

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

*IN RE: CATTLE AND BEEF ANTITRUST
LITIGATION*

Case No. 22-md-3031 (JRT/JFD)

This Document Relates To:

CONSUMER INDIRECT PURCHASER
PLAINTIFFS' ACTION

**DECLARATION OF SAMANTHA BURKE IN SUPPORT OF
OPPOSITION TO CONSUMER INDIRECT PURCHASER PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION**

I, Samantha Burke, hereby declare the following:

1. I am an associate at the law firm Perkins Coie, LLP. I am a counsel of record for Defendants Tyson Foods, Inc. and Tyson Fresh Meats, Inc. (collectively, "Tyson") in the above-entitled matter and have been since 2024.
2. I make this Declaration based upon my personal knowledge of the facts and circumstances described herein, and I am competent to testify on such matters, if called upon to do so.
3. Attached as **Exhibit 1** (filed under seal) is a true and correct copy of excerpts from the January 2, 2025 deposition of Russell W. Mangum, III, Ph.D., designated by Plaintiffs as "Confidential" pursuant to the Protective Order that applies to this case. The relevant portions of this exhibit have been highlighted for the reader's convenience.

4. Attached as **Exhibit 2** (filed under seal) is a true and correct copy of excerpts from the January 10, 2024 30(b)(1) deposition of Cindy Abernathy. The relevant portions of this exhibit have been highlighted for the reader's convenience.

5. Attached as **Exhibit 3** (filed under seal) is a true and correct copy of excerpts from the December 6, 2024 30(b)(1) deposition of Leigh Tiller. The relevant portions of this exhibit have been highlighted for the reader's convenience.

6. Attached as **Exhibit 4** (filed under seal) is a true and correct copy of excerpts from the May 16, 2024 30(b)(1) deposition of Andrew Cohen. The relevant portions of this exhibit have been highlighted for the reader's convenience.

7. Attached as **Exhibit 5** (filed under seal) is a true and correct copy of excerpts from the February 14, 2024 30(b)(1) deposition of Mark Sperry. The relevant portions of this exhibit have been highlighted for the reader's convenience.

8. Attached as **Exhibit 6** (filed under seal) is a true and correct copy of excerpts from the July 29, 2024 30(b)(1) deposition of Craig Margulies. The relevant portions of this exhibit have been highlighted for the reader's convenience.

9. Attached as **Exhibit 7** (filed under seal) is a true and correct copy of excerpts from the December 12, 2024 30(b)(1) deposition of Sharon Killmon. The relevant portions of this exhibit have been highlighted for the reader's convenience.

10. Attached as **Exhibit 8** (filed under seal) is a true and correct copy of excerpts from the December 2, 2024 30(b)(1) deposition of Marcelo Lopez. The relevant portions of this exhibit have been highlighted for the reader's convenience.

11. Attached as **Exhibit 9** (filed under seal) is a true and correct copy of excerpts from the February 9, 2024 30(b)(1) deposition of Lisa Melegari. The relevant portions of this exhibit have been highlighted for the reader's convenience.

12. Attached as **Exhibit 10** (filed under seal) is a true and correct copy of excerpts from the June 12, 2024 30(b)(1) deposition of Jason Falbo. The relevant portions of this exhibit have been highlighted for the reader's convenience.

13. Attached as **Exhibit 11** (filed under seal) is a true and correct copy of excerpts from the September 5, 2024 30(b)(1) deposition of Brenda King. The relevant portions of this exhibit have been highlighted for the reader's convenience.

14. Attached as **Exhibit 12** (filed under seal) is a true and correct copy of excerpts from the June 11, 2024 30(b)(1) deposition of Karen Carter. The relevant portions of this exhibit have been highlighted for the reader's convenience.

15. Attached as **Exhibit 13** (filed under seal) is a true and correct copy of excerpts from the July 19, 2024 30(b)(1) deposition of Kenneth Peterson. The relevant portions of this exhibit have been highlighted for the reader's convenience.

16. Attached as **Exhibit 14** (filed under seal) is a true and correct copy of excerpts from the August 19, 2024 30(b)(1) deposition of David Renz. The relevant portions of this exhibit have been highlighted for the reader's convenience.

17. Attached as **Exhibit 15** (filed under seal) is a true and correct copy of excerpts from the February 7, 2024 30(b)(1) deposition of Sharon Dawson-Green. The relevant portions of this exhibit have been highlighted for the reader's convenience.

18. Attached as **Exhibit 16** (filed under seal) is a true and correct copy of excerpts from the March 29, 2024 30(b)(6) deposition of Jacquelyn Watson. The relevant portions of this exhibit have been highlighted for the reader's convenience.

19. Attached as **Exhibit 17** (filed under seal) is a true and correct copy of excerpts from the June 12, 2024 30(b)(1) deposition of Stacey Troupe. The relevant portions of this exhibit have been highlighted for the reader's convenience.

20. Attached as **Exhibit 18** (filed under seal) is a true and correct copy of Abernathy Exhibit 6 from the January 10, 2024 30(b)(1) deposition of Cindy Abernathy, Bates number CONSUMERIPP0000019164 - CONSUMERIPP0000019176.

21. Attached as **Exhibit 19** (filed under seal) is a true and correct copy of Watson Exhibit 3 from the from the March 29, 2024 deposition of Jacquelyn Watson, Bates number CONSUMERIPP0000015741 - CONSUMERIPP0000017305. Defendants have not received any Sam's Club receipts from Ms. Watson.

22. Attached as **Exhibit 20** (filed under seal) is a true and correct copy of excerpts from the March 28, 2024 30(b)(6) deposition of The Kroger Co. by Shawn Spencer. The relevant portions of this exhibit have been highlighted for the reader's convenience.

23. Attached as **Exhibit 21** (filed under seal) is a true and correct copy of excerpts from the May 30, 2024 30(b)(6) deposition of Raley's Arizona, LLC by Mark Rittenhouse. The relevant portions of this exhibit have been highlighted for the reader's convenience.

24. Attached as **Exhibit 22** (filed under seal) is a true and correct copy of excerpts from the July 25, 2024 30(b)(1) deposition of David Neitzel. The relevant portions of this exhibit have been highlighted for the reader's convenience.

25. Attached as **Exhibit 23** (filed under seal) is a true and correct copy of excerpts from the February 22, 2024 30(b)(6) deposition of Save Mart Supermarkets, LLC by Patrick Pottgieser. The relevant portions of this exhibit have been highlighted for the reader's convenience.

26. Attached as **Exhibit 24** (filed under seal) is a true and correct copy of excerpts from the April 17, 2024 30(b)(6) deposition of Affiliated Foods, Inc. by Barry Eslick. The relevant portions of this exhibit have been highlighted for the reader's convenience.

27. Attached as **Exhibit 25** (filed under seal) is a true and correct copy of excerpts from the July 30, 2024 30(b)(1) deposition of Lindsey Lemoi. The relevant portions of this exhibit have been highlighted for the reader's convenience.

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

Executed on this 24th day of January, 2025 in Phoenix, Arizona.

/s/ Samantha J. Burke
Samantha J. Burke

ECF No. 1142
Public Redacted
Version

Exhibit 1

Filed Under Seal

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

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IN RE CATTLE AND BEEF) No. 22-md-3031 (JRT/JFD)
ANTITRUST LITIGATION,)
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_____)

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VIDEOTAPED DEPOSITION OF
RUSSELL W. MANGUM, III, PH.D.

Taken on behalf of Defendants at
611 Anton Boulevard, Costa Mesa, California,
9:48 a.m. to 7:22 p.m.
Thursday, January 2, 2025
Volume I

Stenographically Reported By:
Melissa M. Villagran, RPR
CSR No. 12543
Job No. 7085628
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1 APPEARANCES :

2

3 For Consumer Class Plaintiffs:

4 LOCKRIDGE GRINDAL NAUEN

5 BY: KYLE POZAN

6 W. JOSEPH BRUCKNER (via Zoom)

7 Attorneys at Law

8 100 Washington Avenue S, Suite 2200

9 Minneapolis, Minnesota 55401

10 612-596-4001

11 Kjpozan@locklaw.com

12 Wjbruckner@locklaw.com

13

14 For Direct Purchasers Plaintiffs:

15 HAUSFELD

16 BY: DANIEL WEICK (via Zoom)

17 Of Counsel

18 33 Whitehall Street, 14th Floor

19 New York, New York 10004

20 646.357.1100

21 dweick@hausfeld.com

22

23

24

25

CONFIDENTIAL

1 APPEARANCES (Continued):

2

3 For Consumer Indirect Purchaser Plaintiffs:

4 HAGENS BERMAN SOBOL SHAPIRO

5 BY: COOPER MICHAEL (via Zoom)

6 ABBY WOLF (via Zoom)

7 Attorneys at Law

8 715 Hearst Avenue, Suite 300

9 Berkeley, California

10 510.725.3033

11 cooper.michael@hbsslaw.com

12 Abbyw@hbsslaw.com

13

14 CUNEO GILBERT & LADUCA

15 BY: DANIEL COHEN (via Zoom)

16 CODY McCRAKCEN (via Zoom)

17 Attorneys at Law

18 2445 M Street NW, Suite 740

19 Washington, D.C. 20037

20 202.789.3960

21 Danielc@cuneolaw.com

22 Codym@cuneolaw.com

23

24

25

CONFIDENTIAL

1 APPEARANCES (Continued):

2

3 For Consumer Indirect Purchaser Plaintiffs:

4 BARRETT LAW GROUP, PA

5 BY: KATHERINE BARRETT RILEY (via Zoom)

6 P.O. Box 927

7 Lexington, MS 39095

8 662.834.2488

9 KBRiley@barrettlawgroup.com

10

11 For Cargill:

12 WILKINSON STEKLOFF

13 BY: SARAH NEUMAN (via Zoom)

14 SARA BEST (via Zoom)

15 Attorneys at Law

16 2001 M Street NW, 10th Floor

17 Washington, DC 20036

18 202.804-4238

19 sneuman@wilkinsonstekloff.com

20 Sbest@wilkinsonstekloff.com

21

22

23

24

25

CONFIDENTIAL

1 APPEARANCES (continued):

2

3 For Conagra Brands, Inc. And Compass Group USA,
4 Inc.:

5 MAYNARD NEXSEN

6 BY: DAVID EDDY (via Zoom)

7 Attorney at Law

8 1230 Main Street, Suite 700

9 Columbia, South Carolina 29201

10 803.253.8267

11 Deddy@maynardnexsen.com

12

13 FOR NATIONAL BEEF PACKING COMPANY, LLC:

14 JONES DAY

15 BY: MICHELLE FISCHER (via Zoom)

16 Attorney at Law

17 901 Lakeside Avenue

18 Columbus, Ohio 44114

19 216.544.6905

20 Mfischer@jonesday.com

21

22

23

24

25

CONFIDENTIAL

1 APPEARANCES (continued):

2

3 For Defendants Tyson Foods and Tyson Fresh Meats:

4 PERKINS COIE

5 BY: DAVID P. CHIAPPETTA

6 NICHOLAS MARQUISS

7 SAMANTHA BURKE (via Zoom)

8 Attorneys at Law

9 505 Howard Street, Suite 1000

10 San Francisco, California 91405

11 415.344.7076

12 Dchiappetta@perkinscoie.com

13 Nmarquiss@perkinscoie.com

14 Sburke@perkinscoie.com

15

16 For JBS:

17 QUINN EMANUEL URQUART & SULLIVAN

18 BY: JEREMY ANDERSEN

19 Attorney at Law

20 865 South Figueroa Street, 10th Floor

21 Los Angeles, California 90017

22 213.443.3685

23 Jeremyandersen@quinnemanuel.com

24

25

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1 APPEARANCES (Continued):

2

3 Videographer:

4 Scott Slater

5

6 Also Present:

7 David Turner

8

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INFORMATION REQUESTED

(None.)

INSTRUCTION NOT TO ANSWER

(None.)

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1 impact on the consumer class.

2 It is the overcharge being passed through.

3 But I typically think of it this -- of the

4 overcharge and then the pass-through.

5 BY MR. CHIAPPETTA:

10:21:41

6 Q Ultimately, though, you're alleging that the
7 consumers paid more than they should have for beef;
8 is that accurate?

9 A Generally. I mean, my report speaks for how
10 I phrase it.

10:21:54

11 But, yes. I'm looking at the topic of
12 whether prices paid by consumers for beef were
13 higher than they would have been absent the alleged
14 wrongful conduct.

15 Q And you don't think that speaking to the
16 individuals that actually paid these amounts would
17 have helped inform your opinion?

10:22:07

18 MR. POZAN: Objection; form, argumentative.

19 THE DEPONENT: I don't believe my methodology
20 included any -- or necessarily included any element
21 that could only be fulfilled by the view of an
22 individual purchaser.

10:22:17

23 I've cited three, I believe, of their
24 depositions related to my analysis. But I don't

25 believe they held facts that were necessary input to

10:22:32

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1 the damages and other analyses which I explain in my
2 report.

3 BY MR. CHIAPPETTA:

4 Q Well, what can you tell me about the
5 purchasing practices of the named plaintiffs? 10:22:40

6 MR. POZAN: Object to form.

7 BY MR. CHIAPPETTA:

8 Q Beef purchasing.

9 A I haven't committed any of those details to
10 my short-term memory, so I -- I haven't memorized 10:22:50
11 the -- the transactional history of the named
12 plaintiffs.

13 Q Is that something you've looked at, though,
14 the beef-purchasing practices of the named
15 plaintiffs? 10:23:02

16 A For the purposes of the opinions I've
17 expressed thus far, I didn't have their specific
18 purchases as inputs to my methodology.

19 I know in the depositions that I reviewed,
20 the topic has come up generally about what they've 10:23:13
21 done, how they've interacted with beef -- beef as a
22 consumer good.

23 But I don't remember looking to data, for
24 example, for all the 28 class reps specifically as
25 some type of an input or element of analysis needed 10:23:26

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1 for what I've done.

2 Q How many of their deposition transcripts have
3 you read?

4 MR. POZAN: Objection; asked and answered.

5 THE DEPONENT: I know at least three. I 10:23:35
6 recall citing them as I prepared for this
7 deposition.

8 As I sit here today, I don't recall -- I
9 recall what I've relied on from my report. And so I
10 don't recall things that I've identified, for 10:23:48
11 example, in my Appendix B that I don't rely on to
12 support the opinions in my report.

13 BY MR. CHIAPPETTA:

14 Q But did you review more than, let's say, five
15 of the named plaintiffs' depositions? 10:23:59

16 A I don't recall as I -- as I sit here. Either
17 myself or someone at my -- my direction. I remember
18 the three, but I don't remember further than that.

19 Q Well, do you know, for example, whether any
20 of the named plaintiffs only purchased a single cut 10:24:13
21 of beef during the class period?

22 MR. POZAN: Object to form; incomplete
23 hypothetical.

24 THE DEPONENT: I just haven't committed that
25 information to my short-term memory if I saw that 10:24:23

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1 when I -- when I reviewed it.

2 BY MR. CHIAPPETTA:

3 Q So you don't know sitting here today and
4 you're not sure if you've known in the past; is that
5 true? 10:24:36

6 MR. POZAN: Same objections.

7 THE DEPONENT: I guess you could -- I just
8 don't recall as I sit here if -- if that's
9 information I -- I know it's not part of my
10 analysis, and I just don't remember if I -- I saw 10:24:42
11 that information.

12 BY MR. CHIAPPETTA:

13 Q Do you know whether any of them purchased
14 beef only during certain of the class period years?

15 MR. POZAN: Same objections. 10:24:51

16 THE DEPONENT: I'd say the same answer. I --
17 as I sit here today, I just don't have that
18 recollection of details other than what I've used to
19 support my opinion.

