

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

**PLEASE READ THIS NOTICE CAREFULLY**  
YOUR LEGAL RIGHTS MAY BE AFFECTED IF YOU ACT OR DON'T ACT.

***In re: Packaged Seafood Products Antitrust Litigation, No. 15-2670***

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If you or your company purchased Packaged Tuna products directly from DOT Foods, Sysco, US Foods, Sam's Club, Walmart, or Costco (collectively "Distributors") from June 1, 2011 through December 31, 2016, you could be affected by a Class Action Lawsuit.

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*A Federal Court authorized this notice. This is not a solicitation from a lawyer.*

A motion for preliminary approval has been filed with regard to a settlement ("Settlement") between Defendants Tri-Union Seafoods, LLC d/b/a Chicken of the Sea International and Thai Union Group PCL (together, the "COSI" or "COSI Defendants") and the Commercial Food Preparer Plaintiffs ("Plaintiffs"), who represent a Settlement Class of indirect purchasers of Foodservice-Size Packaged Tuna Products. The purpose of this notice is to:

- Provide information regarding the Settlement reached with the COSI Defendants; notify you of the process and deadline for registering for the claim process or to receive payment in the Settlement; detail the process and deadline for objecting or commenting on the Settlement agreement along with attorney fees and expenses; and inform you of the process and deadline for excluding yourself from the Settlement.

| YOUR RIGHTS AND OPTIONS AT THIS TIME |  | DEADLINE                  |
|--------------------------------------|--|---------------------------|
| Do Nothing                           | <b>If you do nothing</b> , you will have no right to sue later for the claims released by the Settlement and will be bound by the Settlement terms such that you cannot sue COSI Defendants separate and apart from the settlement class. When the claim administration process begins in the future, notification will be sent to file a claim to those Settlement Class Members who the claims administrator can identify, either through an existing list or because they register (see below). |                           |
| Register                             | Register to receive updates on the Settlement's progress and provide your current contact information for the claim filing process. Make sure the Settlement Administrator has your current contact information.   |                           |
| Opt Out of the Settlement            | Get out of the Settlement: You will receive no compensation from the Settlement. This is the only option that allows you to bring or join another lawsuit raising the same legal claims against the COSI Defendants. You will receive no payment from this Settlement, but you will be eligible to participate in any future settlements or judgments with respect to non-settling defendants.   | May 13, 2022              |
| Object to the Settlement             | Write to the Court about any aspect of the Settlement. (If you object to any aspect of the Settlement, you must submit a written Objection by the Objection Deadline to the right and cannot exclude yourself from the Settlement or Settlement Class.)  | May 13, 2022              |
| Go to a Hearing                      | Speak in Court about the Settlement. (If you object to any aspect of the Settlement, you <b>must</b> submit a written Objection by the Objection Deadline of May 13, 2022)   | August 12, 2022 at 1:30pm |

- **These rights and options—and the deadlines to exercise them—are explained in this notice.**

## What this Notice Contains

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## **Important Dates**

|                        |                    |
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| <b>May 13, 2022</b>    | Objection Deadline |
| <b>May 13, 2022</b>    | Opt-Out Deadline   |
| <b>August 12, 2022</b> | Fairness Hearing   |

### **REGISTER TODAY TO RECEIVE UPDATES ON THE SETTLEMENT AND CLAIMS PROCESS**

#### **1. Why did I receive this notice?**

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You or your company may have purchased Foodservice-Size Packaged Tuna Products indirectly from Bumble Bee Foods, LLC, Tri-Union Seafoods, LLC d/b/a Chicken of the Sea International, or StarKist Company (together with Thai Union Group PCL and certain related parent entities of Bumble Bee and StarKist, the “Defendants”) and directly from DOT Foods, Sysco, US Foods, Sam’s Club, Walmart, or Costco from June 1, 2011 through December 31, 2016.

A proposed Settlement has been reached between the COSI Defendants and the Commercial Food Preparer (“CFP”) Settlement Class (“Settlement Class”). You may be eligible to receive benefits from this proposed Settlement. This notice is to provide you with information so that you can act.

#### **2. What is this lawsuit about?**

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The CFP lawsuit alleges that the COSI Defendants along with Bumble Bee Foods, LLC, StarKist Company, and certain related parent entities of Bumble Bee and StarKist conspired to fix, raise, and maintain the prices of Packaged Tuna Products and that this resulted in purchasers paying more for these products than they otherwise would have. You have been identified as a potential Settlement Class Member. Additionally, while denying liability, the COSI Defendants have collectively agreed to a Settlement to avoid the time and expense of legal proceedings. You may be eligible to file a Claim and should register on the Settlement website.

#### **3. Who is included in the Settlement Class?**

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You are a member of the Settlement Class in the Settlement which was defined as:

All persons and entities in 27 named states and DC that indirectly purchased packaged tuna products, produced in packages of 40 ounces or greater 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, Walmart, or Costco (other than inter-company purchases among these distributors) from June 1, 2011 through December 31, 2016 (the “Class Period”).

