

NOTICE UPDATE

If you bought Foodservice-Size Packaged Tuna Products (40 oz or greater) from DOT Foods, Sysco, US Foods, Sam's Club, Wal-Mart, or Costco from June 2011 through December 2016, your rights may be affected by an ongoing class action litigation.

A federal court authorized this notice. This is not a solicitation from a lawyer.

A lawsuit is pending in the United States District Court for the Southern District of California. The lawsuit is known as *In Re: Packaged Seafood Products Antitrust Litigation*, No. 15-MD-2670 DMS (MDD).

- The lawsuit claims that from June 2011 to December 2016, Defendants Tri-Union Seafoods LLC d/b/a Chicken of the Sea International (“COSI”) and Thai Union Group PCL (“TUG”) (together, “COSI Defendants”), StarKist Co. (“StarKist”) and its parent company, Dongwon Industries Co. Ltd (“DWI”), and Bumble Bee Foods, LLC (“Bumble Bee”), Lion Capital LLP (“Lion Capital”), Lion Capital (Americas), Inc. (“Lion America”), and Big Catch Cayman LP (“Big Catch”) participated in an unlawful conspiracy to raise, fix, maintain, or stabilize the price of Packaged Tuna products at an artificially high level in violation of antitrust and unfair competition laws.
- On July 30, 2019, the District Court certified a class of all persons and entities who reside in the District of Columbia and in the states of Arizona, Arkansas, California, Florida, Iowa, Kansas, Maine, Massachusetts, 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 (referred to as the “Commercial Food Preparer” or “CFPs”) who indirectly purchased packaged tuna products produced in packages of 40 ounces or more that were manufactured by any Defendant (or any current or former subsidiary or any affiliate thereof) and that were purchased directly from DOT Foods, Sysco, US Foods, Sam’s Club, Wal-Mart, or Costco (other than inter-company purchases among these distributors) from June 2011 through December 2016 (the “Class Period”). On April 8, 2022, the Ninth Circuit Court of Appeals affirmed the District Court’s order certifying a class for litigation (the “Litigation Class”). On November 14, 2022, the United States Supreme Court denied StarKist’s petition to appeal the Ninth Circuit’s decision, allowing the District Court’s order certifying the Class to stand.
- The Court has not decided whether Defendants alleged wrongdoing had any impact on the CFPs. Defendants deny the Commercial Food Preparer Plaintiffs’ allegations and have asserted defenses to their claims.
- COSI Defendants settled with the Commercial Food Preparer Plaintiffs to avoid litigation risks, costs, and inconvenience. Notice about the COSI Defendants’ settlement was already issued. This notice update has a dual purpose: to inform Settlement Class Members about the certification of the Litigation Class pursuing claims against the Non-Settling Defendants and of their opportunity to opt out of that class, if they choose to do so, and also to inform Settlement Class Members that the claims process for the COSI Defendants’ settlement is beginning now.
- Bumble Bee filed for bankruptcy protection. The litigation is continuing with StarKist, DWI, Lion Capital, Lion America, and Big Catch (the “Non-Settling Defendants”). The Court has indicated that it intends to set dates for the trial in the near future. Payments for the COSI Defendants’ settlement will be distributed *after* the trial with Non-Settling Defendants.
- Your legal rights are affected whether you act or don’t act. Please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THE PENDING CLASS ACTION LITIGATION		
<p>DO NOTHING</p>	<ul style="list-style-type: none"> • Stay in the Litigation Class and await the outcome. • You will receive no payment from the COSI Defendant settlement if you do not file a claim in the COSI Defendant settlement and were not sent a postcard showing your purchase values. • Give up your right to sue or continue to sue the Defendants on your own for your claims in this case. 	
<p>FILE A COSI SETTLEMENT CLAIM</p>	<ul style="list-style-type: none"> • If you want to participate in the COSI Defendant settlement, and have not received a postcard indicating your qualifying purchase values found in transactional data of DOT Foods and/or US Foods, you must file a claim by June 21, 2023. • If you file a valid and timely claim in the COSI Defendant settlement, your payment will be distributed AFTER the litigation with the Non-Settling Defendants is resolved. Please be patient. 	<p>Online or Postmarked by June 21, 2023</p>
<p>ASK TO BE EXCLUDED FROM THE LITIGATION CLASS (“OPT OUT”)</p>	<ul style="list-style-type: none"> • Remove yourself from the Litigation Class. • Keep your right to sue or continue to sue the Non-Settling Defendants for the claims in this case on your own. • Receive no payment from the litigation with the Non-Settling Defendants. • If you already opted out of the COSI Defendant settlement, and do not want to participate in the Litigation Class or any future Settlements or recoveries, you DO need to file another opt-out. 	<p>Postmarked by June 21, 2023</p>

- Your rights and options—and the deadlines to exercise them—are explained in this notice. The deadlines may be moved, canceled, or otherwise modified, so please check the case website, www.PackagedSeafoodAntitrustCFPClass.com, regularly for updates and further details.