20 BY MR. CHIAPPETTA: 10:25:01

21 Q Is it fair to say that if you ever knew
22 either whether any of them purchased single cuts of
23 beef or whether any of them only purchased beef
24 during certain years of the class period, that that
25 did not factor into your opinion in this case? 10:25:11

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1 MR. POZAN: Objection to form; compound and
2 incomplete hypothetical.

3 THE DEPONENT: I will say that the opinions
4 I've expressed don't rely on the details of specific
5 purchases by the class representatives. 10:25:26

6 And that's because they wouldn't have an
7 impact on my opinions that -- that I've expressed
8 through my report that I issued back on
9 September 25th.

10 BY MR. CHIAPPETTA: 10:25:41

11 Q And when you say that they don't rely on
12 specific purchases by the class representatives, do
13 they rely at all on any of the class
14 representatives' purchasing habits purchasing -- the
15 way, for example, whether they purchased beef during 10:25:56
16 one year and not another?

17 MR. POZAN: Object to form. Vague, compound.

18 BY MR. CHIAPPETTA:

19 Q Let me rephrase that.
20 When you say you don't rely on specific 10:26:04
21 purchases of the class representatives, does that
22 mean that you did not rely on any information
23 relating to purchases of any of the named
24 plaintiffs?

25 MR. POZAN: Object to form. 10:26:15

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1 THE DEPONENT: The opinions I've expressed in
2 my report, although I use transaction-level data,
3 all I was provided based on discovery requests from
4 the defendants, I formed an overcharge analysis
5 based on the sales to direct purchasers. 10:26:36

6 With that overcharge analysis and then asked
7 the question about pass-through, selling downstream,
8 looking at a couple of levels of distribution, I
9 formed my opinion on class damages and that
10 methodology. 10:26:51

11 But my opinions that I formed today did not
12 have as a required element that they would need to
13 know what a specific class member had purchased
14 when, what, or through what store, for example.
15 It's -- it's not part of -- it's not required for 10:27:06
16 the opinions that I formed today.

17 So that -- so that data might have been
18 available, but it simply wasn't part of the inputs
19 to the opinions that I formed.

20 BY MR. CHIAPPETTA: 10:27:18

21 Q And so you didn't rely on it? If it was
22 available, you didn't rely on it?

23 MR. POZAN: Objection to form.

24 THE DEPONENT: "Reliance" wouldn't mean
25 anything if it wasn't an input to the model. And so 10:27:26

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1 I'm having a difficult time with you wanting to use
2 the word "rely."

3 Like you might say, "Did I rely on the phase
4 of the moon?" Well, if the phase of the moon isn't
5 an input, then I don't know what it would mean to 10:27:38
6 rely on it.

7 I might have been aware of the phase of the
8 moon during my analysis. But I'm talking about the
9 steps of my analysis and the input.

10 So "reliance" is the -- are the inputs that 10:27:47
11 are going into a model. They don't include the
12 specifics of the consumer purchases that you
13 describe.

14 BY MR. CHIAPPETTA:

15 Q And so you did not incorporate any 10:27:55
16 information relating to the purchases -- individual
17 purchases by the named plaintiffs into your report;
18 is that accurate?

19 MR. POZAN: Objection to form; asked and
20 answered. 10:28:10

21 THE DEPONENT: I'm not sure what you mean by
22 "incorporate." If all you mean is creating a table,
23 so therefore it's incorporated, I don't recall there
24 being a table.

25 As I've already said, class representative 10:28:24

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1 purchase specifics aren't an input to my model, so
2 they're not incorporated as an input. I've said
3 they're not inputs into my analyses.

4 BY MR. CHIAPPETTA:

5 Q Did they --

6 A If that touches on what you meant by
7 "incorporate."

8 Q Well, did information relating to purchases
9 of the named plaintiffs in any way factor into your
10 opinion? Them, in particular? 10:28:45

11 MR. POZAN: Objection. Objection; asked and
12 answered.

13 THE DEPONENT: You ask "in any way." I
14 remember looking at information during the case,
15 being aware of who class reps were. I cited the 10:28:59
16 three class reps' deposition in my report.

17 So there is information, part of what I -- I
18 or staff at my direction were aware of.

19 But as far as the inputs needed, my opinions
20 and the basis of my opinions, they did not include 10:29:18
21 those purchase specifics of class representatives.

22 BY MR. CHIAPPETTA:

23 Q Did you look at any transaction data relating
24 to any of the named plaintiffs' individual
25 purchases? 10:29:29

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1 MR. POZAN: Object to form.

2 THE DEPONENT: I don't recall. Those were
3 not part of the analysis that supports my opinions.

4 I can't recall as I sit here today if that
5 information was available. If I would have known it 10:29:47
6 was available, it would have been interesting but
7 not necessary for the opinions that I formed.

8 BY MR. CHIAPPETTA:

9 Q You're aware, I assume, there are other --
10 there are proposed classes other than the consumer 10:29:56
11 class that are suing defendants based upon similar
12 claims and theories?

13 A Yes.

14 MR. POZAN: Object to form.

15 BY MR. CHIAPPETTA: 10:30:04

16 Q And would those include the direct
17 purchasers, the commercial and institutional
18 indirect purchasers, the cattle producers, the
19 feeder cattle producers, and the futures exchange
20 class? 10:30:17

21 A That sounds about right. But I -- I did list
22 those specifically in my report, so I'll -- I'll
23 rely on my report.

24 Q Did you talk to any of the experts that were
25 retained by any of those classes? 10:30:27

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1 A No.

2 Q Did you review any final or draft reports of
3 any of those experts?

4 A No.

5 Q Did you share any drafts or final versions of 10:30:35
6 your report with any of those experts?

7 A No. Not that I -- not that I recall or am
8 aware of.

9 Q You're familiar with term "downstream" and
10 "upstream" in the context of the supply chain, 10:30:46
11 correct?

12 A Yes, generally.

13 Q With respect to this case, have you heard
14 that term used either within the context of things
15 that are upstream of the packers or downstream of 10:31:00
16 the packers?

17 A When you say have I heard that term used, do
18 you mean internally with my team? Do you mean with
19 counsel?

20 You specifically -- you said "heard," so I 10:31:21
21 think you mean verbally, orally, someone
22 communicating.

23 I guess I don't understand your question.

24 Q Sure. If I were to, say, talk about
25 participants in the market downstream of the 10:31:33

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1 of them.

2 A Yeah. I think you've added some words to the
3 title of it.

4 Q Okay. Could you read it to me?

5 A Yes. "Appendix B: Materials Relied Upon." 10:33:07

6 Q How did you come to review these documents or
7 select them? At a high level, obviously.

8 MR. POZAN: And I'll just, again, caution the
9 witness not to reveal the content of any
10 communication with counsel. 10:33:29

11 BY MR. CHIAPPETTA:

12 Q Were they provided by counsel? Were they
13 identified by your staff? Were they identified by
14 you?

15 A All three of those in the sense that some are 10:33:36
16 what I maybe colloquially call "discovery
17 documents," so they exist through the mechanism of
18 the litigation process.

19 Others are -- are public information that's
20 obtained. So, myself, I've gone and found things 10:33:56
21 publicly. The staff at my direction go and find
22 things publicly.

23 So your list, before I would -- I would agree
24 with.

25 So some of them were provided by counsel 10:34:05

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1 either through access to a digital database or
2 through something more directly, a transfer file, or
3 things that we found looking internally. So...

4 Q Did you personally review everything that's
5 on that list? 10:34:19

6 A I did not personally review, no.

7 Q Did you review personally any documents that
8 were produced in discovery by any party or nonparty
9 that's not on that list?

10 MR. POZAN: Object to form. Vague. 10:34:32

11 THE DEPONENT: That wasn't the intention of
12 creating this -- this list. And I -- and I don't
13 know of anything since then that I would say subject
14 to the errata and the corrections we made that you
15 mentioned earlier. Appendix B is part of that. 10:34:48

16 But the intention and, I believe, successful
17 of this Appendix B was to list everything that
18 essentially through me or my team came into the
19 possession of our firm.

20 And this was a -- a full list. It's -- it's 10:35:04
21 much larger than a subset that's actually cited in
22 the report. But it was meant to be a full list of
23 what was received.

24 BY MR. CHIAPPETTA:

25 Q And reviewed, I assume? 10:35:13

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1 A To some degree. I mean, if we received it,
2 that's right.

3 Q Can you tell me at a very high level what
4 this case is about?

5 A Well -- 10:35:26

6 MR. POZAN: Object to form.

7 Sorry.

8 Vague.

9 Are you saying specifically our class or one
10 of the other classes? 10:35:33

11 MR. CHIAPPETTA: Well, let's start with
12 your -- your client's case.

13 THE DEPONENT: I understand that it's alleged
14 that the price paid for beef by consumers is higher
15 than it would have been absent the alleged wrongful 10:35:50
16 conduct.

17 BY MR. CHIAPPETTA:

18 Q And at a high level, what is the alleged
19 wrongful conduct?

20 A I have both in detail as well as a specific 10:36:00
21 summary of the allegations which I include in my
22 report. That is the full and correct answer to that
23 question. I wouldn't want to replace that by my
24 verbally delivered words today as some paraphrase.

25 So I can go -- we can read that. But that 10:36:21

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1 was my attempt to say this is what it was about.

2 So I don't have an executive summary that I
3 want to be part of a record and decide on the spot
4 now which words not to include from that specific
5 summary in my report. 10:36:34

6 Q At a high level, did it involve a conspiracy
7 or an alleged conspiracy between the defendants?

8 A Yes. The allegations is about coordination,
9 conspiracy, collusion, et cetera, among the
10 defendants. 10:36:49

11 Q And, among other things, did that involve,
12 for example -- well, let me start over.

13 And did those allegations or the alleged
14 coordination relate to a reduction in the supply of
15 beef? 10:37:06

16 A Part of the allegations did relate to the
17 effect of the conspiracy and some elements of the
18 conspiracy regarding the -- both quantities of beef.

19 But those flow from cows. So if you've got
20 less beef, there's less cattle -- right? -- as well. 10:37:27

21 But it relates to the alleged conspiracy, as
22 I understand it.

23 Q Other than a reduction and the production of
24 beef, are there any other aspects of the conspiracy?

25 A Yes. 10:37:40

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1 It's different than saying they met and
2 specifically shared a price level, for example.

3 Q Other than what you just testified to, are
4 you aware of any other evidence that they fixed the
5 price of beef? 02:03:37

6 MR. POZAN: Same objections.

7 THE DEPONENT: Just what's in my report.

8 BY MR. CHIAPPETTA:

9 Q Is there anything to understand the
10 conspiracy to entail that you didn't include in your 02:03:44
11 report?

12 A Is there anything that I understand the
13 conspiracy to entail that I didn't put in my report?

14 I'll try to answer two ways. One, not that I
15 know of; but two, my goal was not to list every bit 02:04:10
16 of evidence that could possibly be seen as
17 supporting a pursuit to show conspiracy.

18 I showed enough and I said this is the type
19 I'm aware of and it's consistent with conspiracy but
20 that's as far as I went but I -- I -- there's 02:04:21
21 nothing else that I know of that I'm specifically
22 holding back, but I think it needs to be kept in the
23 context of what my assignment was and my purpose of
24 my report.

25 Q Okay. Did any of your opinions rely on any 02:04:33

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1 evidence that's not cited in your report?

2 A It's not the way -- no. I'll say "no" and
3 that's not what I intended. I intended for all of
4 my opinions to be supported by what I identify in my
5 report or cites in my report.

02:04:47

6 Q One of your opinions is that the alleged
7 conspiracy resulted in an overcharge on beef; is
8 that right?

9 A I think -- I think, generally. I -- I'm
10 assuming that the allegations will lead to a finding
11 of liability and under that assumption I have built
12 a model which I think identifies an over -- an
13 overcharge, that's a label I use, an overcharge for
14 the price of beef that cannot be explained by other
15 non-conspiratorial factors.

02:05:03

02:05:21

16 Q And for purposes of your analysis, do you
17 express the overcharge as a percentage?

18 A I -- I do. It flows from a coefficient in a
19 model which can be interpreted as a percentage and
20 there's a little bit of mathematical manipulation I

02:05:36

21 
22 overcharge at the direct purchaser level.

23 Q We'll get into this more later but at a high
24 level, did you determine that overcharge number
25 through a regression -- regression model?

02:05:48

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1 A Yes, I did.

2 Q And briefly, what is a regression model?

3 A Regression is a process by which it -- it can
4 be used to study non-financial things. I can -- I
5 could be studying the weight of children growing by 02:06:09
6 calorie intake, for example. But in -- in my case,

7 I'm looking at data that involves what's understood
8 to be a process of price formation; in other words,
9 what -- what form -- what leads to price levels that
10 were observed. 02:06:23

11 So I have -- regression uses data on the
12 variable in question, it's price, in our -- our
13 case.

14 Q Right.

15 A I have data on the prices and then I have 02:06:31
16 information on the products that are sold, costs
17 involved, other factors I explain in my report, and
18 we use that data, and a regression model takes

19 changes in the factors believed to explain the price
20 changes and is able to identify it by magnitude, you 02:06:48
21 know, how much price changes are caused by certain
22 other factors.

23 So you can come up with what we call
24 parameters or coefficients that say, well, this
25 variable had this much effect and this variable had 02:07:01

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1 BY MR. CHIAPPETTA:

2 Q But how accurate do you believe it is?

3 MR. POZAN: Same objections.

4 THE DEPONENT: Well, I've got various
5 measures -- measures of accuracy including things 02:18:40
6 like reporting the amount of the variation and all
7 the data with stochastic features that I can -- I
8 can account for in my model.

9 Looking at the statistical significance of my
10 parameters, I believe this all relates to the
11 reliability of building regression modeling.

12 I believe they all start from the proper
13 premise, economically, about what variables -- what
14 non-conspiratorial variables should be included in
15 that model. 02:19:06

16 It's based in -- in -- in literature and
17 other publications which support the use of
18 regression analysis, not only generally, but for the
19 purposes of estimating damages in a case like this.

20 All of those lead to my comfort of this being 02:19:19
21 a reliable model.

22 BY MR. CHIAPPETTA:


23 Q Does that result in you being confident in
24 that result?

25 A It -- it does. 02:19:25


CONFIDENTIAL

1 Q Do you have the same level of confidence with
2 respect to the individual one year analyses that you
3 did?

4 A If forced to come up with a model that does
5 demand more parameter estimates to give something 02:19:38
6 per year. Out of my desire to do that, I say I can
7 make this change and run this model this way. And
8 if somebody wants to know, I would make sure to
9 communicate, but we're requiring more of the model,
10 we're asking for more parameter estimates, they both 02:19:54
11 can be used with regression. But I don't have the
12 feeling that arbitrarily breaking up by year is
13 driven economically. It -- it's got a basis that
14 motivates doing that.

15 Q Is your opinion that each direct purchaser 02:20:10
16 
17 beef purchases during the class period?

18 MR. POZAN: Objection to form, asked and
19 answered and mischaracterizes prior testimony.

20 THE DEPONENT:  02:20:21
21 is the proper measure for coming up with a -- a
22 measured effect during the class period that can,
23 yes, then be applied to every -- would -- could be
24 applied to every direct purchaser during that time
25 period for every purchase. 02:20:37

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1 BY MR. CHIAPPETTA:

2 Q For every purchase.

3 So let me see if I can unpack this. So

4 [REDACTED]

5 for all beef purchases during the class period by 02:20:45

6 [REDACTED]

7 overcharge? Not -- sorry. Not by all class
8 members. Let me rephrase that.

9 [REDACTED]

10 for all beef purchases made by, in the first 02:20:57

11 instance, the direct purchasers during the class
12 period; is that right?

13 MR. POZAN: Object to form.

14 THE DEPONENT: [REDACTED]

15 overcharge estimate that I've reported for the 02:21:07

16 direct purchasers, but it -- it -- it flows from the
17 products that I've included, so there are things
18 which are not included in my data. So it's not all

19 beef but it's what's -- what I identified as the
20 retained sets of products from the transaction here. 02:21:26

21 BY MR. CHIAPPETTA:

22 Q The four primals?

23 A There's that, but excludes grass fed, halal.
24 There's various types that are pulled on, things
25 that are further processed and whatnot. 02:21:35

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1 language there?

