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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**IN RE: PACKAGED SEAFOOD
PRODUCTS ANTITRUST LITIGATION**

Case No. 15-MD-2670 DMS
(MDD)

This Document Relates To:
The Commercial Food Preparer Actions

**ORDER GRANTING
COMMERCIAL FOOD
PREPARER PLAINTIFFS'
MOTION FOR FINAL
APPROVAL OF PARTIAL
CLASS ACTION
SETTLEMENT WITH
CHICKEN OF THE SEA
INTERNATIONAL AND THAI
UNION GROUP PCL**

1 This Court has held a hearing on Commercial Food Preparer Plaintiffs’
2 Motion for Final Approval of Partial Class Action Settlement with Chicken of The
3 Sea International and Thai Union Group PCL (“Motion”) on August 19, 2022.
4 Commercial Food Preparer Plaintiffs (“CFPs”) have entered into a Settlement
5 Agreement with Defendants Tri-Union Seafoods LLC d/b/a Chicken of the Sea
6 (“COSI”) and Thai Union Group PCL (together, the “COSI Defendants”). The Court,
7 having reviewed the Motion, its accompanying memorandum and the exhibits
8 thereto, the Settlement Agreement, and all papers filed, hereby finds the Motion
9 should be **GRANTED**.

10 NOW, THEREFORE IT IS HEREBY ORDERED THAT:

11 1. The Court has jurisdiction over the subject matter of this litigation,
12 including the actions within this litigation, and over the parties to the Settlement
13 Agreement, including all members of the Settlement Class (also referred to herein
14 as the “Class”) and the COSI Defendants.

15 2. For the purposes of this Order, except as otherwise set forth herein, the
16 Court adopts and incorporates the definitions contained in the Settlement Agreement.

17 3. The Court affirms the appointment of Settlement Class Counsel for the
18 Settlement Class pursuant to Federal Rule of Civil Procedure 23(g). *See* Order
19 Granting Commercial Food Preparer Plaintiffs’ Motion for Preliminary Approval of
20 Proposed Settlement with Tri-Union Seafoods LLC d/b/a Chicken of The Sea
21 International and Thai Union Group PCL and Provisional Certification of Settlement
22 Class, ECF No. 2735, (hereinafter referred to as “Order Granting Preliminary
23 Approval”).

24 4. The Court affirms that following Settlement Class has been certified
25 solely for the purposes of the Settlement:
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1 All persons and entities in 27 named states¹ and D.C., that
2 indirectly purchased packaged tuna products produced in
3 packages of 40 ounces or more that were manufactured by
4 any Defendant (or any current or former subsidiary or any
5 Affiliate thereof) and that were purchased directly from
6 DOT Foods, Sysco, US Foods, Sam’s Club, Wal-Mart, or
7 Costco (other than inter-company purchases among these
8 distributors) from June 2011 through December 2016 (the
9 “Class Period”).

10 *See* Order Granting Preliminary Approval ¶ 4.

11 5. The Court further finds that the prerequisites to a class action under
12 Federal Rule of Civil Procedure are satisfied solely for settlement purposes in that:
13 (a) there are hundreds of geographically dispersed Settlement Class members,
14 making joinder of all Settlement Class members impracticable; (b) there are
15 questions of law and fact common to the Settlement Class that predominate over
16 individual issues; (c) the claims and defenses of the CFPs are typical of the
17 Settlement Class; (d) the CFPs will fairly and adequately protect the interests of the
18 Settlement Class, and have retained counsel experienced in antitrust class action
19 litigation who have and will continue to, adequately represent the Settlement Class;
20 and (e) a class action is superior to individual actions.

21 6. The Court hereby finally approves the Settlement Agreement and its
22 terms and finds that the Settlement is, in all respects, fair, reasonable, and adequate
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27 ¹ Arizona, Arkansas, California, Florida, Iowa, Kansas, Maine, Massachusetts,
28 Michigan, Minnesota, Mississippi, 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 Wisconsin.

1 pursuant to Federal Rule of Civil Procedure 23. Further, the Court directs
2 consummation of the Settlement Agreement according to its terms and conditions.

3 7. This Court hereby dismisses on the merits and with prejudice all claims
4 in the CFP action against the COSI Defendants, with each party to bear its own costs
5 and fees, including attorneys' fees, except as provided in the Settlement Agreement
6 and in CFPs' Motion for Costs in Conjunction with COSI Settlement.

7 8. The Releases in the Settlement Agreement are incorporated herein and
8 the Releasing Parties shall, by operation of law, be deemed to have released all
9 Released Parties from the Released Claims. All entities who are Releasing Parties or
10 who purport to assert claims on behalf of the Releasing Parties are hereby and
11 forever barred and enjoined from commencing, prosecuting, or continuing, against
12 the Released Parties, in this or any other jurisdiction, any and all claims, causes of
13 action or lawsuits, which they had, have, or in the future may have arising out of or
14 related to any of the Released Claims as defined in the Settlement Agreements.

15 9. The Released Parties are hereby and forever released and discharged
16 with respect to any and all claims or causes of action which the Releasing Parties
17 had, have, or in the future may have, arising out of or related to any of the Released
18 Claims as defined in the Settlement Agreement.

19 10. The notice given to the Settlement Class, including individual notice all
20 members of the Settlement Class who could be identified through reasonable efforts,
21 was the most effective and practicable under the circumstances. This notice provided
22 due and sufficient notice of proceedings and of the matters set forth therein,
23 including the proposed Settlement, to all persons entitled to such notice, and this
24 notice fully satisfied the requirements of Rules 23(c)(2) and 23(e)(1) of the Federal
25 Rules of Civil Procedure and the requirements of due process.

26 11. No objections to the Settlement have been filed.

27 12. Any member of the Settlement Class who failed to timely and validly
28 request to be excluded from the Settlement Class shall be subject to and bound by

1 the provisions of the Settlement Agreements, the Released Claims contained therein,
2 and this Order with respect to all Released Claims, regardless of whether such
3 members of the Settlement Class seek or obtain any distribution from the Settlement
4 proceeds. Persons or entities who timely and validly requested to be excluded from
5 the Settlement Class are listed in **Exhibit A** attached hereto. Such persons or entities
6 are not entitled to any recovery from the Settlement proceeds. Furthermore, nothing
7 in this Order shall be construed as a determination by this Court that any person or
8 entity satisfies the criteria for membership in the Settlement Class merely because it
9 filed a Request for Exclusion.

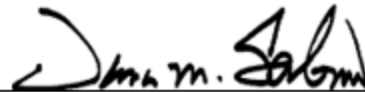
10 13. Without affecting the finality of this Final Judgment in any way, the
11 Court hereby retains continuing exclusive jurisdiction over: (a) consummation,
12 administration, and implementation of the Settlement Agreement and any allocation
13 or distribution to Settlement Class members pursuant to further orders from this
14 Court; (b) disposition of the Settlement proceeds; (c) hearing and determining
15 applications by Co-Lead Counsel for attorneys' fees, costs, expenses, and interest;
16 (d) the actions in this litigation until this Final Judgment has become effective and
17 each and every act agreed to be performed by the parties all have been performed
18 pursuant to the Settlement Agreement; (e) hearing and ruling on any matters relating
19 to any plan of allocation or distribution of proceeds from the Settlement; (f) the
20 parties to the Settlement Agreement for the purpose of enforcing and administering
21 the Settlement Agreement and the releases contemplated by, or executed in
22 connection with, the Settlement Agreement; (g) the enforcement of this Final
23 Judgment; and (h) over any suit, action, proceeding, or dispute arising out of relating
24 to the Settlement Agreement or the applicability of the Settlement Agreement that
25 cannot be resolved by negotiation and agreement.

26 14. COSI Defendants have served upon the appropriate state officials and
27 the appropriate federal official notice under the Class Action Fairness Act, 28 U.S.C.
28 § 1715.

1 15. The Court finds, pursuant to Rules 54(a) and (b) of the Federal Rules
2 of Civil Procedure, that judgment should be entered and further finds that there is no
3 just reason for delay in the entry of final judgment as to the parties to the Settlement
4 Agreements. Accordingly, the Clerk is hereby directed to enter this Order and Final
5 Judgment forthwith.

6 **IT IS SO ORDERED**

7 Dated: August 19, 2022



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10 Hon. Dana M. Sabraw, Chief Judge
11 United States District Court
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