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Basic Information

1. Why is there a notice?

This notice is to inform you that the District Court has allowed (or “certified”) a class action lawsuit that may affect you. You may be part of a class action lawsuit if you purchased Packaged Tuna Products in sizes of 40 ounces or greater between June 2011 and December 2016, from DOT Foods, Sysco, US Foods, Sam’s Club, Walmart, or Costco. If you are a Litigation Class Member, you have legal rights and options you may exercise before the Court holds a trial that will be set in the near future. At the trial, the Court will decide whether the allegations against Defendants on your behalf (as a member of a certified class) are proven to be true. The trial will be held in the United States District Court for the Southern District of California. The lawsuit is known as *In Re: Packaged Seafood Products Antitrust Litigation*, No. 15-MD-2670 DMS (MDD).

Those who sued are called the Commercial Food Preparer Plaintiffs. The companies they sued are called the Defendants. The Defendants include COSI, StarKist and its parent company, DWI, and Bumble Bee and its parent companies, Lion Capital, Lion America and Big Catch.

The Commercial Food Preparer Plaintiffs have already reached a settlement (the “COSI Settlement”) with COSI (the “Settling Defendants”). The COSI Settlement notice has already been issued. To file a claim in the COSI Settlement you need to act by the Claim Form deadline of June 21, 2023. Bumble Bee filed for bankruptcy protection. The litigation is continuing with StarKist, DWI, Lion Capital, Lion America, and Big Catch (the “Non-Settling Defendants”). This notice explains the lawsuit, certification of the Litigation Class by the Court, and your legal rights and options.

2. What is a class action and who is involved?

In a class action lawsuit, one or more people or businesses called class representatives sue on behalf of others who have similar claims, all of whom together are a “class.” Individual Litigation Class Members do not have to file a lawsuit to participate in the class action or be bound by the judgment in the class action. One court resolves the issues for everyone in the class, except for those who exclude themselves from the class (“opt out”).

3. Why is this lawsuit a class action?

The District Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. Specifically, the District Court found that:

- There are factual and legal questions that are common to each of the members of the Litigation Class;
- The Commercial Food Preparer Plaintiffs’ claims are typical of the claims of the rest of the Litigation Class;
- The Commercial Food Preparer Plaintiffs and the lawyers representing the Litigation Class will fairly and adequately represent the Litigation Class interests;
- The common legal questions and facts predominate over questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

Who Is Affected?

4. Am I part of the Litigation Class?

The Litigation Class includes all persons and entities who resided in Arizona, Arkansas, California, the District of Columbia, Florida, Iowa, Kansas, Maine, Massachusetts, 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, indirectly purchased packaged tuna products produced in packages of 40 ounces or more that were manufactured by any Defendant (or any current or former subsidiary or any affiliate thereof) and that were purchased directly from DOT Foods, Sysco, US Foods, Sam's Club, Wal-Mart, or Costco (other than inter-company purchases among these distributors) from June 2011 through December 2016 (the "Class Period"). The Litigation Class excludes the Court.

5. What if I am still not sure if I am included?

If you are still not sure whether you are included, you can visit www.PackagedSeafoodAntitrustCFPCClass.com, or call toll-free at 1-833-927-0821.

The Claims in the Lawsuit

6. What is this lawsuit about?

Commercial Food Preparer Plaintiffs allege that from June 2011 through December 2016, Defendants participated in an unlawful conspiracy to raise, fix, maintain, or stabilize the price of Packaged Tuna Products at an artificially high level in violation of antitrust and unfair competition laws.

On July 30, 2019, the District Court certified the Litigation Class and selected Cuneo Gilbert & LaDuca, LLP to act as Class Counsel; however, on April 6, 2021, a three-judge panel of the Ninth Circuit Court of Appeals vacated the District Court's order and remanded the case to the District Court for further consideration. On August 3, 2021, following a vote of non-recused active judges, the Court of Appeals vacated the April 6, 2021 decision, ordering that an eleven-judge panel rehear the case. On April 8, 2022, the Ninth Circuit Court of Appeals upheld the District Court's decision to certify the Class. On August 8, 2022, StarKist filed a petition with the United States Supreme Court to appeal the Ninth Circuit's decision upholding the District Court's decision to certify the Class. On November 14, 2022, the United States Supreme Court denied StarKist's petition, allowing the District Court's order certifying the Class to stand. The Court has indicated that it intends to set dates for the trial in the near future.

On November 10, 2021, the Court issued an order granting in part and denying in part plaintiffs' motion for summary judgment.