Only purchases made in the following 27 states and DC apply to this Settlement. The relevant territory and states are the District of Columbia and 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.

#### **4. What Products are included in this Settlement?**

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The products at issue for the CFP Settlement Class are the “Foodservice-size” packaged tuna products, which are packaged tuna products 40 ounces and larger. Definitionally, the CFP Settlement Class consists of entities that purchased these Foodservice-size packaged tuna products from six large distributors—Sysco, US Foods, Walmart, Sam’s Club, Costco, and DOT Foods (together, the

“Distributors”). Only purchases made in the 27 states and DC detailed in question 3 apply to this Settlement. This lawsuit does not allege that these Distributors did anything wrong.

## **5. What does the Settlement provide?**

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Plaintiffs and their counsel believe that the terms and conditions of the Settlement are fair, reasonable, adequate, and equitable, and that the Settlement is in the best interest of the Settlement Class Members. The COSI Defendants have agreed to provide a Settlement Fund of \$6,500,000.

The Settlement fund will provide payments to Settlement Class Members whose transactional purchase histories are found in the Distributors’ records and to Settlement Class Members who file valid claims, and it will be used to pay for notice and Settlement Administration costs and expenses, Settlement Class Counsel fees and expenses, and Settlement Class Representative Service Awards. If there are unclaimed or unused Settlement funds a second distribution may occur based upon further Court approval and amount of funds remaining. A feasibility analysis will be presented to the Court determining the amount of funds that can be distributed and the cost of that distribution process. Should that analysis determine that a de minimis amount would only be distributed, then funds may be awarded to a Court approved *cy pres* recipient in the alternative, which would typically be a charity, approved by the Court.

## **6. How does the Settlement benefit me?**

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Eligible Settlement Class Members who file a valid claim or for whom Intermediaries have provided sufficient purchase information to make a payment once the claims process begins will be eligible to receive a *pro rata* payment issued from the Net Settlement Fund. Payments will be made on a *pro rata* basis. The claims process has not begun and will not be conducted until after the Court provides final approval of the Settlement. You should register on the Settlement Website below and provide your current contact information to make sure you receive updated information about the Settlement and get a personalized claim form when they are sent out.

## **7. How do I register?**

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**To Register**, you can fill out the Registration Form available on the Settlement website noted below. You will be sent a claim form to the address and /or email you provide once the claim process begins which will be some time after Final Approval of the Settlement by the Court.

**If you did not receive a mailed notice** and believe you are a Settlement Class Member, you should register so that the Settlement Administrator has your current contact information. This is the only way a claim form will be sent to your current contact information. Feel free to call the toll-free number below, and they will assist you with any questions. Remember, the Settlement only covers purchases made in the 27 states and DC from the above-noted six Distributors for Packaged Tuna Products in containers 40 ounces or more.

The claims process will begin at a later date yet to be determined. If you register you will be provided information on the settlement and claims process as it progresses. Benefit checks will be issued only if the Court grants final approval to the proposed Settlement and after the final approval is no longer subject to appeal, and once the claims process has concluded and claims are validated. Please be patient as this may take months, or even years, in the event of an appeal.

## **8. What am I eligible for if I file a Claim?**

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Settlement Class Members, who file a valid claim or for whom Intermediaries have provided sufficient purchase information to make a payment once the claims process begins, will be eligible to receive a *pro rata* payment from the Settlement fund after all expenses and attorney fees are paid. See the Settlement website for more details.

## **9. What does it mean to Exclude myself from the Settlement?**

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If you are included in the definition of the Settlement Class (Question 3, above) you may exclude yourself from the Settlement. If you exclude yourself from the Settlement, you will be included in the Settlement Class for all non-settling Defendants but keep your right to bring a lawsuit in an individual capacity against the COSI Defendants.

## **10. How do I Exclude myself from the Class??**

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If you are a Settlement Class Member, and you decide that you want to exclude yourself from the Settlement Class, you must send an “Exclusion Request”. The Exclusion Request must contain: (1) your full name, address, and phone number(s); (2) an estimate of the number of Foodservice-Size Packaged Tuna Products that you purchased from the Distributors from June 1, 2011 through December 31, 2016; (3) the following statement: “I/We request to Exclude myself/ourselves from the Settlement Class in the *Packaged Seafood Products Antitrust Litigation*.”; and (4) your signature. The Exclusion Request must be postmarked by May 13, 2022 and sent to the Settlement Administrator at:

*Packaged Seafood Products Antitrust Litigation*  
c/o Kroll Settlement Administration- Exclusion Request  
P.O. BOX 5324  
New York, NY 10150-5324

## **11. What if I disagree with the Settlement?**

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If you do not exclude yourself, and you disagree with or are dissatisfied with any part of the Settlement, you may object or comment on the Settlement. Even if you object to the Settlement, if you file a valid claim, you will still be eligible to receive benefits from the Settlement.

## **12. How do I Object or Comment on the Settlement?**

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If you do not agree with any part of the Settlement or wish to provide comments, you may write to the Court. If you object to or comment on the Settlement, you may also still file a Claim. An objection must be written and include: (1) your full legal name, the name of the company you represent, your position at that company, your authorization to act on behalf of the company, your contact address, and contact telephone number; (2) the words “Notice of Objection”; (3) the case name and number, which are *In re: Packaged Seafood Products Antitrust Litigation*, No. 15-2670; (4) a list of the Foodservice-size Packaged Tuna Products that you or your company purchased from the Distributors from June 1, 2011 through December 31, 2016; (5) your objections to or comments on the settlement; and (6) your signature as an authorized representative of the company. The Objection must be sent to the Settlement Administrator at the below address and must be postmarked by May, 13 2022:

*Packaged Seafood Products Antitrust Litigation*  
c/o Kroll Settlement Administration- Objection Request  
P.O. BOX 5324  
New York, NY 10150-5324

## **13. Who represents me and how will they be paid?**

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The Court appointed the law firm of Cuneo Gilbert & LaDuca, LLP to represent the CFP Settlement Class as Interim Lead Counsel for the Commercial Food Preparer Plaintiffs. You are not personally responsible for payment of attorneys’ fees or expenses for Settlement Class Counsel. If the Settlement is preliminarily approved, Settlement Class Counsel may ask the Court for Counsel’s fees and expenses along with Representative Service Awards of up to \$5,000 per settlement class representative named

plaintiff, and notice and settlement administration expenses to be issued from the Settlement fund, altogether not to exceed \$3,000,000, which is less than half of the \$6,500,000 settlement value. Out of this \$3,000,000, Interim Lead Counsel will seek past expense reimbursement of between \$2,200,000 and \$2,300,000 and named service awards totaling \$90,000. In addition, Interim Lead Counsel estimate that the combination of notice costs and claims administration costs will be at least \$350,000. Subtracting all these figures from the \$3,000,000 cap, CFP Interim Lead Counsel expects to apply for a legal fee award not to exceed \$340,000 as part of this Settlement.

If the Court grants Settlement Class Counsels' request, the attorneys' fees and expenses, notice and settlement and administration costs, and Representative Service Awards would be deducted from any money obtained for the Settlement Class. A motion for these fees and expenses will be posted on the Settlement website after they are filed, May 25, 2022.

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#### **14. Should I get my own lawyer?**

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If you stay in the Settlement Class, you do not need to hire your own lawyer because Settlement Class Counsel is working on your behalf. However, if you want to be represented by your own lawyer, you may hire one at your own expense and cost.

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#### **15. What happens if I do nothing?**

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If you do nothing, you will remain a member of the Settlement Class. You will also not be able to sue, continue to sue, or be part of any other lawsuit against the COSI Defendants regarding these matters. You may still be sent a claim form, and you will be sent a claim form if you register. However, if you do not submit the claim form, you will receive no payment unless your purchase transactions are reflected in the transactional data of an Intermediary that has made customer-identifying transactional data available to Settlement Class Counsel.

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#### **16. When will the Court decide if the Settlement is Approved?**

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The Court will hold a hearing on August 12, 2022, to consider whether to approve the Settlement. The hearing will be held in the United States District Court for the Southern District of California, before the Honorable Dana Sabraw, in the Edward J. Schwartz United States Courthouse, 221 West Broadway, San Diego, CA 92101 in Courtroom \_13A\_ at 1:30pm or such other judge assigned by the Court.

You do not have to appear at this hearing, but you may if you want to. This hearing date may change without further written notice to you. Consult the Settlement Website below or the Court docket in this case available through Public Access to Court Electronic Records PACER (<http://www.pacer.gov>), for updated information on the hearing date and time. The Settlement Website will be updated as new or changing information is received.

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#### **17. How do I get more information?**

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For more information, including Registering, Frequently Asked Questions, and Court Documents visit the Settlement Website at [www.PackagedSeafoodAntitrustCFPCClass.com](http://www.PackagedSeafoodAntitrustCFPCClass.com). You may also call toll-free 1-833-927-0821, or write to: *Packaged Seafood Products Antitrust Litigation*, c/o Kroll Settlement Administration, P.O. BOX 5324 New York, NY 10150-5324.

**Please note:** If your present address is different from the address on any notice received, or if you did not receive a notice directly but believe you should have, please call the toll-free helpline, and update your information.

If you have any questions, please contact the Settlement Administrator or Settlement Class Counsel.

Please do not contact the Court.

Questions? Visit [www.PackagedSeafoodAntitrustCFPCClass.com](http://www.PackagedSeafoodAntitrustCFPCClass.com) or call 1-833-927-0821