2 A Yes.

3 Q Why don't you read that to yourself --

4 A Okay.

5 Q -- and let me know when you're done? 03:03:54

6 A Yes, I'm finished.

7 Q Where did you get this definition from?

8 A I believe this was -- I believe I've read it
9 in the motion for class certification and I believe
10 that was -- it was given to me by counsel of what 03:04:36
11 they decided on to define the class.

12 Q Do you understand what "fed cattle" are? Can
13 you -- I mean, we've been talking about it all day,
14 I guess, but why don't you give me your
15 understanding of what fed cattle are? 03:04:47

16 A Fed cattle generally are cattle raised for
17 beef purposes as opposed to dairy, for example. So
18 they -- they raise them. Generally, it's the
19 steers. So they take the castrated males and for
20 the females, they're heifers, so they don't -- 03:05:06
21 they're not breed -- bred at all and they raise them
22 up. They have a time for weaning when they're
23 younger. They go to forage for some period of time
24 potentially they do a -- then a dry lot or to feed
25 lots to finish off. So that's kind of a general 03:05:17

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1 idea of what's referred to as fed cattle.

2 Q How does that differ from cows?

3 A My understanding of a cow formally is a
4 female member of the cattle group that has had at
5 least one birth of an off spring. 03:05:32

6 Q Does the definition that you just read from
7 paragraph 8 include beef products that were
8 processed from cows?

9 A I think things can happen. Some -- some of
10 beef that wasn't intended for slaughter for -- for 03:05:57
11 beef, can make its way into the supply chain. But
12 my understanding is efforts are taken to -- for
13 the -- for the products we're looking at that end up
14 being sold through -- through grocery stores, right,
15 these are typically not including cows. 03:06:12

16 I mean, they can -- they do it sometimes.
17 They do sometimes but generally cows that are used
18 for breeding are put into a different cycle. Either
19 bred within beef operations but they're not -- they
20 don't exist, they're not held to slaughter, they're 03:06:27
21 held to breed other calves that are raised as
22 heifers or -- or steers. Right.

23 But -- but I -- I think cow meat can make it
24 in there but it seems like it's often treated
25 differently, graded differently and -- and some 03:06:40

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1 explicitly not desired.

2 Q So if cow meat did make its way into the
3 processing chain as you just described, would it --
4 and that was sold by defendants, would that be
5 within the class definition here? 03:06:52

6 MR. POZAN: Object to form.

7 THE DEPONENT: I -- I don't see a reference.
8 I don't recall a reference about cow, if this comes
9 in.

10 The other thing is that a lot of -- if cows 03:07:10
11 come in at times, they come in often ground beef.
12 They don't have ground beef. So it's not part of --
13 part of what's in the class as well.

14 But if somehow something -- you -- you may
15 have, for example, a cow that may be a still 03:07:24
16 relatively young, bred once then shifted over,
17 someone could do to that, it could be sold. I think
18 it would fit within the definition, the best I can
19 tell. I haven't opinions on what fits in the
20 definition necessarily other than my economic 03:07:37
21 understanding.

22 BY MR. CHIAPPETTA:

23 Q Well, although you -- I'm assuming you need
24 an understanding as to what fits within the
25 definition in order to do your regression analysis 03:07:42

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1 insofar as what data to include, right?

2 MR. POZAN: Object to form.

3 THE DEPONENT: Correct. And if the

4 defendants have indicated they sold it per the

5 discovery requests, right, and the -- any 03:07:53

6 information that we can identify as -- as qualifying

7 for these four primals and not in the other included

8 categories, that's what made it into the model.

9 BY MR. CHIAPPETTA:

10 Q So did your overcharge and pass-through 03:08:03

11 models use data relating to be from cows?

12 A Not -- not that I expected in any material

13 way. I'm -- I'm not aware that's what gets into

14 this chain of fed cattle.

15 I'm not saying it's impossible based on what 03:08:15

16 might happen but that's not what I'm aware of.

17 Q Was there any effort to exclude that data?

18 MR. POZAN: Object to form and to the extent

19 you're asking for analysis not included in his

20 report. 03:08:27

21 THE DEPONENT: I'm -- No. I'm not aware

22 of -- of a request or a need to exclude that based

23 on the definition.

24 BY MR. CHIAPPETTA:

25 Q We saw in the definition, or can you see in 03:08:40

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1 the definition, that there are four primal cuts
2 listed by name.

3 Do you see that?

4 A I do.

5 Q And that's brisket, plate -- I'm sorry, those 03:08:47
6 are the ones that are excluded.

7 It's round, loin, rib and chuck are included;
8 is that right?

9 A Correct.

10 Q It's your understanding that flank, plate, 03:08:55
11 brisket and shank are excluded from the class
12 purchases?

13 A As far as the -- yeah, the meat, the lower
14 meat, the hanger meat, if you will, but yes.

15 Q Right. And the data that you considered only 03:09:08
16 have information relating to round, rib loin, and
17 chuck?

18 MR. POZAN: Object to form.

19 THE DEPONENT: My recollection is the data we
20 used, we identified the data, the transaction data, 03:09:20
21 related to those primals. I -- I don't believe it
22 was limited to that as far as the raw data we
23 received.

24 BY MR. CHIAPPETTA:

25 Q That's the only data you used, though? 03:09:31

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1 survival of what's still there because it wasn't
2 excluded.

3 I think what you suggest would mean simply
4 that less was excluded. So what was retained in the
5 data set used for overcharge modeling would be a 03:25:39
6 different data set in a sense it would be
7 incremental, I guess, if you're talking about one
8 more primal, maybe plate or something like that.

9 Q Would you use the same model, though?

10 A I'd have to look into that further. My -- my 03:25:53
11 initial inclination is I think so and nothing jumps
12 out at me that would suggest a different model but I
13 just haven't gone down that road and thought
14 carefully about it.

15 Q If a consumer purchased only ground beef 03:26:04
16 during the class period, your report doesn't offer
17 an opinion on potential damages that they may have
18 incurred, does it, as a result of the conspiracy?

19 A For ground beef?

20 Q Correct. 03:26:20

21 A So it's -- it's an excluded product and so
22 when I conduct my analysis and I -- I do an
23 overcharge estimate and then I come up with an
24 estimate of damages for the class members, none of
25 that includes ground beef; therefore, I wouldn't 03:26:34

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1 think that somebody who only bought ground beef
2 would be included in some claims administration
3 step. I might be leaning over to a legal
4 determination here, but I thought of my analysis
5 and -- and my opinions that I formed as being 03:26:49
6 related to purchasers -- consumer class purchasers
7 of the included products.

8 Q Let me ask it in a more simple way perhaps.

9 Do you have any opinion as to the amount of
10 damages suffered by a consumer that only purchased 03:27:00
11 ground beef?

12 A No, I -- I just haven't modeled -- I haven't
13 modeled what a comment results might say about
14 overcharge for -- for ground beef in this case. I
15 haven't formed that opinion to give you today. 03:27:24

16 Q Would the same be true as to beef that's
17 marketed as -- that's marked as USDA prime or kosher
18 or halal which are also excluded in the class?

19 A Yes, I think I can more broadly say for the
20 excluded, anything that's not retained in the class 03:27:38
21 definition, I -- I -- I haven't gone forward to come
22 up with overcharge estimates or pass-through
23 estimates that would apply to come up with a damage
24 for consumer class members that purchased only
25 those. 03:27:49

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1 Q And the same would apply for the four
2 excluded primals?

3 A Yes. I meant -- I was trying to answer more
4 generally about whatever was excluded.

5 Q That's what I assumed. I just wanted to make 03:28:00
6 sure.

7 MR. CHIAPPETTA: How we doing? Do you want a
8 break? That's my question, I guess.

9 THE COURT REPORTER: Sure.

10 MR. CHIAPPETTA: Okay. 03:28:11

11 THE VIDEOGRAPHER: We're off the record. The
12 time is 3:28 p.m.

13 (Recess.)

14 THE VIDEOGRAPHER: We are back on the record.
15 The time is 3:40 p.m. 03:39:54

16 BY MR. CHIAPPETTA:

17 Q Dr. Mangum, the class period is between
18 August 1, 2014, and December 31, 2019; is that
19 correct?

20 A Yes, correct. 03:40:09

21 Q Have you also heard that referred to as the
22 conspiracy period -- conspiracy period?

23 MR. POZAN: Object to form.

24 THE DEPONENT: Are you asking if I've heard
25 it referred to as? 03:40:20

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1 factors that affect prices in the market are not
2 similar across customers?"

3 Which I talk about in my report, the evidence
4 that I do look in that.

5 So I think, while you're asking a question 06:06:24
6 about differences across consumers, my regression
7 model is built to estimate damages, not to be the
8 sole source of looking at differences across
9 customers. That's informed by other things.

10 BY MR. CHIAPPETTA: 06:06:40

11 Q So is it fair to say that your regression
12 model assumes that there's going to be common impact
13 to all customers?

14 A No.

15 I conclude that there would be all or nearly 06:06:50
16 all customer class purchasers would be affected
17 based on my economic analysis in my report.

18 I then turn to regression to say, "Well, now,
19 let's look at this magnitude."

20 It's not necessarily relying on it. I don't 06:07:08
21 assume any of that from my regression analysis. It
22 only flows from what I do.

23 Q But your regression -- in preparing your
24 regression analysis, you assumed, having so
25 concluded, that all consumers were harmed -- or all 06:07:18

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1 or almost all consumers were harmed similarly; is
2 that correct?

3 MR. POZAN: Object to form.

4 THE DEPONENT: No. I did not. I concluded
5 common impact. 06:07:30

6 BY MR. CHIAPPETTA:

7 Q Right. But you didn't conclude common impact
8 based on your regression model. You concluded that
9 based on the other evidence, correct?

10 A Correct. Prior to returning to my regression 06:07:39
11 analysis, I had other evidence concluding that there
12 is common impact.

13 So then by you saying, "Well, what if they're
14 not harmed?" I would first say, "I can't take that.
15 Show me why you think it's true." 06:07:51

16 And I know you want to pass that and say,
17 "Just assume it can be shown. Ah. Then your model
18 can't work."

19 My point is I don't think you can show me
20 what you're suggesting. So therefore it's not a 06:08:00
21 valid criticism of the model.

22 Q And so, just taking this in stages, your --
23 based upon your review and analysis of the evidence
24 in the case that you considered, you concluded that
25 there would be similar harm suffered by all or 06:08:14

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1 nearly all consumers; is that correct?

2 Actually, let me -- let me start with
3 direct --

4 A Okay.

5 Q -- purchasers. 06:08:27

6 A Okay.

7 Q Direct purchasers.

8 So based on your review and analysis in the
9 evidence in this case that you considered, you
10 concluded there would be similar harm suffered by 06:08:33
11 all or nearly all direct purchasers. Is that true?

12 A It's in my report. My -- my conclusion I
13 know is that all or nearly all consumers would be
14 affected by the price effects.

15 You've got the word "similar" in there. I 06:08:51
16 haven't quantified effects until I turn to my
17 regression analysis.

18 But I have concluded that, that all or nearly
19 all consum- -- well, direct purchasers and then, by
20 my further analysis, the consumer class purchasers, 06:09:05
21 would be affected.

22 Q Although your regression analysis doesn't
23 show that they were all affected in the same way,
24 right?

25 I mean, don't you look at the other evidence, 06:09:16

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1 assume they were affected in the same way, and then
2 apply your regression analysis and draw conclusions
3 from that?

4 MR. POZAN: Object to form.

5 THE DEPONENT: The -- the analysis I do 06:09:26
6 before getting to my regression leads me to the
7 conclusion that, based on the industry and my
8 correlation analysis, et cetera, that all or nearly
9 all -- if there was a price effect, it would flow to
10 all or nearly all customers. 06:09:38

11 That's the conclusion I have.

12 Q Before you get to the regression analysis?

13 A Before there's a quantification of that
14 effect.

15 Q Right. But the regression analysis standing 06:09:47
16 alone, without that prior analysis, can't be used to
17 show that the effect was uniform for all customers,
18 can it?

19 Does the regression analysis -- just that
20 analysis, that economic analysis standing alone. 06:10:01
21 That doesn't show everybody was injured by exactly

22 

23 MR. POZAN: Object to form.

24 THE DEPONENT: The -- it's only the
25 regression analysis in conjunction with my prior 06:10:10

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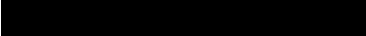
1 analysis which leads to my conclusion.

2 Because saying, "If there was an effect, it
3 would affect all or nearly all," doesn't actually
4 say there was an effect.

5 I estimate the effect with regression. 06:10:23

6 BY MR. CHIAPPETTA:

7 Q And then take those two things together to
8 then conclude that every consumer was harmed to the

9 

10 A Correct. 06:10:35

11 In other words, that's the appropriate way to
12 calculate damages if I'm including the pass-through.
13 And I'm going all the way down to the consumer class
14 in this case.

15 Q Without that first step where you looked at 06:10:45
16 the evidence about the industry as a whole, would
17 you be able to conclude solely from your regression
18 analysis that all direct purchasers overpaid the
19 same amount?

20 A I haven't attempted to conduct regression 06:11:06
21 analysis to do it that way. I use them together.
22 That's what I've -- what I've done to support my
23 opinions in this case.

24 Q To do that, wouldn't you have to run a
25 regression analysis based on consumer by consumer? 06:11:21

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1 Or not "consumer by consumer." Let me start again.

2 How would you go about doing that?

3 A Well, first, I wouldn't assume it could be
4 done, that there's sufficient data to slice up when
5 the question is going to be a marketplace that 06:11:36
6 everyone's participating in.

7 To then say, "Well, I can take just a small
8 amount of data and try to" -- I'm not sure it can be
9 done.

10 And I've been involved in times where I've 06:11:47
11 had the opinion that attempts to use much less
12 amount of the data to try to look at an individual
13 and think there's some effect shown that maybe
14 there's differences across consumers.

15 And every time I disagree, I think that 06:12:01
16 people thinking they've shown that are incorrect.

17 What they're really capturing is weaknesses
18 of limited data, and they think that's giving them
19 the truth.

20 But that's the concern I have with trying to 06:12:11
21 think that I can treat any purchaser as an island,
22 as if what a purchaser purchases, the market is not
23 related to what people in the same market are
24 paying.

25 It's not a valid assumption to make to go run 06:12:21

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1 regressions. But that's a dispute that I often
2 have.

3 Q Did you run your model on any individual
4 direct purchasers?

5 A No. I don't believe it's proper, and I 06:12:42
6 didn't run a model on any single direct purchasers.

7 Q Is there any way you could extend your model
8 to see how much each individual purchaser was
9 impacted or to -- to test your theory that they were
10 all impacted in the same manner? 06:13:03

11 MR. POZAN: Object to form, vague.

12 THE DEPONENT: Well, I've -- I've got an
13 analysis which leads me to a conclusion.

14 I wouldn't use a regression to test that,
15 necessarily. The analysis stands on itself. The 06:13:13
16 other analyses stand on their own.

17 The idea of if I have data, it's all a
18 market, I believe, for different purchasers.
19 Experiences in the marketplace are definitely
20 related to what other purchasers do. 06:13:29

21 Based on that, I don't think an idea -- a
22 good idea would be to say, "Let me pretend they're
23 not related and let me just look at one company's
24 purchases."

25 I just disagree with that approach, so I 06:13:42

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1 haven't gone down that approach.