The Commercial Food Preparer Plaintiffs agreed to settle with COSI. On January 26, 2022, the Court preliminarily approved the COSI Settlement, and notice was disseminated. On August 22, 2022, the Court granted final approval of the COSI Settlement and certified the Settlement Class. Payments for the COSI Settlement will be distributed after the trial or settlement with Non-Settling Defendants.

7. How do Defendants respond?

Defendants deny the Commercial Food Preparer Plaintiffs' allegations and have asserted defenses to their claims. As noted above, StarKist filed a petition in the United States Supreme Court to appeal the Class Order on August 8, 2022; however, that petition was denied. The Court has indicated that it intends to set dates for the trial in the near future.

COSI settled with the Commercial Food Preparer Plaintiffs to avoid litigation risks, costs, and inconvenience. Payments for the COSI Settlement will be distributed *after* the trial or settlement with the Non-Settling Defendants.

8. Has the Court decided who is right?

The Court has not decided whether the Commercial Food Preparer Plaintiffs or Defendants are correct as to the extent of Defendants' conduct, or the impact of that conduct, if any, on the CFPs. By establishing the Class and issuing this Notice, the Court is not suggesting that the Commercial Food Preparer Plaintiffs will win or lose this case. The Commercial Food Preparer Plaintiffs must prove their claims at trial.

9. What are the Commercial Food Preparer Plaintiffs asking for?

The Commercial Food Preparer Plaintiffs are asking that the Non-Settling Defendants provide monetary damages to Litigation Class Members. Plaintiffs will also seek attorneys' fees and costs incurred in connection with the prosecution of this action.

As part of the COSI Settlement, COSI agreed to pay \$6.50 million to a Settlement Fund. A portion of the Settlement Fund will be used by the claims administrator to administer notice and claims in the COSI Settlement. Any monies remaining, after the costs of notice and claims administration as well as court-approved attorney fees, costs, and class representative incentive awards in the COSI Settlement are paid, will be distributed pro rata to valid qualifying CFP Settlement Class Members who filed a claim. Settlement Class Counsel requested, and the Court awarded, a distribution to cover litigation costs and class representative incentive awards. The approved motion for costs and incentive awards and the Court's Order can be viewed on the Settlement website.

10. Is there money available now?

If you have not received a postcard indicating your qualifying purchase values found in transactional data of DOT Foods and/or US Foods, then you must file a claim in order to receive money from the COSI Settlement. No money or benefits are available at this time from Non-Settling Defendants because the Court has not yet decided on the impact of the Non-Settling Defendants' alleged wrongdoing or whether Class Members are entitled to money or other benefits. There is no guarantee that additional money or benefits will be obtained. If they are, you will be notified about how to seek money or other benefits from the Non-Settling Defendants' lawsuit.

Money is available to Settlement Class Members who file a claim in the COSI Settlement. COSI Settlement Class Members who timely submitted a valid, approved claim are entitled to be treated equally and receive Settlement compensation on a *pro rata* basis such that the Settlement Fund is exhausted. The claims administrator will not distribute any money until all remaining claims against Non-Settling Defendants are resolved. Please be patient. If your address has changed, please inform the claims administrator to ensure any communications are sent to your current address.

Excluding Yourself from the Litigation Class

11. What does it mean if I exclude myself from the Litigation Class?

If you exclude yourself from the Litigation Class—which means to remove yourself from the Litigation Class, and is sometimes called “opting out” of the Class—you will not get any future money or benefits recovered in this lawsuit or from Non-Settling Defendants, even if the CFPs obtain them as a result of the trial. However, you may then be able to sue or continue to sue Non-Settling Defendants on your own regarding the claims in this matter. If you exclude yourself, you will not be legally bound by the Court’s judgments in this class action as it pertains to the Non-Settling Defendants.

If you start your own lawsuit against Non-Settling Defendants regarding the same claims in this matter after you exclude yourself, you will have to hire and pay your own lawyer for that lawsuit, and you will have to prove your claims.

The exclusion period for the COSI Settlement has passed. If you did not opt out of the COSI Settlement, you will continue to be bound by the Court’s approval of the Settlement and its terms even if you opt out of the Litigation Class. If you did exclude yourself from the COSI Settlement, you still must exclude yourself again if you do not want to be included in the Litigation Class.

12. If I don’t exclude myself from the Litigation Class, can I sue Non-Settling Defendants for the same thing later?

No. Unless you exclude yourself from the Litigation Class, you give up the right to sue Non-Settling Defendants for the legal claims in this case. All Court orders relating to legal claims against Defendants will apply to you and legally bind you. If you have your own pending lawsuit against any of the Defendants, speak to your lawyer in that lawsuit immediately to determine whether you must exclude yourself from the Litigation Class in order to continue your own lawsuit against Non-Settling Defendants.

