduce future costs and ease the distribution process for settlement class members, A.B. Data will be digitally sending settlement payments to each eligible claimant using the email address provided on the claim form. Each eligible claimant will be provided with a number of digital options to instantaneously receive their payment, such as ACH, a virtual debit card, or another ecommerce platform; it will also be possible to request a paper check by mail. A.B. Data has successfully used this digital distribution process in other large scale class

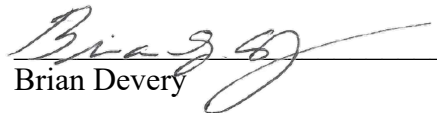
actions, including *In Re: Vizio, Inc., Consumer Privacy Litigation*, Case No. 8:16-ml- 02693 (C.D. Cal.) and *Solomon, et al. v. American Web Loan, Inc., et al.* No. 4:17-cv-0145 (E.D. Va.). Utilizing this digital distribution process saves the settlement class hundreds of thousands of dollars in print and postage costs associated with mailing traditional checks and provides a more seamless alternative for settlement class members by allowing for the instantaneous receipt of funds without having to go to a bank or another check cashing service. At the request of Class Counsel and to provide cost certainty to the parties, A.B. Data has agreed to cap all administrative costs for the new settlements at \$1,850,000.

CONCLUSION

22. It is my opinion, based on my individual expertise and experience and that of my A.B. Data colleagues, that the notice plan effectively reached an estimated 82.4% of the target audience and thus potential settlement class members, delivered plain language notices designed to capture potential settlement class members' attention, and provided them with the information in an informative and easy to understand manner that is necessary to effectively understand their rights and options.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of June, 2025 in Oakdale, New York.


Brian Devery