2 BY MR. CHIAPPETTA:

3 Q Even -- would you not do that even if the
4 data was sufficiently robust?

5 I mean, it seems that you're looking at 06:13:49
6 evidence and reaching a conclusion of common impact.

7 But to the extent that you could actually
8 test common impact, wouldn't you want to do that as
9 an economist?

10 A I don't think so. 06:13:59

11 For example, what would stop me from saying,
12 "What about Tuesdays only?" What would be the
13 theory that damages wouldn't happen on Tuesdays?

14 But I could run it with a lot less data and
15 say, "Ah-ha. I don't find a statistically 06:14:12
16 significant overcharge."

17 That's not valid science. That's saying,
18 "Let me see if I can go break something by using
19 less data," as opposed to motivating why would there
20 be differences. 06:14:25

21 You don't start to say, "I have no idea why
22 scientifically. Let me go find something," and then
23 try to explain later.

24 You start by describing: What theory do I
25 have? What hypothesis test have I substantiated 06:14:34

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1 before I run my regression?

2 I don't know the theoretical basis to say I
3 think there should be different prices.

4 I've done the analysis to conclude the
5 opposite, but I would want to know. 06:14:47

6 Who's doing that first, if they think, Let me
7 use a lot less data, to then say, "I've got a theory
8 that tells me I should expect there to be different
9 experiences by customer," for example.

10 Q Well, I think you'd agree that the damages 06:14:58
11 suffered on a Tuesday is somewhat less relevant than
12 whether there are uninjured plaintiffs or whether
13 everybody was injured the same, right?

14 I mean, that's kind of a -- damages suffered
15 on a Tuesday is an obscure question. 06:15:16

16 Whether there are uninjured plaintiffs or
17 whether the plaintiffs were all injured in the
18 manner that you allege is relevant.

19 MR. POZAN: Object to form, compound and
20 vague. 06:15:26

21 THE DEPONENT: I disagree, and I'll explain
22 why.

23 Setting aside legal determinations because
24 there very well could be something about one day of
25 harm is good enough for some legal -- setting that 06:15:37

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1 aside. I'm talking about as an economist.

2 To arbitrarily say, "Let me just divide up,"

3 without a theory to say, "Can I find differences?

4 And then let me go think if I can explain it"?

5 That's not science.

06:15:51

6 That's looking to break something and then

7 thinking after the fact if I can come up with an

8 answer why.

9 And so that's why I think it's no difference

10 arbitrarily to say, "I checked Tuesdays. There's no

06:16:00

11 harm on Tuesdays."

12 "Why?"

13 "I don't know. I just checked it."

14 I would disagree in that.

15 That's not a scientific approach. It's an

06:16:09

16 attempt to try to find something by using less data.

17 BY MR. CHIAPPETTA:

18 Q Well, although I was asking you to assume the

19 data was sufficiently robust to reach a conclusion.

20 It seems to me that a question such as

06:16:19

21 whether or not there are uninjured plaintiffs and

22 whether or not in fact everybody was injured to the

23 same degree would be an inquiry that's worthwhile to

24 the extent that you did have the data to do it, is

25 it not?

06:16:39

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1 MR. POZAN: Object to form and incomplete
2 hypothetical.

3 THE DEPONENT: I did the inquiry and I've got
4 the basis for my opinions.

5 And what I'm suggesting is I don't think 06:16:44
6 regression, given the stochastic nature, is a
7 promising approach to try to say, "Let me go and
8 have regression take everything on its shoulders to
9 do everything that's needed."

10 I don't think that's even a good idea. 06:16:55

11 I've looked at attempts to try, and I've
12 disagreed with them because of issues of scientific
13 approach and whatnot.

14 So I don't think I should just go ahead and
15 do something arbitrary just to go fishing in a -- in 06:17:06
16 a lake I have no reason to believe or argument
17 there's fish in it. But I'll go fishing there to
18 see if I can find a fish.

19 BY MR. CHIAPPETTA:

20 Q Well, the -- and the question of whether or 06:17:17
21 not plaintiffs were injured is a little more than an
22 arbitrary question, is it not?

23 MR. POZAN: Object to form, argumentative.

24 THE DEPONENT: It's not an arbitrary
25 question. That's why I address that question and 06:17:27

CONFIDENTIAL

1 gave an opinion on it in my report.

2 The idea of, Well, if I use less data, I
3 don't have as much information. But I want to look
4 anyway to see if there's differences.

5 Are you explaining why? What theory would 06:17:41
6 say some consumer could not have to be subject to
7 the price increase?

8 Say why. Say the theory. Tie it to
9 something. Build your null hypothesis and then run
10 your test. 06:17:56

11 As opposed to the fishing expedition, where
12 you just check to find a result you can't explain
13 because you had no theory you were actually testing.

14 BY MR. CHIAPPETTA:

15 Q Well, a theory would be, for example, that 06:18:04
16 Costco has more bargaining power than some small
17 grocery store and, as a result of that, was able to
18 push back against price increases.

19 There's the theory. How can you test that?

20 MR. POZAN: Object to form. 06:18:17

21 THE DEPONENT: Well, you have not convinced
22 me with a compelling theory.

23 Because if Costco had that ability, why
24 didn't it push prices down before the
25 anticompetitive price increase? 06:18:24

CONFIDENTIAL

1 Why was it holding that ability it held in
2 its pocket to not have a price decrease different
3 from its competitors until after the overcharge?

4 In fact, how would Costco know when a price
5 increase was an anticompetitive or actually a 06:18:40
6 regular part of business?

7 Costco's already done that. To the extent
8 they have that, that's also in the benchmark.

9 There's no theory to say that someone
10 magically has buying buyer that was nonexistent 06:18:49
11 until an anticompetitive price increase that they
12 likely knew nothing about occurred.

13 BY MR. CHIAPPETTA:

14 Q Well, based on your analysis, though, the
15 packers had very low margins until the alleged 06:19:01
16 conspiracy started.

17 After that, they were -- had much higher
18 margins. To the extent that Costco wanted to push
19 back, they had something to give.

20 In other words, Costco couldn't have,
21 necessarily, pushed as much when they had low
22 margins as they could push when they have higher
23 margins.

24 And therefore Costco could use its bargaining
25 power in a way that it couldn't previously. 06:19:24

CONFIDENTIAL

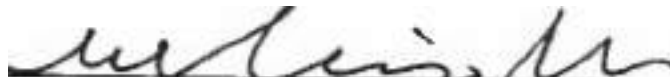
1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, Registered
3 Professional Reporter, Certified Live Note Reporter,
4 do hereby certify:

5 That the foregoing proceedings were taken
6 before me at the time and place herein set forth;
7 that any witnesses in the foregoing proceedings,
8 prior to testifying, were duly sworn; that a record
9 of the proceedings was made by me using machine
10 shorthand which was thereafter transcribed under my
11 direction; that the foregoing transcript is a true
12 record of the testimony given.

13 Further, that if the foregoing pertains to
14 the original transcript of a deposition in a Federal
15 Case, before completion of the proceedings, review
16 of the transcript [x] was [] was not requested.
17 I further certify I am neither financially
18 interested in the action nor a relative or employee
19 of any attorney or party to this action.

20 IN WITNESS WHEREOF, I have this date
21 subscribed my name.

22
23 Dated: January 6 2025

24


25 MELISSA M. VILLAGRAN

CSR No. 12543 RPR

ECF No. 1142-1

Unsealed by
Agreement of the
Parties

Exhibit 2

Filed Under Seal

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

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IN RE: CATTLE AND BEEF)
ANTITRUST LITIGATION) Case No. :
) 22-md-3031 (JRT/JFD)
This Document Relates To:)
Consumer Indirect Purchaser)
Plaintiff Actions)
_____)

REMOTE 30(b)(1) DEPOSITION OF CINDY ABERNATHY

Taken via Zoom
On Wednesday, January 10, 2024
At 10:01 a.m.

Reported by: Emily A. Gibb, RPR, CSR, CCR
Certified: Utah, Nevada, California, Idaho Washington

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A P P E A R A N C E S

For Tyson Foods:

Barry G. Stratford, Esq.
Samantha J. Burke, Esq.
PERKINS COIE
2901 North Central Avenue
Suite 2000
Phoenix, Arizona 85012
(602) 351-8206
bstratford@perkinscoie.com
sburke@perkinscoie.com

For The Consumers:

Abby Wolf, Esq.
Sarah Dupree, Esq.
HAGENS BERMAN SOBOL SHAPIRO, LLP
715 Hearst Avenue
Suite 300
Berkeley, California 94710
(510) 725-3000
abbyw@hbsslaw.com
sarahd@hbsslaw.com

For National Beef:

Michelle K. Fischer, Esq.
Eddie Hasdoo, Esq.
JONES DAY
North Point 901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-7096
mfischer@jonesday.com
ehasdoo@jonesday.com

For the Commercial, Institutional, and Direct
Purchaser Plaintiffs:

Cody McCracken, Esq.
CUNEO GILBERT & LADUCA, LLP
4725 Wisconsin Ave, NW
Suite 200
Washington, D.C. 20016
(202) 789-3960
cmccracken@cuneolaw.com

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A P P E A R A N C E S

For the Direct Purchaser Plaintiffs:

Elena Endrukaite, Esq.
WEXLER BOLEY & ELGERSMA, LLP
311 South Wacker Drive
Suite 5450
Chicago, Illinois 60606
(312) 261-4542
ee@wbe-llp.com

For the Indirect Sellers:

Alexis R. Garcia, Esq.
WATTS GUERRA
875 East Ashby Place
Suite 1200
San Antonio, Texas 78212
(210) 477-0500
argarcia@wattsguerra.com

For Cargill:

Joan Akalaonu, Esq.
FAEGRE DRINKER BIDDLE & REATH LLP
320 South Canal Street
Suite 3300
Chicago, Illinois 60606
(224) 531-7532
joan.akalaonu@faegredrinker.com

Also Present:

Bob Brasch, Veritext Concierge

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I N D E X

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* * *

E X H I B I T S

EXHIBIT	DESCRIPTION	PAGE
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Exhibit 2 -	Email Exchange Re: You paid what? [CONSUMERIPP0000019135-19136]	36
Exhibit 3 -	6-22-14 Email to Barbara Blocker [CONSUMERIPP0000019127]	50
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Exhibit 6 -	Copies of Receipts [CONSUMERIPP0000019164-19176]	80
Exhibit 7 -	Counsel for Plaintiffs in the Consumer Indirect Purchaser Class	110

1 you're out to eat at a restaurant?

2 A. Usually, yes.

3 Q. In a typical month, how often do you get a
4 sandwich to go at like a sandwich shop?

5 A. In a month you said? That would mean I'm
6 cheating with gluten, so maybe once or twice a month.

7 Q. Are you not -- do you not usually eat
8 gluten?

9 A. I -- I cheat with gluten more than I should.

10 Q. When you get something to eat from a
11 sandwich shop, are you usually ordering beef?

12 A. Yes.

13 Q. And has that generally been true when you go
14 get food from sandwich shops over the last ten years?

15 A. I'd say yes.

16 Q. In a typical month, how often would you say
17 that you eat at a fast-food restaurant?

18 A. Maybe once a week.

19 Q. And has that been generally consistent over
20 the last ten years?

21 A. There were times of higher stress at work
22 where I may have eaten daily.

23 Q. So it's fluctuated at times?

24 A. Uh-huh. Yes.

25 Q. And when you're ordering food at a fast-food

1 restaurant, are you typically ordering beef?

2 A. Yes.

3 Q. How much beef would you say that you buy to
4 cook or eat at home during a typical week?

5 A. That fluctuates as well. With the prices
6 lately, I've cut down, but -- did you say how much
7 or -- how much beef in a week I buy?

8 Q. Yeah. How much beef --

9 A. Um --

10 Q. -- to bring home to either cook or to eat at
11 home in a typical week?

12 A. So --

13 MS. WOLF: Objection. Vague as to pounds or
14 dollars.

15 THE WITNESS: I guess, because I'm -- I've
16 been eating out a lot recently, so maybe buying beef
17 a few times a week right now. Maybe two -- two times
18 a week.

19 BY MR. STRATFORD:

20 Q. And it sounds like that changes over the
21 course of time how much you're -- you're sort of
22 buying to make at home; is that right?

23 A. Yes.

24 MS. WOLF: Objection. Misstates prior
25 testimony.

1 BY MR. STRATFORD:

2 Q. Over -- thinking over the course of the last
3 year for 2023, do you -- is -- is it fair to say you
4 buy around two beef items in any given week over the
5 course of an entire year?

6 A. No.

7 Q. And I believe that you said that you had
8 been buying a little bit less or less as a result of
9 prices.

10 What did you mean by that?

11 A. The general grocery prices have gone up a
12 lot, but I also tend to buy the more premium cuts of
13 beef that are either organic or humanely raised or
14 grass-fed. And so those cost even more than
15 conventional beef.

16 Q. And when the price of those premium beef
17 products go up, do you then buy alternative proteins
18 of some kind?

19 A. Rarely.

20 Q. Do you tend to buy more beef when the price
21 of those premium sort of cuts go down?

22 A. Yes. Or if I have coupons or specials are
23 going on.

24 (Eddie Hadoo exits the deposition.)

25 ///

1 BY MR. STRATFORD:

2 Q. Would you say that you buy more or less beef
3 around the holidays?

4 A. I really don't know if it changes because of
5 the holidays.

6 Q. Are there any specific special occasions
7 that you purchase beef for?

8 A. Not really. I live alone, so one day is
9 like the next. So not really special occasions.

10 Q. Do you buy more beef during the summertime
11 to barbecue?

12 A. I don't have a barbecue.

13 Q. So fair to say you don't buy more then.

14 A. I don't believe so, no.

15 Q. Okay. Thinking over the last ten years, has
16 there been a year that you can think of where you've
17 purchased a lot more beef than any other year?

18 A. There have been years. I don't know the
19 exact years, but if I was more on top of my game and
20 maybe exercising and trying to cook for myself, then
21 yes, I'm buying my own beef more.

22 Q. Okay. Are you able to estimate how much
23 money you have spent purchasing beef, say, in 2023?

24 MS. WOLF: Objection. Form.

25 THE WITNESS: Yes, I really have no idea.

Page 27

1 the pandemic?

2 A. I think a little bit less and just had food
3 delivered.

4 Q. And when you say "had food delivered," is
5 that food that's already prepared or cooked?

6 A. Yes.

7 Q. Was there a point in time in which your sort
8 of purchasing habits for groceries returned to
9 normal -- scratch that question.

10 Was there a point in time in which you
11 returned to your typical purchasing habits after
12 COVID?

13 MS. WOLF: Objection. Form. Misstates
14 prior testimony.

15 THE WITNESS: I'm not even sure what my
16 normal is because it fluctuates. So it's hard for me
17 to say if I returned to normal.

18 But as far as once we could go out with less
19 fear during COVID, I did start going to the grocery
20 store more.

21 BY MR. STRATFORD:

22 Q. Did you stock up on any products in early
23 2020 as a result of the pandemic?

24 MS. WOLF: Objection. Vague as to
25 "products."

1 You can answer the question, Ms. Abernathy.

2 THE WITNESS: I -- I tried to.

3 BY MR. STRATFORD:

4 Q. Did that include any beef products?

5 A. I don't remember. I think I was more
6 worried about toilet paper.

7 Q. All right. When you go out to eat, to eat
8 beef that's been cooked by someone else, what factors
9 do you generally consider when you decide where to go
10 eat at?

11 A. The factors are I try my best to go to the
12 places where I can get something that's -- doesn't
13 have gluten and where I think maybe they won't
14 contaminate me with gluten. So that's kind of the
15 first thing I think of.

16 Q. Any other factors?

17 A. I want good food and atmosphere as well.
18 That's about it.

19 Q. When you're purchasing beef to cook and
20 eat -- to cook or eat at home, what factors do you
21 consider when deciding where to purchase beef from?

22 MS. WOLF: Objection. Form.

23 THE WITNESS: Can I answer that?

24 MS. WOLF: Yes. Please answer,

25 Ms. Abernathy, if you understand the question.

1 THE WITNESS: So factors determining where I
2 purchase beef.

3 Again, I want -- I want a higher level of
4 beef that is either organic or humanely raised or
5 grass-fed, non-GMO fed if possible. So I'm going to
6 go to places that sell beef like that.

7 BY MR. STRATFORD:

8 Q. And why is that important to you?

9 A. Just for overall health and -- health for
10 me, but also humanely treated animals. And I just
11 want to have a higher level of -- of -- of what goes
12 in my body.

13 Q. Are there any other factors that you
14 consider when you're purchasing -- deciding where to
15 purchase beef from for home consumption?

16 MS. WOLF: Objection. Form.

17 You may answer the question.

18 THE WITNESS: I do -- I mean, I'll look
19 at -- I'll check prices, if I have a flyer, to see.
20 And I'll check to see if I have a coupon to maybe
21 decide which of -- of a couple stores I could go to.

22 BY MR. STRATFORD:

23 Q. Would you say that your consideration of the
24 factors you've talked about, has that changed over
25 time, over the last ten years?

1 MS. WOLF: Objection. Form.

2 You may answer the question, Ms. Abernathy.

3 THE WITNESS: Not over the last ten years,

4 no.

5 BY MR. STRATFORD:

6 Q. All right. It sounds like there are some
7 specific products that you -- you prefer to purchase.

8 If I'm understanding correctly, that would
9 be grass-fed beef?

10 A. That's one of them, yes.

11 Q. And you said organic as well; is that right?

12 A. Right.

13 Q. How about certified Angus beef?

14 A. I do see that, but I don't know that that --
15 I think maybe that's supposed to taste different or
16 something. It's -- it's -- doesn't -- I don't know
17 if it tells me about quality, so I don't really go by
18 that.

19 Q. Okay. And I think you also said beef
20 without antibiotics? Is that --

21 A. Or -- sorry.

22 Q. Go ahead.

23 A. Humanely raised.

24 Q. Do you also prefer to buy hormone-free beef?

25 A. Yes, I do.

1 So if I'm understanding correctly, the --
2 the first item you mentioned on the rewards points is
3 that they'll -- they'll give you sort of a \$2 off
4 that you can apply to any particular purchase. And
5 I'm wondering if you've used that, ever, when you've
6 purchased a beef product.

7 A. More than likely. It -- it has to add up
8 over several months, and then suddenly, they give you
9 your \$2 off, so -- of the entire grocery purchase.

10 Q. And is it automatically applied, or do you
11 have to approve the use of the points for that?

12 MS. WOLF: Objection. Form. Vague as to
13 which account.

14 THE WITNESS: Natural Grocers makes me
15 select it in an email, or else they're not going to
16 give it to me.

17 Smith's just gives you -- as a rewards
18 member, your price is lower than someone else who
19 buys something that's not a rewards member, if they
20 buy the same thing.

21 BY MR. STRATFORD:

22 Q. Got it. Okay.

23 Is your -- so you -- you were describing to
24 me the Smith's reward card.

25 It sounds like you have a Natural Grocers

1 reward card as well; is that right?

2 A. Yes.

3 Q. Is that -- is that generally the same type
4 of reward program to your knowledge?

5 A. It's a little different -- well, it's the
6 same in that if you're a rewards member, you get the
7 rewards member price that day, but they also give
8 you -- after so many -- after you spend so much,
9 they'll give you \$2 off. And I don't think Smith's
10 gives me \$2 off. They just give you the coupon price
11 or the rewards member price and money off your gas if
12 you buy gas from them.

13 Q. Okay. And for the Natural Grocers reward,
14 when you say \$2 off, is that \$2 off the purchase
15 price of the product or just \$2 off at the end of the
16 bill?

17 A. End of the bill. Total bill.

18 Q. What brands of beef products do you usually
19 purchase?

20 A. I don't pay a lot of attention, but I think
21 the one at -- at Natural Grocers, that's grass-fed
22 and humanely raised, that one is -- is it Thousand --
23 it's got Thousand in the name, I think. Thousand
24 Acre or Ranch or something like that.

25 And Smith's, I -- I don't know what the

1 actual brand name is.

2 Q. Other than the brand of the product you're
3 thinking of at Natural Grocers and -- are -- any
4 other brands you can think of that you usually
5 purchase?

6 MS. WOLF: Objection. Form.

7 THE WITNESS: Applegate Farms, I believe, is
8 a -- one that I might buy now and then.

9 BY MR. STRATFORD:

10 Q. Why is it that you buy the -- I'm just going
11 to call it Thousand Acre. Will you understand what
12 I'm referring to there?

13 A. Yes.

14 Q. Okay. Why is it that you buy the Thousand
15 Acre brand?

16 A. That's the one brand at Natural Grocers that
17 has all the certifications of grass-fed and humanely
18 raised and I think non-GMO.

19 Q. Any other reason why you buy Thousand Acre
20 other than what you just identified?

21 A. No. Because the -- the other -- the only
22 other -- they only have two brands, I think, at -- of
23 steaks and ground beef, and so the other one is more
24 conventional.

25 Q. How about for Applegate? Why is it that you

1 purchase the Applegate brand?

2 A. I'm just remembering the name. I think
3 that's a -- well, now that I think of it, that might
4 be -- that might be beef hot dogs and bacon. So that
5 might not be so much just plain beef.

6 Q. Is it fair to say for the -- then, for the
7 Applegate, that it's -- it's less that you're looking
8 for whether it's grass-fed or humanely raised, and
9 just that it's the type of beef product that you're
10 looking to purchase?

11 MS. WOLF: Objection. Misstates prior
12 testimony.

13 THE WITNESS: Yeah, I'm not sure what you
14 mean.

15 Can you restate that?

16 BY MR. STRATFORD:

17 Q. Yeah.

18 So -- so it sounds like when you're
19 buying -- you prefer to buy Thousand Acre because
20 it's the -- the type of beef that you're looking for
21 in that it's the grass-fed and humanely raised. And
22 so I'm just trying to understand if that's also true
23 for Applegate, or if you're buying Applegate just
24 because it's the only brand available for hot dogs,
25 if you're trying to buy hot dogs.

1 A. No. I'm always looking for the -- those
2 certifications.

3 Q. Has your preference for Thousand Acre or
4 Applegate brand, has that changed over the last ten
5 years?

6 A. It's not -- I mean, the brand doesn't mean
7 anything to me. It's -- it's trying to get a higher
8 quality of beef. So in the last -- I guess I've been
9 here six years, it's only changed in that I've been
10 in the mountains for six years, and that's what I've
11 got available to me.

12 Q. Do you know if the Thousand Acre branded
13 beef products are processed by one of the defendants?

14 A. I don't know.

15 Q. Do you think it's possible that their beef
16 products are processed by other companies rather than
17 the defendants in this case?

18 MS. WOLF: Objection. Asked and answered.

19 THE WITNESS: I don't know.

20 BY MR. STRATFORD:

21 Q. Do you know what beef products are -- beef
22 product brands are sold by Tyson?

23 A. I just know that Tyson sells a -- a brand as
24 Tyson. I don't know other names.

25 Q. Do you know which beef product brands are

1 sold by Cargill?

2 A. I do not.

3 Q. Do you know which beef product brands are
4 sold by JBS?

5 A. I do not.

6 Q. Do you know which beef product brands are
7 sold by National Beef?

8 A. No.

9 Q. Have you ever purchased beef directly from
10 one of the defendants in this case?

11 A. No.

12 Q. You've never entered into a contract with
13 one of the defendants related to the purchase of
14 beef?

15 A. And, like, ordered directly from Tyson or
16 something from a website or something, or ...

17 Q. Well, so my specific question is whether
18 you've ever entered into a contract for them for the
19 purchase of beef in any form?

20 A. No.

21 Q. Do you generally prefer to purchase beef
22 from local farmers and processors?

23 A. If I can.

24 Q. And why is that?

25 A. It's -- you feel like you're helping the

1 meal delivery companies?

2 A. No.

3 Q. Do you know if the beef that was provided in
4 the meal delivery kits from Green Chef was processed
5 by one of the defendants?

6 A. I don't know.

7 Q. Do you know if the beef that was in the meal
8 delivery kits from Green Chef was processed from
9 grain-fed cattle?

10 A. Grain-fed? I -- I don't know.

11 Q. Are there any other places where you
12 typically purchase beef from that we haven't talked
13 about?

14 A. I don't think so.

15 Q. Okay.

16 MR. STRATFORD: I'd like to -- actually,
17 we're at -- at the top of the hour.

18 So how are you feeling, Ms. Abernathy? Do
19 you want to take another break, and do you want to
20 take a lunch break? Because I know it's -- it's
21 almost noon your time.

22 THE WITNESS: I'm open to whatever the team
23 wants to do.

24 MR. STRATFORD: I suspect that Abby is going
25 to say whatever you want to do.

1 MS. WOLF: I was going to say, Barry, do you
2 have a sense of how much longer you're going to be?
3 Maybe that would help us make our decision.

4 MR. STRATFORD: I think I might be able to
5 finish in a half hour, but I -- certainly no more
6 than an hour.

7 MS. WOLF: Okay.

8 THE WITNESS: I'm fine to continue.

9 MR. STRATFORD: Okay. Let's take just a
10 quick five-minute break, then, and hopefully we can
11 power through in the next hour.

12 MS. WOLF: Sounds good.

13 MR. STRATFORD: Let's go off the record.

14 (Short recess taken.)

15 MR. STRATFORD: Let's go ahead and go back
16 on the record.

17 I'd like to introduce what has been
18 premarked as Exhibit Abernath Exhibit 06.

19 (Exhibit 6 was marked for
20 identification.)

21 MR. STRATFORD: And, Bob, if you wouldn't
22 mind pulling that up.

23 CONCIERGE: Stand by.

24 BY MR. STRATFORD:

25 Q. And, Ms. Abernathy, I'm going to just sort

1 of walk you through page by page on this, but this
2 appears to be the receipts that were produced by your
3 counsel in this litigation.

4 Is that what you understand this is?

5 A. Yes.

6 Q. And what are the circles on these receipts?

7 A. That's the beef products that I bought.

8 Q. And did you draw those circles?

9 A. I did, yeah.

10 Q. How did you go about identifying the beef
11 products on these receipts?

12 A. I was looking for the word "beef" or
13 "steak."

14 Q. Okay. So on this first page, the Natural
15 Grocers receipt, it looks like "THHL G BEEF GFD."

16 Do you know what that is?

17 A. Yes. I think it's Thousand Hills.

18 Q. And is that the brand that we had been
19 talking about earlier that I think we had referred to
20 as Thousand Acres?

21 A. Yes, yes.

22 Q. Okay. Is this a ground beef?

23 A. It looks like ground beef grass-fed.

24 Q. Okay. Is it your understanding that GFD
25 stands for grass-fed?

1 A. I'm assuming it does, yes.

2 Q. Do you know if this product was processed by
3 one of the defendants?

4 A. I do not know that.

5 Q. Is it your understanding that this product
6 was processed from grass-fed cattle?

7 A. Yes. It's -- they mark theirs as grass-fed.

8 Q. Okay. We can jump to the next page. And
9 for the first circle on this, that appears to be
10 sirloin.

11 Is that what you read?

12 A. I think so, yes.

13 Q. And do you know if this sirloin product was
14 processed by one of the defendants?

15 A. I don't know.

16 Q. Do you know if it was processed from
17 grass-fed cattle?

18 A. I don't know for sure.

19 Q. And the second circle on this page, the
20 first portion's not especially legible. But then it
21 says "BUFFAL."

22 Do you understand what that means?

23 A. Yeah. I -- I don't know if it's buffalo and
24 beef mixed, or if I bought buffalo by itself, so I'm
25 not sure.

1 Q. And so fair to say you're not totally sure
2 if that product is actually beef?

3 A. Right.

4 Q. Okay.

5 MR. STRATFORD: We can jump to the next
6 page.

7 BY MR. STRATFORD:

8 Q. And what beef product is circled on this?

9 A. Applegate beef grass-fed. I'm not sure what
10 the S means.

11 Q. Yeah, I was going to ask you if you knew
12 what type of beef this was.

13 A. I didn't think that Applegate had a -- just
14 a packaged beef. I thought they were hot dogs, but I
15 don't see letters that make me think it's hot dogs,
16 so I'm not sure what it is exactly.

17 Q. Do you know if this product was processed by
18 one of the defendants?

19 A. I don't know.

20 Q. It is your understanding, at least, that
21 this product was processed from grass-fed cattle.

22 A. It appears to be since it says GFD.

23 Q. Okay.

24 MR. STRATFORD: Turn to the next page.

25 ///

1 BY MR. STRATFORD:

2 Q. And what beef product do you see on this
3 page?

4 A. That is a sticky ribs. So that was a -- a
5 cooked -- a cooked beef ribs.

6 Q. When you say it's "cooked," it was already
7 precooked, then?

8 A. It was already precooked, yes.

9 Q. Do you know if the sticky ribs were
10 processed by one of the defendants?

11 A. I don't know.

12 Q. Do you know if the sticky ribs were
13 processed from grass-fed cattle?

14 A. I don't know.

15 MR. STRATFORD: Okay. We can jump to the
16 next page.

17 MS. WOLF: It may just be an issue with me,
18 but it's not following the same order as what I'm
19 seeing on Exhibit Share. So just for sake of the
20 record, would you mind referring to the Bates
21 numbered pages just for clarity?

22 MR. STRATFORD: Yeah. So I believe we're on
23 19168. Yes.

24 MS. WOLF: Okay. Thank you.

25 ///

1 BY MR. STRATFORD:

2 Q. All right. Ms. Abernathy, what beef product
3 do you see on this -- this page?

4 A. That's another Applegate grass -- grass-fed
5 beef with the S that I don't know what -- what it is.

6 Q. Okay. And this is one that we had seen on a
7 prior receipt; is that right?

8 A. It looks like it, yes.

9 Q. And for this particular product, you -- you
10 don't know if this was processed one -- by one of the
11 defendants; is that right?

12 A. I don't know.

13 Q. Do you know if it was processed from
14 grass-fed cattle?

15 A. Yes, because it's marked GFD.

16 Q. Okay. All right.

17 MR. STRATFORD: We can go to the next page,
18 which is -- it ends in Bates No. 19169.

19 BY MR. STRATFORD:

20 Q. And, Ms. Abernathy, can you identify the
21 beef product on this page?

22 A. That's a smoked beef brisket.

23 Q. Is that a precooked bris --

24 A. That's --

25 Q. -- ket?

1 A. Yeah, sorry. Precooked.

2 Q. Do you know what brand this would be?

3 A. I do not.

4 Q. Do you know if the beef brisket was
5 processed by one of the defendants?

6 A. I do not know that.

7 Q. Do you know if the brief -- the beef brisket
8 was processed from grass-fed cattle?

9 A. I do not know that.

10 Q. Do you know if the beef brisket was
11 processed from grain-fed cattle?

12 A. I -- I don't know that.

13 Q. Okay.

14 MR. STRATFORD: Go to the next page, which
15 is 19170.

16 BY MR. STRATFORD:

17 Q. And can you identify the beef product here?

18 A. Applegate S beef burgers. Oh, it's just one
19 with a coupon.

20 Q. Okay. And would you occasionally, then, get
21 coupons for -- that you'd use for these Applegate
22 products?

23 A. If that is at the Natural Grocer, which I
24 can't see at the top, if that's at Natural Grocers,
25 yeah. I don't generally have paper coupons, so I

1 think they gave me a dollar off as a reward or it was
2 on sale for a dollar off or something.

3 Q. Okay. Same questions.

4 You don't know if this product was processed
5 by one of the defendants?

6 A. I do not know.

7 Q. It's your understanding that this product
8 was processed from grass-fed cattle?

9 A. It's not marked as that, so I'm not sure,
10 other than that I usually get that kind of thing.

11 Q. Do you know if it was processed from
12 grain-fed cattle?

13 A. I don't know.

14 Q. Okay.

15 MR. STRATFORD: We can go to the next page.

16 BY MR. STRATFORD:

17 Q. And would you identify the beef product on
18 the next page.

19 A. It's another Applegate S grass-fed beef.

20 Q. At the risk of being repetitive --

21 A. Yeah.

22 Q. -- do you know if this product was processed
23 from one of the defendants?

24 A. I don't know.

25 Q. And is it your understanding that this

1 product was processed from grass-fed cattle?

2 A. Yes, because it's marked.

3 Q. Okay.

4 MR. STRATFORD: We can go to the next one.

5 This is 19172.

6 BY MR. STRATFORD:

7 Q. And would you identify the beef product
8 here.

9 A. Another Applegate S beef grass-fed.

10 Q. And would your answers to my questions that
11 I asked about the last receipt be the same for this?

12 MS. WOLF: Objection. Form.

13 BY MR. STRATFORD:

14 Q. Let me -- let me just ask it, then.

15 Do you know if this beef product was
16 processed by one of the defendants?

17 A. I do not know.

18 Q. Do you know if this beef product was
19 processed from grass-fed cattle?

20 A. I do not -- well, yes, it's marked as
21 grass-fed.

22 Q. Okay.

23 MR. STRATFORD: All right. We can go to the
24 next page, which is 19173, and this is a Macey's
25 receipt.

1 BY MR. STRATFORD:

2 Q. Can you identify the beef product on this
3 receipt.

4 A. Yeah. That would -- that's another Macey's
5 precooked, probably brisket sandwich meat.

6 Q. Okay. And that was going to be my question
7 was whether this was -- was cooked when you had
8 purchased it.

9 A. Yes.

10 Q. Do you know if this product was processed by
11 one of the defendants?

12 A. I do not know that.

13 Q. Do you know if this product was processed
14 from grass-fed cattle?

15 A. I do not know that.

16 Q. Do you know if it was processed from
17 grain-fed cattle?

18 A. I -- I don't know that either.

19 MR. STRATFORD: Okay. We can go to the next
20 page, which is 19174.

21 BY MR. STRATFORD:

22 Q. Would you identify the beef product on this
23 receipt.

24 A. Applegate S beef grass-fed.

25 Q. And do you know if this product was

1 processed by one of the defendants?

2 A. No, I do not know.

3 Q. Do you know if this product was processed
4 from grass-fed cattle?

5 A. Yes, because it's marked.

6 Q. Okay.

7 MR. STRATFORD: All right. Then we can go
8 to the next page, which is -- ends in Bates
9 No. 19175.

10 BY MR. STRATFORD:

11 Q. And are you able to identify the beef
12 products on this receipt?

13 A. Yes. It looks like a 90/10 ground beef,
14 which is what I would normally get as far as the
15 ratios.

16 Q. Okay. And I'm recalling testimony that you
17 didn't often shop at Walmart.

18 Do you recall why you were purchasing ground
19 beef on this occasion?

20 A. Can I see the date?

21 Q. I think the date's at the bottom of the
22 receipt. Looks like October 26th of 2019.

23 A. '19.

24 I don't -- mmm. October. I don't know.

25 Q. Yeah. I was trying to see if this might

1 have been purchased for some sort of special
2 occasion, because it does look like it's more ground
3 beef than you'd typically purchase.

4 Any -- any recollection of a special
5 occasion around October of 2019 that you may have
6 purchased ground beef for?

7 MS. WOLF: Objection. Misstates prior
8 testimony.

9 THE WITNESS: I believe I'm remembering.
10 There was a time when I was trying to make my own cat
11 food.

12 BY MR. STRATFORD:

13 Q. Okay.

14 A. And that might be it.

15 Q. And when you were making your own cat food,
16 what -- other than the ground beef, what -- can you
17 describe how you were making that cat food.

18 A. I was using a recipe from a -- a vet online
19 of feeding them raw meat. I tried. I attempted to
20 try feeding them raw meat. They actually didn't like
21 it because they're used to eating a more cooked food.

22 So -- but that could be when I was trying to
23 eat -- trying to feed them raw meat. And I had to
24 mix it with some other things. I don't even remember
25 what I mixed it with.

1 Q. And fair to say that -- that you had -- it
2 was a limited length of time that you were trying to
3 make your own cat food?

4 A. Yes.

5 Q. Do you know what brand of beef this is?

6 A. No, I don't.

7 Q. And what is your understanding of the 90/10?

8 A. I believe that's 10 percent fat and
9 90 percent meat.

10 Q. Okay. Do you know if these products were
11 processed by the defendants?

12 A. I do not know.

13 Q. Do you know if these beef products were
14 processed from grass-fed cattle?

15 A. I do not know.

16 Q. Do you know if they were processed from
17 grain-fed cattle?

18 A. I don't know.

19 Q. Okay.

20 MR. STRATFORD: We can go to the next page,
21 which I believe is the last page, and that's 19176.

22 BY MR. STRATFORD:

23 Q. And can you identify the -- the beef product
24 on this receipt, Ms. Abernathy?

25 A. Yes. STO -- I think that's a Smith's

1 brand -- beef, ground beef.

2 Q. Okay. Do you know if this product was
3 processed by one of the defendants?

4 A. I do not know that.

5 Q. Do you know if this product was processed
6 from grass-fed cattle?

7 A. I don't know.

8 Q. Do you know if this product was processed
9 from grain-fed cattle?

10 A. I don't know.

11 Q. Okay.

12 MR. STRATFORD: All right. We can put that
13 exhibit away.

14 BY MR. STRATFORD:

15 Q. Ms. Abernathy, is it your understanding that
16 your complaint in this case alleges an antitrust
17 conspiracy?

18 A. As I understand it, yes.

19 Q. What is that conspiracy, as you understand
20 it?

21 A. That --

22 MS. WOLF: Form.

23 It's -- you can answer, Ms. Abernathy.

24 THE WITNESS: Okay. That prices were
25 artificially raised.

1 BY MR. STRATFORD:

2 Q. Prices for what?

3 A. For -- for beef.

4 Q. Is there anything else that you can tell me
5 about the conspiracy?

6 A. That -- that prices for raw and frozen beef
7 were raised when large groups of beef producers work
8 together to all keep the prices high.

9 Q. How -- how -- what is your understanding of
10 how they kept those prices high?

11 A. I don't completely understand how it was
12 done. My attorneys, I leave that up to them.

13 Q. Is it your understanding that there is one
14 conspiracy?

15 A. I'm not completely sure. We have one --
16 filed one complaint.

17 Q. So do you know if there are -- is -- are
18 multiple conspiracies?

19 MS. WOLF: Objection. Vague.

20 THE WITNESS: Yeah, I'm not sure. I leave
21 that up to the lawyers.

22 BY MR. STRATFORD:

23 Q. For the conspiracy that's alleged in your
24 complaint, does it relate to cattle or beef?

25 A. To --

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REPORTER'S CERTIFICATE

I, the undersigned Certified Shorthand Reporter, holding a valid and current license issued by the State of Utah, do hereby certify:

That said proceedings were taken down by me in shorthand at the time and place therein set forth and thereafter transcribed under my direction and supervision.

I further certify that I am neither counsel for nor related to any party to said action nor in any way interested in the outcome thereof.

The dismantling, unsealing, or unbinding of the original transcript will render the Reporter's certificate null and void.

IN WITNESS WHEREOF, I have subscribed my name on this date: January 16, 2024.



Emily A. Gibb

Certified Shorthand Reporter

1 Abby Wolf

2 abbyw@hbsslaw.com

3 January 17, 2024

4 RE: In Re Cattle And Beef Antitrust Litigation

5 1/10/2024, CINDY ABERNATHY (#6394102)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 Calendar-PNW@Veritext.com

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

ECF No. 1142-2
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Version

Exhibit 3

Filed Under Seal

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
IN RE CATTLE AND BEEF)
ANTITRUST LITIGATION) Case No.
) No. 22-md-3031 (JRT/JFD)
)
This Document Relates)
To:)
Consumer Indirect)
Purchaser Plaintiff)
Actions.)
-----)

FRIDAY, DECEMBER 6, 2024

- - -

Remote Deposition of LEIGH TILLER, beginning at
9:08 a.m., before Nancy J. Martin, a Registered Merit
Reporter, Certified Shorthand Reporter. All parties
appeared remotely.

REPORTED BY NANCY J. MARTIN
CSR. NO. 9504, RMR, RPR
PAGES 1 - 59

1 A P P E A R A N C E S :

2

3 JOAN AKALAONU, ATTORNEY AT LAW
4 FAEGRE DRINKER BIDDLE & REATH, LLP
5 320 South Canal Street
6 Suite 3300
7 Chicago, Illinois 60606
8 (312) 356-5025
9 joan.akalaonu@faegredrinker.com
10 Counsel for Cargill

7

8 SAMANTHA BURKE, ATTORNEY AT LAW
9 PERKINS COIE LLP
10 1201 Third Avenue
11 Suite 4900
12 Seattle, Washington 98101
13 SBurke@perkinscoie.com
14 Counsel for Tyson Foods, Inc., and Tyson Meats, Inc.

11

12

13 LAURA PEDERSEN, ATTORNEY AT LAW
14 HAGENS BERMAN SOBOL SHAPIRO LLP
15 715 Hearst Avenue
16 Suite 202
17 Berkeley, California 94710
18 (510) 725-3000
19 laurap@hbsslaw.com
20 Counsel for Plaintiffs

16

17

18

19 CODY MCCRACKEN, ESQ.
20 CUNEO GILBERT & LADUCA LLP
21 4725 Wisconsin Avenue NW
22 Suite 200
23 Washington, D.C. 20016
24 cmccracken@cuneolaw.com
25 Counsel for NOT STATED

21

22

23

24

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I N D E X

TESTIMONY OF LEIGH TILLER	PAGE
BY MS. BURKE	4

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
Exhibit 1	CONSUMER INDIRECT/PURCHASER PLAINTIFFS/SIXTH AMENDED CLASS/ACTION COMPLAINT	13
Exhibit 2	CONSUMER INDIRECT PURCHASER PLAINTIFFS/THIRD AMENDED OBJECTIONS AND RESPONSE TO DEFENDANTS/FIRST SET OF INTERROGATORIES	42

1 Q. And who else do you buy beef for?

2 A. My husband and my son.

3 MS. PEDERSEN: Leigh, hold on. Give me a
4 moment to object.

5 Objection. Lacks foundation.

6 But go ahead.

7 THE WITNESS: Do you want me to answer again?

8 MS. PEDERSEN: Yes, you can answer.

9 THE WITNESS: Oh, okay.

10 I purchase it for myself, my husband, and my
11 son.

12 BY MS. BURKE:

13 Q. And over the last ten years, has that been
14 consistent?

15 A. Yes.

16 Q. Anyone else?

17 A. No.

18 Q. Your daughter?

19 MS. PEDERSEN: Objection. Vague.

20 Go ahead.

21 THE WITNESS: When she lived here, yes.

22 BY MS. BURKE:

23 Q. Has anyone else lived there in the last ten
24 years in your house?

25 A. No. No.

1 Q. Have all of -- well, let me strike that.

2 Have you consistently eaten beef over the
3 last ten years?

4 A. Oh, yes.

5 Q. Has your three family members generally eaten
6 beef over the last ten years?

7 A. Yes.

8 Q. Have you or any of your family members ever
9 been a vegetarian?

10 A. No, we have not.

11 Q. Have you and your family members ever been a
12 pescatarian?

13 A. No, we have not.

14 Q. Have any of you or your family members ever
15 had any dietary restrictions related to the
16 consumption of beef?

17 A. No, we have not.

18 Q. Have you ever purchased beef and resold it to
19 someone else?

20 A. I have not, no.

21 Q. What types of beef do you purchase to cook
22 and eat at home? And I'm asking about beef in
23 general, not just how you have defined it as we
24 discussed earlier in the Complaint.

25 A. I purchase usually steaks to cook at home.

1 Maybe once every month or two I'll purchase a roast
2 and cook a very large roast. Or some ribs. I'll fix
3 ribs. But typically it's steaks, different cuts of
4 steaks, strips, sirloins.

5 Q. Okay. How often do you purchase steak?

6 A. Usually once a -- when I go to my once
7 weekly, you know, grocery store trip, I'll purchase at
8 least two.

9 Q. Two steaks?

10 A. Yeah.

11 Q. And what cuts do you purchase?

12 A. Typically I buy New York strips.

13 Q. Okay. How many pounds would you estimate
14 that you purchase a week?

15 A. Maybe a pound or less. They're not large
16 steaks.

17 Q. Other than New York strip, do you purchase
18 other cuts of steak?

19 A. I've bought filets. I've bought sirloins.

20 Q. How often do you purchase filets?

21 A. Once a month maybe.

22 Q. Once a month?

23 A. Yeah.

24 Q. And approximately how many pounds do you
25 purchase when you buy filets?

1 A. It would be under a pound. Maybe six-ounce
2 cuts.

3 Q. Do you ever buy flank steak?

4 A. No.

5 Q. Do you ever buy skirt steak?

6 A. No, I do not.

7 Q. I think you mentioned occasionally you buy
8 roasts. Was that correct?

9 A. Uh-huh. Yes.

10 Q. What -- okay. How often is that?

11 A. Maybe once a month.

12 Q. And when you purchase roasts, do you know how
13 many pounds you buy?

14 A. I would say at least two pounds. They're
15 pretty big.

16 Q. Okay. I think you also mentioned ribs.

17 A. Uh-huh.

18 Q. Those are beef ribs?

19 A. Correct.

20 Q. So like the really big guys?

21 A. Yeah, the big ones.

22 Q. Okay. How often do you purchase beef ribs?

23 A. Maybe once every three months.

24 Q. And how many pounds, when you do purchase
25 beef ribs, do you buy?

1 Q. So has it gradually gone up over the last ten
2 years?

3 A. Yes.

4 Q. Did Covid-19 impact how you purchased
5 groceries?

6 A. Actually, no, it really didn't.

7 Q. When you consider -- or considering when you
8 purchased beef to cook and eat at home, what factors
9 do you -- are important to you? I mean where to
10 purchase beef from.

11 A. Factors that are important. Probably how
12 frequently we have it and the general preferences and
13 likes of the people in the household. Usually we like
14 steaks, but we like to have a good roast every now and
15 then. So I just purchase -- and I look to see what's
16 on sale at the store.

17 Q. You tend to purchase beef when it's on sale?

18 A. Not only when it's on sale, but if it's on
19 sale, then I will most likely get something. I get
20 something every week regardless, but the cut depends
21 on if there's something good on sale.

22 Q. Okay. So the sale price influences the cut
23 that you buy on a given --

24 A. Sometimes, yes.

25 Q. Okay. And I was actually asking about -- I

1 know my question wasn't very clear. What factors do
2 you consider when deciding where to purchase beef
3 from?

4 A. Where to purchase beef from? I always go to
5 Kroger's because it's the closest to my house and I
6 like -- I general -- I don't -- there's a WalMart, but
7 I don't like their meat so much so I always go to
8 Kroger's without fail.

9 Q. Why don't you like the beef from WalMart?

10 A. The last time I purchased it from there it
11 was starting to spoil and it wasn't out of date yet,
12 so I just have a problem with the quality, so I just
13 go to Kroger's.

14 Q. And you said you shop at Kroger without fail;
15 correct?

16 A. Yes. Every week.

17 Q. Has that been the case for the last ten
18 years?

19 A. Yes.

20 Q. So when you went to that anecdote you just
21 shared of when you went to Walmart --

22 A. Uh-huh.

23 Q. -- and the beef was spoiling, when was that?

24 A. That was around two years ago.

25 Q. So did you shop at Walmart then like in the

1 last ten years and then you stopped --

2 A. I have shopped at Walmart. I was with my
3 daughter at the time.

4 MS. PEDERSEN: Leigh, sorry.

5 THE WITNESS: Yes.

6 MS. PEDERSEN: Give me a moment to object.

7 Objection. Vague.

8 But go ahead and answer.

9 THE WITNESS: When I was there at the time
10 that I purchased the meat, I was with my daughter and
11 she was shopping there. I had come along with her. I
12 wasn't there to get groceries, but she was, so I
13 bought it.