13. What am I giving up by staying in the Litigation Class?

Unless you exclude yourself from the Litigation Class, you remain a Litigation Class Member. By staying in the Litigation Class, all Court orders relating to legal claims against Non-Settling Defendants will apply to you and legally bind you.

14. How do I exclude myself from the Litigation Class?

To exclude yourself or opt out from the Litigation Class, you must complete and mail to the claims administrator a written request for exclusion.

The request to opt out of the Litigation Class must include:

- Your full name, current address, and telephone number;
- A statement saying that you want to be excluded from the **CFP CLASS** in the *In Re: Packaged Seafood Products Antitrust Litigation*, No. 15-MD-2670 DMS (MDD); and
- Your signature.

You must mail your exclusion request, postmarked by **June 21, 2023** to:

Packaged Seafood Antitrust - CFP Class – EXCLUSION REQUEST
c/o Kroll Settlement Administration
P.O. BOX 5324
New York, NY 10150-5324

If you do not include the required information or timely submit your request for exclusion, you will remain a Litigation Class Member and you will be bound by the orders of the Court.

15. What if I already filed an opt-out or a claim in the COSI Settlement?

If you already opted out of the COSI Settlement, you DO need to file another opt-out in order to opt out of the Litigation Class.

The Lawyers Representing You

16. Do I have a lawyer in this case?

Yes. The Court has appointed the law firm of Cuneo Gilbert & LaDuca, LLP as Class Counsel on behalf of the Commercial Food Preparer Plaintiffs and Class Members. Contact information for Class Counsel is below:

Cuneo Gilbert & LaDuca, LLP
4725 Wisconsin Avenue, NW - Suite 200
Washington, DC 20016

Attn: Blaine Finley

If you wish to remain a Litigation Class Member, you do not need to hire your own lawyer because Class Counsel is working on your behalf. If you wish to pursue your own case separate from this one, or if you exclude yourself from the Litigation Class, Class Counsel will no longer represent you. You may need to hire your own lawyer if you wish to pursue your own lawsuit against any of the Defendants.

17. How will the lawyers be paid?

You will not have to pay any fees or costs out-of-pocket. Class Counsel reserve the right to seek an award of additional litigation costs and attorney fees, subject to Court approval, from any funds recovered from the Non-Settling Defendants through Settlement, trial, or judgment. Class Counsel further reserves the right to base, in part, any such request on the benefit obtained in the COSI Settlement.

The Trial

18. How and when will the Court decide who is right?

Class Counsel will have to prove the CFPs' allegations at a trial. No trial date has been set at this time. At the trial, a jury and the Judge will hear all of the evidence to help them reach a decision about whether the Commercial Food Preparer Plaintiffs or Non-Settling Defendants are right. There is no guarantee the Commercial Food Preparer Plaintiffs will win or that they will get any money for all or some members of the Litigation Class.

19. Do I have to come to the trial?

No. You do not need to attend the trial. Class Counsel will present the case for the Commercial Food Preparer Plaintiffs, and lawyers for the Non-Settling Defendants will present on their behalf. However, you or your own lawyer are welcome to come at your own expense.

20. Will I get money after the trial?

If you did not exclude yourself from the Litigation Class and if the Commercial Food Preparer Plaintiffs obtain money or benefits as a result of the lawsuit, you will be notified about how to collect any money or benefits that are owed to you. In addition, if you filed a valid and timely claim in the COSI Settlement, your payment will be distributed *after* the trial is resolved. We do not know how long this will take, so please be patient.

If You Do Nothing

21. What happens if I do nothing at all?

You do not have to do anything now if you want to remain in the Litigation Class. If you want to get money or benefits from the COSI Settlement or lawsuit with the Non-Settling Defendants, you **MUST** file a claim by June 21, 2023, unless you have already received a postcard indicating your qualifying purchase values found in transactional data of DOT Foods and/or US Foods. If you stay in the Litigation Class and the Commercial Food Preparer Plaintiffs win, you will be notified. Keep in mind that if you do nothing now, regardless of whether the Commercial Food Preparer Plaintiffs win or lose the trial, you will not be able to sue or continue to sue Defendants as part of any other lawsuit about the same legal claims that are the subject of this lawsuit. You will also be legally bound by the Orders the Court issues and judgments the Court makes in this class action.

Getting More Information

22. How do I get more information about the case?

This notice summarizes the case. Visit www.PackagedSeafoodAntitrustCFPClass.com for more detailed information. You can also contact the claims administrator:

Packaged Seafood Antitrust - CFP Class
c/o Kroll Settlement Administration
P.O. Box 5324, New York, NY 10150-5324

or
1-833-927-0821

PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE