

UNITED STATES DISTRICT COURT
THE DISTRICT OF MARYLAND

JUDY JIEN, *et al.*,

Plaintiffs,

v.

PERDUE FARMS, INC., *et al.*,

Defendants.

Civil Action No. SAG-19-2521

**AMENDED ORDER GRANTING PLAINTIFFS' CORRECTED MOTION TO DIRECT
NOTICE TO SETTLEMENT CLASSES FOR PILGRIM'S, GEORGE'S, WMS, PECO,
SIMMONS, CARGILL, SANDERSON, WAYNE, PERDUE, CASE FOODS AND
MOUNTAIRE FARMS SETTLEMENTS**

This matter came before the Court on Plaintiffs' Motion to Direct Notice to Settlement Classes with Pilgrim's, George's Inc., WMS, Peco, Simmons, Cargill, Sanderson, Wayne, Perdue, Case Foods, and Mountaire Farms Settlements. The Court has considered Plaintiffs' arguments and submissions and hereby ORDERS:

1. The proposed plan set forth in the memorandum in support of the corrected motion complies with Federal Rule of Civil Procedure 23(c)(2)(B) and due process, as it constitutes the best notice that is practicable under the circumstances, including individual notice via email and postcard mail to all Class Members who can be identified through reasonable effort. The direct email and mail notice will be supported by reasonable publication notice to reach potential members of the settlement classes who could not be individually identified;
2. The notice documents¹ attached to the Declaration of Justin Parks comply with Rule 23(c)(2)(B) and satisfy due process and all applicable laws because they reasonably inform Class Members of the essential features of the claims, settlements, class certifications, and their rights with respect thereto. Specifically, the notices are

¹ The Court approves the corrected exhibits in ECF No. 906, not the exhibits in ECF 905.

- reasonably calculated to fairly apprise Class Members of (i) the nature of the action; (ii) the definition of the class certified; (iii) the class claims, issues, or defenses; (iv) that a Class Member may enter an appearance through an attorney if the member so desires; (v) that the Court will exclude from the settlement classes any member who requests exclusion; (vi) the time and manner for requesting exclusion; and (vii) the binding effect of a class judgment on member of the class under Rule 23(c)(3). Non-substantive changes, such as typographical errors, can be made to the notice documents by agreement of the parties without leave of the Court;
3. After notice has been disseminated, the Court shall hold a hearing on the proposed settlements to determine whether they are fair, reasonable, and adequate, and whether they should be finally approved by the Court (the Final Approval Hearing). The Court schedules a final approval hearing for **December 16, 2024, at 9:30am**;
 4. After notice has been disseminated, Class members who wish to exclude themselves from the proposed settlements will be required to submit an appropriate and timely request for exclusion, and Class Members who wish to object to the proposed settlements must submit an appropriate and timely written statement of the grounds for objection. Class Members who wish to appear in person to object to any of these agreements may do so at the Final Approval Hearing pursuant to directions by the Court;
 5. The Court finds the proposed plan of allocation to be fair, reasonable, adequate, and treats Class Members equitably relative to each other. Plaintiffs propose that the initial distribution will be a pro rata share of compensation earned by each Class Member during the relevant class periods. After an initial distribution has taken place, it is very likely that additional funds will remain in the escrow accounts. Plaintiffs propose that either the funds remaining from the first-round distribution will be joined with any subsequent settlements for the class, or that a second round of distribution will take place limited to only those Class Members who cashed their checks or

- claimed their digital funds in the first round. Plaintiffs also propose that any second-round distribution remove *de minimus* payments where the costs of administration would outweigh the benefit to that Class Member. To this end, Plaintiffs propose that there would be a floor of \$5 per class member. This Court finds that the proposed plan of allocation fairly compensates Class Members based on their relative earnings and the total value of the settlements. The plan of allocation further is designed to reduce administrative costs and, when combined with the multiple phases of TIN solicitations to reduce penalties, fairly, reasonably, and adequately maximizes the funds available to Class Members.
6. Because the proposed plan of allocation involves personally identifiable information, any information provided by Class Members to the notice and claims administrator will be subject to the protective order in this action and will not be produced to anyone other than class counsel without a further Court order;
 7. All payments for Class Members from the settlement fund will be sent directly to Class Members;
 8. The administrator of the Qualified Settlement Fund shall solicit or cause to be solicited a TIN from each claimant on an IRS Form W-9 or a conforming substitute W-9. Such solicitation shall include the following notice, which shall appear prominently in bolded text: **“IMPORTANT: If you are not a U.S. person, you should not complete Form W-9 and do not need to complete Form W-9 to receive a payment. You will still be eligible for payment if you cannot complete the Substitute IRS Form W-9 because you are not a U.S. person.”**;
 9. The following deadlines govern the notice plan:

| Task | Proposed Deadline |
|---|--------------------------------------|
| Publication notice plan, postcard and email notice to commence. | 75 days from the date of this Order |
| Initial Notice Complete (Email and Postcard) | 105 days from the date of this Order |
| Class counsel to file motion for award of attorneys' fees, costs, and service awards. | 130 days from the date of this Order |
| Deadline for class members to request exclusion or object to settlements. | 180 days from the date of this Order |
| Class counsel to file motion for final approval, a declaration regarding the completion of notice, and a list of timely excluded class members. | 200 days from the date of this Order |
| Final approval hearing (as convenient to the Court). | 225 days from the date of this Order |
| Deadline for submission of claims/update of tax or TIN information to be provided by class members. | 280 days from the date of this Order |

10. Plaintiffs' Motion to Direct Notice is GRANTED.

IT IS SO ORDERED.

Dated: April 26, 2024

/s/

HON. STEPHANIE A. GALLAGHER
UNITED STATES DISTRICT JUDGE

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Additional Counsel for Plaintiffs and the Proposed Class

CERTIFICATE OF SERVICE

The undersigned attorney of record hereby certifies that on April 4, 2024, a true and correct copy of the foregoing was filed electronically using the Court's CM/ECF system which will cause notice and a copy of this filing will be served upon all counsel of record.

Dated: April 4, 2024

/s/ Shana E. Scarlett

SHANA E. SCARLETT