14 BY MS. BURKE:

15 Q. Okay. So that was sort of like a one-off
16 situation?

17 A. Uh-huh. Yes. I do shop at Walmart, but not
18 for groceries.

19 Q. Do you shop at Kroger -- or let me rephrase
20 this.

21 Do you purchase beef at Kroger because of the
22 prices?

23 MS. PEDERSEN: Objection. Lacks foundation.
24 Go ahead.

25 THE WITNESS: No, not necessarily. I just

1 prefer their quality and the size of the cuts I can
2 buy.

3 BY MS. BURKE:

4 Q. Can you elaborate on your comment about the
5 size of the cuts.

6 A. Yeah. Like if I'm going, for example, to buy
7 a roast, we need a big one. You know, I don't want
8 necessarily a pound and a half. You know, I want a
9 big one like a three- or four-pound roast. And
10 Kroger's tends to have the larger cuts. Or, you know,
11 their butcher there will -- if it's steaks that I
12 want, they will cut them for me at my request, so...

13 Q. So is customer service a factor in why you
14 shop at Kroger?

15 A. It is, but it's a very minor factor.

16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
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[REDACTED]

Q. Are you familiar with grades of beef set by the USDA?

A. Vaguely, yes.

Q. Like prime, choice, select, does that ring a bell?

A. Yes.

Q. Do you ever make beef purchases based on those grades?

A. I have, yes.

Q. Can you tell me more about that.

A. Usually the steaks I buy are -- have a little sticker that says "Choice" or "Prime." Those are the two words that I recall, choice or prime. They have little stickers on the packages that indicate that they're a prime cut.

Q. Of the steaks that you purchase at Kroger, how often are they labeled as prime?

A. Almost always actually.

Q. So do --

A. Unless I had them cut for me. Quantify that -- qualify that.

Q. Okay. In which case it doesn't have a label?

A. No. They just cut them and wrap them up for me and just give them to me, the weight.

1 Q. So do you just prefer to purchase prime?

2 A. Honestly, I don't seek that out, but almost
3 all of the beef, almost all of the steaks and things
4 that I see have that. They -- I just -- I don't
5 really see any sub-prime cuts.

6 Q. Do you ever purchase beef that's labeled
7 "Organic"?

8 A. I don't recall doing that, no. Not organic.

9 Q. What about grass-fed beef?

10 A. I have purchased beef labeled as grass fed
11 from time to time, but I don't look for it to buy it
12 specifically.

13 Q. How often would you say you purchase
14 grass-fed beef?

15 A. Well, I typically buy the same -- go and get
16 the same thing every week. So I would say maybe once,
17 maybe twice in the past year.

18 Q. And do you recall if that was -- what cut of
19 beef that was?

20 A. One was a roast as I recall. And I don't
21 recall what the other one was.

22 Q. Did you enjoy the grass-fed beef that you
23 bought?

24 A. Yes.

25 MS. PEDERSEN: Objection --

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C E R T I F I C A T E

I do hereby certify that the aforesaid testimony was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true and correct record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.



Nancy J. Martin, RMR, CSR

Dated: December 13, 2024

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying shorthand reporter.)

ECF No. 1142-3
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Exhibit 4

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

IN RE CATTLE AND BEEF) No. 22-md-3031 (JRT/JFD)
ANTITRUST LITIGATION)
This Document Relates)
To: Consumer Indirect)
Purchaser Plaintiff)
Actions)
-----)

REMOTE PROCEEDINGS OF THE
DEPOSITION OF ANDREW COHEN
THURSDAY, MAY 16, 2024

REPORTED BY NANCY J. MARTIN
CSR. NO. 9504, RMR, RPR
PAGES 1 - 122

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

IN RE CATTLE AND BEEF) No. 22-md-3031 (JRT/JFD)
ANTITRUST LITIGATION)
This Document Relates)
To: Consumer Indirect)
Purchaser Plaintiff)
Actions)
-----)

Thursday, May 16, 2024

- - -

Remote Deposition of ANDREW COHEN,
beginning at 9:02 a.m., before Nancy J. Martin, a
Registered Merit Reporter, Certified Shorthand
Reporter. All parties appeared remotely.

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A P P E A R A N C E S :

BART GOPLERUD, ESQ.
BRIAN O. MARTY, ESQ.
SHINDLER ANDERSON GOPLERUD & WEESE P.C.
5015 Grand Ridge Avenue
Suite 100
West Des Moines, Iowa 50265
goplerud@sagwlaw.com
Counsel for Plaintiffs

CODY MCCRACKEN, ESQ.
CUNEO GILBERT & LADUCA LLP
4725 Wisconsin Avenue NW
Suite 200
Washington, D.C. 20016
cmccracken@cuneolaw.com
Counsel for Commercial and Institutional, Indirect
Purchaser Plaintiffs

JOAN AKALAONU, ATTORNEY AT LAW
FAEGRE DRINKER BIDDLE & REATH, LLP
320 South Canal Street
Suite 3300
Chicago, Illinois 60606
(312) 356-5025
joan.akalaonu@faegredrinker.com
Counsel for Cargill

BEN ELLISON, ESQ.
RYAN MUELLER, ESQ.
CHRISTY WOLF, ATTORNEY AT LAW
JONES DAY
90 South Seventh Street
Suite 4950
Minneapolis, Minnesota 55402
bellison@jonesday.com
Counsel for National Beef

1 A P P E A R A N C E S :

2

SARAH DUPREE, ATTORNEY AT LAW
3 HAGENS BERMAN SOBOL SHAPIRO LLP
715 Hearst Avenue
4 Suite 202
Berkeley, California 94710
5 (510) 725-3051
sarahd@hbsslaw.com
6 Counsel for Plaintiffs

7

STEPHEN OWEN, ESQ.
8 LOCKRIDGE GRINDAL & NAUEN, PLLP
100 Washington Avenue
9 Suite 2200
Minneapolis, Minnesota 55401
10 smowen@locklaw.com
Counsel for Counsel for Indirect Consumer Purchasers

11

12 ALSO PRESENT:

13 DANIEL COHEN

14 ZACH CZERENDA, CONCIERGE TECH

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Exhibit 3	Counsel for Plaintiffs in the Consumer Indirect Purchaser Class	105
Exhibit 4	E-mail, CONSUMERIPP00000I9IO5	107

1 recall anytime when you bought grass-fed or certified
2 angus beef or anything that was labeled as like a
3 premium product?

4 A. No, I can't recall that.

5 Q. Okay. Is there a particular -- do you ever
6 look at the grade quality of beef when you purchase
7 it? So whether it's prime, choice or select?

8 A. No.

9 Q. Do you recall buying beef that was any of
10 those particular grades at any time?

11 A. No.

12 Q. Do you ever look at the country of origin or
13 any labeling, like product of the USA when you
14 purchase beef?

15 A. No.

16 Q. Do you remember purchasing any beef products
17 that had a specific country of origin on the label?

18 A. No.

19 Q. Do you ever remember buying beef that said
20 "Product of Mexico" for example?

21 A. I do not.

22 Q. Which brands of beef do you usually buy?

23 MR. GOPLERUD: Object to the form of the
24 question.

25 THE WITNESS: That's one I answer to?

1 MR. GOPLERUD: Yes.

2 THE WITNESS: I don't know the name of the
3 brand at that point. It's whatever is Safeway branded
4 or whatever the grocery store label is.

5 BY MR. ELLISON:

6 Q. Okay. Is it your understanding that
7 generally -- you listed several grocery stores. Do
8 you ever recall seeing -- scratch that.

9 Do you ever recall buying beef products that
10 had a brand other than the brand of the grocery store
11 that you were purchasing at?

12 A. You mean in the last 10 years? Yes.

13 Q. Do you remember any of those specific brands?

14 A. No.

15 Q. Do you know whether any of the beef products
16 you purchased over the last 10 years were produced by
17 any of the defendants in this case?

18 A. I do not.

19 Q. Were you aware -- are you aware of any other
20 companies besides the four defendants in this case
21 that produce beef?

22 MR. GOPLERUD: Object to the form of the
23 question.

24 You can answer.

25 THE WITNESS: No, I'm not.

1 BY MR. ELLISON

2 Q. Okay. So would you agree with me that it's
3 possible that some of the beef products you purchased
4 over the last 10 years were produced by a company
5 other than Tyson, Cargill, JBS or National Beef?

6 MR. GOPLERUD: Object to the form of the
7 question.

8 You can answer.

9 THE WITNESS: Yes, it's possible.

10 BY MR. ELLISON:

11 Q. I take it you've never purchased beef
12 directly from Tyson, Cargill, JBS or National Beef; is
13 that right?

14 A. That's correct.

15 Q. I take it you've never entered into a
16 contract with Tyson, Cargill, JBS or National Beef for
17 anything?

18 A. That's correct.

19 Q. Do you know any particular brands of beef
20 products that are sold by Tyson, Cargill, JBS or
21 National Beef?

22 A. Can you repeat the question?

23 Q. Sure. Do you know any particular brands of
24 beef products or beef that are sold or produced by
25 Tyson, Cargill, JBS or National Beef?

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C E R T I F I C A T E

I do hereby certify that the aforesaid testimony was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true and correct record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.



Nancy J. Martin, RMR, CSR

Dated: May 25, 2024

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying shorthand reporter.)

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ANDREW COHEN

[REDACTED]

May 29, 2024

RE: IN RE CATTLE AND BEEF ANTITRUST LITIGATION

5/16/2024, ANDREW COHEN (#6700201)

The above-referenced transcript is available for review.

Within the applicable timeframe, the witness should read the testimony to verify its accuracy. If there are any changes, the witness should note those with the reason, on the attached Errata Sheet.

The witness should sign the Acknowledgment of Deponent and Errata and return to the deposing attorney. Copies should be sent to all counsel, and to Veritext at Calendar-PNW@Veritext.com

Return completed errata within 30 days from receipt of testimony.

If the witness fails to do so within the time allotted, the transcript may be used as if signed.

Yours,
Veritext Legal Solutions

1 IN RE CATTLE AND BEEF ANTITRUST LITIGATION

2 ANDREW COHEN(#6700201)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, ANDREW COHEN, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10

DocuSigned by:

142457267635497...

6/24/2024

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ANDREW COHEN

Date

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*If notary is required

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SUBSCRIBED AND SWORN TO BEFORE ME THIS

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_____ DAY OF _____, 20__.

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ECF No. 1142-4
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Exhibit 5

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

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IN RE: CATTLE AND BEEF)
ANTITRUST LITIGATION) Case No. :
) 22-md-3031 (JRT/JFD)
This Document Relates To:)
Consumer Indirect Purchaser)
Plaintiff Actions)
_____)

REMOTE 30(b)(1) DEPOSITION OF MARK SPERRY

Taken via Zoom

On Wednesday, February 14, 2024

At 7:31 a.m.

Reported by: Emily A. Gibb, RPR, CSR, CCR
Certified: Utah, Nevada, California, Idaho Washington

A P P E A R A N C E S

1
2 For Tyson Foods:

3 Samantha J. Burke, Esq.
4 PERKINS COIE
5 2901 North Central Avenue
6 Suite 2000
7 Phoenix, Arizona 85012
8 (602) 351-8206
9 sburke@perkinscoie.com

10 For The Consumers:

11 Sarah Dupree, Esq.
12 HAGENS BERMAN SOBOL SHAPIRO, LLP
13 715 Hearst Avenue
14 Suite 300
15 Berkeley, California 94710
16 (510) 725-3000
17 sarahd@hbsslaw.com

18 For National Beef:

19 Chelsea A. Bollman, Esq.
20 JONES DAY
21 90 S Seventh Street
22 Suite 4950
23 Minneapolis, Minnesota 55402
24 (612) 217-8800
25 cbollman@jonesday.com

For the Commercial, Institutional, and Direct
Purchaser Plaintiffs:

Cody McCracken, Esq.
CUNEO GILBERT & LADUCA, LLP
4725 Wisconsin Ave, NW
Suite 200
Washington, D.C. 20016
(202) 789-3960
cmccracken@cuneolaw.com

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A P P E A R A N C E S

For the Consumer Plaintiffs:

Develyn J. Mistriotti, Esq.

Stephen Owen, Esq.

LOCKRIDGE GRINDAL NAUEN

100 Washington Avenue South

Suite 2200

Minneapolis, Minnesota 55401

(612) 339-6900

djmistriotti@locklaw.com

smowen@locklaw.com

For Cargill:

Joan Akalaonu, Esq.

FAEGRE DRINKER BIDDLE & REATH LLP

320 South Canal Street

Suite 3300

Chicago, Illinois 60606

(224) 531-7532

joan.akalaonu@faegredrinker.com

Also Present:

Zach Czerenda, Veritext Concierge

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I N D E X

MARK SPERRY PAGE
Examination 5

* * *

E X H I B I T S

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Exhibit 4 -	[CONSUMERIPP0000017692-17693] Counsel for Plaintiffs in the Consumer Indirect Purchaser Class List	64
Exhibit 5 -	Consumer Indirect Purchaser Plaintiffs' Objections and Responses to Defendants' First Requests for the Production of Documents to Plaintiffs	69

1 THE WITNESS: I've heard -- yeah, I don't --
2 I don't think about it.

3 BY MS. BURKE:

4 Q. What about beef from cattle that have not
5 received any added hormones?

6 MS. DUPREE: Objection. Form.

7 THE WITNESS: Same. I don't really think
8 about it.

9 BY MS. BURKE:

10 Q. Do you know what brands of beef products you
11 typically buy at the grocery store?

12 A. I stick to the store brand, whether it be
13 just the -- just the grocery store brand.

14 Q. Has that changed over the last ten years?

15 A. No.

16 Q. So when you say "grocery store brand," do
17 you mean you -- the -- the beef that's just in the
18 case near the butcher, typically?

19 MS. DUPREE: Objection. Form.

20 THE WITNESS: Typically just the -- the beef
21 that's in the packaging that -- you know, it will say
22 Shaw's Grocery Store on it, and it's whatever cut
23 that I want. I don't usually go up to the butcher
24 desk and ask for anything.

25 ///

1 BY MS. BURKE:

2 Q. Do you know whether -- strike that.

3 (Joan Akalaonu left the deposition.)

4 BY MS. BURKE:

5 Q. Do you know whether any of the beef that you
6 purchase from grocery stores has been processed by
7 one of the defendants in this case?

8 MS. DUPREE: Objection. Form.

9 THE WITNESS: I don't know.

10 BY MS. BURKE:

11 Q. Would you agree it's possible the beef that
12 you -- that you purchase could be processed from a
13 company that is not a defendant in this case?

14 MS. DUPREE: Objection. Form.

15 THE WITNESS: It's impossible for me to
16 speculate that.

17 BY MS. BURKE:

18 Q. Do you know what beef product brands are
19 sold by Tyson?

20 A. I don't know.

21 Q. Do you know what beef product brands are
22 sold by Cargill?

23 A. No.

24 Q. Do you know what beef product brands are
25 sold by JBS?

1 A. I don't.

2 Q. Do you know what beef product brands are
3 sold by National Beef?

4 A. I don't know.

5 Q. To your knowledge, have you ever purchased
6 any beef directly from Tyson?

7 A. No.

8 Q. Have you ever purchased any beef directly
9 from Cargill?

10 A. No.

11 Q. Have you ever purchased any beef directly
12 from JBS?

13 A. I have not.

14 Q. Have you ever purchased any beef directly
15 from National Beef?

16 A. I have not.

17 (Joan Akalaonu enters the room.)

18 BY MS. BURKE:

19 Q. Do you prefer to purchase beef from local
20 farmers or beef processors?

21 MS. DUPREE: Objection. Form.

22 THE WITNESS: No.

23 BY MS. BURKE:

24 Q. Was there ever a time when you planned to
25 buy beef at the store but you ended up buying another

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REPORTER'S CERTIFICATE

I, the undersigned Certified Shorthand Reporter, holding valid and current licenses issued by the States of California, Nevada, Washington, Utah and Idaho, do hereby certify:

That said proceedings were taken down by me in shorthand at the time and place therein set forth and thereafter transcribed under my direction and supervision.

I further certify that I am neither counsel for nor related to any party to said action nor in any way interested in the outcome thereof.

The dismantling, unsealing, or unbinding of the original transcript will render the Reporter's certificate null and void.

IN WITNESS WHEREOF, I have subscribed my name on this date: February 20, 2024.



Emily A. Gibb

Certified Shorthand Reporter

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MARK SPERRY

[REDACTED]

February 21, 2024

RE: In Re Cattle Antitrust Litigation

2/14/2024, MARK SPERRY (#6428813)

The above-referenced transcript is available for review.

Within the applicable timeframe, the witness should read the testimony to verify its accuracy. If there are any changes, the witness should note those with the reason, on the attached Errata Sheet.

The witness should sign the Acknowledgment of Deponent and Errata and return to the deposing attorney. Copies should be sent to all counsel, and to Veritext at Calendar-PNW@Veritext.com

Return completed errata within 30 days from receipt of testimony.

If the witness fails to do so within the time allotted, the transcript may be used as if signed.

Yours,
Veritext Legal Solutions

1 In Re Cattle Antitrust Litigation

2 MARK SPERRY(#6428813)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, MARK SPERRY, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10 DocuSigned by:
11  3/19/2024
12 657AEC1A8F91448...

12 MARK SPERRY Date

13 *If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS
15 _____ DAY OF _____, 20____.

18 _____
19 NOTARY PUBLIC

ECF No. 1142-5

Unsealed by
Agreement of the
Parties

Exhibit 6

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

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IN RE: CATTLE AND BEEF)
ANTITRUST LITIGATION) Case No.:
) 22-md-3031 (JRT/JFD)
This Document Relates To:)
Consumer Indirect Purchaser)
Plaintiff Actions)
_____)

REMOTE VIDEO-RECORDED DEPOSITION OF
CRAIG MARGULIES

Taken on Monday, July 29, 2024
Taken via Zoom
9:03 a.m. - 11:38 p.m.

Reported by: Emily A. Gibb, RPR, CSR, CCR
Certified: Utah, Nevada, California, Idaho Washington
California CSR No. 14451

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A P P E A R A N C E S

For Consumer Indirect Purchaser Plaintiffs:

Stephen M. Owen, Esq.
Lockridge Grindal Nauen P.L.L.P.
100 Washington Avenue South
Suite 2200
Minneapolis, Minnesota 55401
612-596-4068
smowen@lockklaw.com

For National Beef:

Christina Wolf, Esq.
JONES DAY
325 John H. McConnell Boulevard
Suite 600
Columbus, Ohio 43215
(614) 281-3988
cmwolf@jonesday.com

For JBS:

Daniel Loud, Esq.
QUINN EMANUEL URQUHART & SULLIVAN, LLP
51 Madison Avenue
22nd Floor
New York, New York 10010
(212) 849-7000
danielloud@quinnemanuel.com

For Cargill Inc. and Cargill Meat Solutions:

Joan A. Akalaonu, Esq.
FAEGRE DRINKER BIDDLE & REATH LLP
320 South Canal Street
Suite 3300
Chicago, Illinois 60606
(312) 569-1000
joan.akalaonu@faegredrinker.com

Also Present:

John Macdonell, Legal Videographer

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I N D E X

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* * *

E X H I B I T S

EXHIBIT	DESCRIPTION	PAGE
Exhibit 1	- Consumer 5th Amended Complaint	11
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Exhibit 3	- Email Exchange Re: Oxtails [TOPCO_0000985648-985652]	48
Exhibit 4	- Consumer Second Amended Interrogatory Responses	77

1 Q. Now, do you ever when you go out use coupons 11:09:03
2 like Groupon or something like that? 11:09:07
3 A. Occasionally. We -- we don't use coupons. 11:09:15
4 Q. Okay. So really, the most important factor 11:09:20
5 is -- is time and what you have at home? 11:09:26
6 A. Correct. 11:09:32
7 Q. Okay. Is price an important factor? 11:09:33
8 A. No. 11:09:35
9 Q. Now, are there any types of, you know -- 11:09:42
10 Well, I'll say it this way: Are there any 11:09:50
11 types of higher quality or, you know, specialty beef 11:09:54
12 that you prefer to -- prefer to purchase, either at 11:09:58
13 home or when you go out to eat? 11:10:01
14 A. No. 11:10:03
15 Q. What about things like grass-fed -- 11:10:09
16 grass-fed beef? 11:10:13
17 A. No grass-fed. 11:10:13
18 Q. Okay. What about antibiotic free? 11:10:14
19 A. No. 11:10:17
20 Q. Hormone free? 11:10:18
21 A. No. 11:10:19
22 Q. What about locally sourced beef? 11:10:22
23 A. No. 11:10:27
24 Q. Okay. Are you familiar with the Certified 11:10:28
25 Angus Beef? 11:10:31

1 A. Yes. 11:10:33

2 Q. Okay. Do you have a preference for 11:10:33

3 Certified Angus Beef other -- over other types of 11:10:36

4 beef? 11:10:39

5 A. No. 11:10:39

6 Q. Okay. Now, are you willing to pay more 11:10:41

7 money for higher quality beef cuts like Choice or 11:10:47

8 Prime? 11:10:52

9 A. Yes. 11:10:53

10 Q. Has that changed in any way during the 11:10:56

11 relevant time period? 11:10:59

12 A. No. 11:11:02

13 Q. Now, do you know during the relevant time 11:11:07

14 period whether any of the beef that you purchased was 11:11:09

15 produced by one of the defendants? 11:11:13

16 A. No. 11:11:16

17 Q. Are you aware whether any beef that you 11:11:16

18 purchased during the relevant time period was 11:11:19

19 produced by a packer other than one of the 11:11:21

20 defendants? 11:11:23

21 A. No. 11:11:25

22 Q. Do you have any understanding of which beef 11:11:28

23 products or brands are sold by any of the defendants 11:11:31

24 in this case? 11:11:34

25 A. No. 11:11:35

1 Q. Okay. And have you ever purchased beef 11:11:38
2 directly from any of the defendants for your own 11:11:42
3 consumption? 11:11:46
4 A. No. 11:11:47
5 Q. So kind of in general, let's say you're 11:11:47
6 standing in -- in a grocery store and you have the 11:11:55
7 choice to purchase, you know, beef or any other type 11:11:58
8 of protein or seafood. 11:12:02
9 How do you decide what it is that you're 11:12:05
10 going to purchase? 11:12:08
11 MR. OWEN: Object to form. 11:12:14
12 THE WITNESS: What I'm in the mood for or if 11:12:15
13 we haven't had something in a -- a while. 11:12:22
14 BY MR. LOUD: 11:12:24
15 Q. Okay. So it's really sort of variety and -- 11:12:25
16 and what you're in the mood for at the time. 11:12:27
17 A. Yes. 11:12:31
18 Q. How -- how important of a factor is price 11:12:32
19 for you? 11:12:33
20 A. Moderately important. 11:12:37
21 Q. But these other factors are -- are more 11:12:40
22 important? 11:12:42
23 A. Yes. 11:12:43
24 Q. How about quality of the product? 11:12:45
25 A. Quality is very important. 11:12:48

1 Stephen M. Owen

2 smowen@locklaw.com

3 August 5, 2024

4 RE: IN RE: CATTLE AND BEEF ANTITRUST LITIGATION

5 7/29/2024, CRAIG MARGULIES (#6736051)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 Calendar-PNW@Veritext.com

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

ECF No. 1142-6
Public Redacted
Version

Exhibit 7

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

IN RE CATTLE AND BEEF
ANTITRUST LITIGATION

Case No. 0:20-cv-01319
(JRT/JFD)

This Document Relates To:

CONSUMER INDIRECT
PURCHASER PLAINTIFF
ACTION

Case No. 0:22-md-03031
(JRT/JFD)

ZOOM DEPOSITION OF SHARON KILLMON
(Reported Remotely via Video & Web videoconference)
West Des Moines, Iowa (Deponent's location)
Thursday, December 12, 2024
Volume 1

STENOGRAPHICALLY REPORTED BY:
REBECCA L. ROMANO, RPR, CSR, CCR
California CSR No. 12546
Nevada CCR No. 827
Oregon CSR No. 20-0466
Washington CCR No. 3491
JOB NO. 7008436
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APPEARANCES OF COUNSEL

(All parties appearing via Web videoconference)

For the Plaintiffs and the Proposed Consumer
Indirect Purchaser Classes:

SHINDLER, ANDERSON, GOPLERUD & WEESE, PC

BY: BRIAN MARTY

BY: J. BARTSON GOPLERUD

Attorneys at Law

5015 Grand Ridge Drive

Suite 100

West Des Moines, Iowa 50265

(515) 223-4567

marty@sagwlaw.com

goplerud@sagwlaw.com

and

LOCKRIDGE GRINDAL NAUEN P.L.L.P.

BY: KYLE POZAN

Attorney at Law

1165 N Clark Street

Suite 700

Chicago, Illinois 60610

(312) 470-4333

kjpozan@locklaw.com

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APPEARANCES OF COUNSEL (cont'd)

(All parties appearing via Web videoconference)

For the Defendants - JBS USA Food Company, Swift
Beef Company:

QUINN EMANUEL URQUHART & SULLIVAN, LLP

BY: ELLE MAHDAVI

Attorney at Law

295 5th Avenue

New York, New York 10016

(212) 849-7000

ellemahdavi@quinnemanuel.com

For the Defendants - Cargill, Incorporated, and
Cargill Meat Solutions Corporation:

FAEGRE DRINKER BIDDLE & REATH LLP

BY: JOAN A. AKALAONU

Attorney at Law

320 S. Canal Street

Suite 3300

Chicago, Illinois

(312) 356-5025

joan.akalaonu@faegredrinker.com

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APPEARANCES (cont'd)

(All parties appearing via Web videoconference)

ALSO PRESENT:

John Macdonell, Videographer

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I N D E X

DEPONENT	EXAMINATION
SHARON KILLMON	PAGE
VOLUME 1	
BY MS. MAHDAVI	7
BY MR. MARTY	69

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NUMBER		PAGE
	DESCRIPTION	
Exhibit 1	Consumer Indirect Purchaser Plaintiffs' Sixth Amendment Class Action Complaint.	24

/////

1 professional representation that she was told to 09:32:15
2 retain documents.

3 MS. MAHDAVI: Thank you, Counsel.

4 Q. (By Ms. Mahdavi) What is your
5 understanding, Ms. Killmon, of the types of 09:32:22
6 documents that Defendants requested from you and
7 other Plaintiffs?

8 A. Oh, Lord, I don't know.

9 I just let my attorneys take care of
10 things, and... 09:32:46

11 Q. So you don't recall any particular
12 category you were instructed to preserve, category
13 of documents?

14 A. No, I don't remember.

15 Q. Were you instructed to preserve receipts? 09:33:00

16 A. Yes.

17 Q. Paper receipts --

18 A. Yes.

19 Q. -- in particular?

20 And were you also instructed to preserve 09:33:09
21 electronic receipts?

22 A. Yes.

23 Q. Were you instructed to preserve texts?

24 A. Yes.

25 Q. Were you also instructed to preserve 09:33:19

1 emails? 09:33:22

2 A. Yes.

3 Q. Is there anything else you may recall now
4 in terms of the categories of documents you were
5 instructed to preserve? 09:33:31

6 A. No.

7 Q. What was your practice with respect to
8 saving paper receipts before you became a plaintiff
9 in this lawsuit?

10 A. Oh, I didn't save receipts. 09:33:47

11 Q. And how about with respect to electronic
12 receipts?

13 What was your practice about saving them
14 before you became a plaintiff?

15 A. I didn't save much of anything. 09:33:59

16 Q. Now, since you've become a plaintiff,
17 what have you been doing to preserve paper
18 receipts?

19 A. Paper receipts, I have not preserved at
20 all. 09:34:16

21 Q. And with respect to electronic receipts,
22 since you became a plaintiff, what have you been
23 doing to preserve them?

24 A. Basically, I have the text messages and
25 emails, and that is it. 09:34:35

1 Q. What steps did you take to locate the 09:34:39
2 documents for this litigation that you gave to your
3 attorneys?

4 A. Ma'am, I don't remember.

5 Q. Did you provide access to your phone to 09:35:10
6 your attorneys or any vendor?

7 A. Yes, yes.

8 Q. Did you provide access to your email to
9 your attorneys or to a document vendor?

10 A. Yes. 09:35:23

11 Q. Do you recall when you provided access to
12 your phone to your attorneys?

13 A. No, I do not.

14 No, I do not.

15 Q. And same question with email: Do you 09:35:33
16 recall when you had provided access to your
17 attorneys to your email?

18 A. The same time that they did the phone,
19 and I -- I don't remember.

20 Q. Did you -- well, sorry, let me restart. 09:35:47

21 So you provided access to the phone

22 

23 A. Yes.

24 Q. Did you run any searches across your text
25 messages before providing your attorneys access to 09:36:04

1 Q. And over the last ten years, have you -- 10:03:55
2 has your willingness to pay more for higher-quality
3 beef changed?

4 A. Yes.

5 Q. And could you elaborate. 10:04:11

6 A. The price of the beef depends on what we
7 buy.

8 Q. Let me rephrase the question.

9 Over the last ten years, have you become
10 more willing to pay more money for a higher-quality 10:04:29
11 cut of meat?

12 A. Yes.

13 When we can afford it, yes.

14 MR. MARTY: Elle, we could use a break
15 when you get to a good stopping point here soon. 10:04:49

16 MS. MAHDAVI: This is a great stopping
17 point.

18 MR. MARTY: Perfect.

19 MS. MAHDAVI: Ready to go off the record.

20 THE VIDEOGRAPHER: Off the record. It's 10:05:00
21 10:05 a.m.

22 (Recess taken.)

23 THE VIDEOGRAPHER: Back on the record.

24 It's 10:19 a.m.

25 Q. (By Ms. Mahdavi) Thank you for bearing 10:19:13

1 with me today, Ms. Killmon. 10:19:14

2 Which brands of beef products do you
3 usually buy?

4 A. I don't know, because, like I say,
5 usually it's in the beef case -- in the fresh case. 10:19:31

6 So I have no idea.

7 Q. Do you ever seek out any particular
8 brands of beef products?

9 A. No.

10 Q. Do you know whether any of the brands of 10:19:46
11 beef products you usually purchased, if they were
12 processed by any one of the defendants in this
13 case?

14 A. No, I do not.

15 Q. Would you agree that it's possible that 10:19:58
16 the beef you purchased could have been produced
17 from a company that is not a defendant in this
18 case?

19 A. Yes.

20 MR. MARTY: Foundation. 10:20:09

21 Q. (By Ms. Mahdavi) Feel free to give a
22 moment for your attorney to object, if they might,
23 and then you can respond.

24 Do you know which beef product brands are
25 sold by Tyson? 10:20:24

1 A. No, I don't. 10:20:28

2 Q. And same question, but with respect to
3 Cargill.

4 A. No.

5 Q. Do you know which beef products brands 10:20:37
6 are sold by JBS?

7 A. No.

8 Q. National Beef?

9 A. No.

10 Q. Have you ever purchased any beef directly 10:20:46
11 from any one of the defendants in this case?

12 A. No.

13 Q. Now, when you've gone grocery shopping,
14 has there been a time when you planned to purchase
15 beef but you ended up buying another meat instead? 10:21:05

16 A. Yes.

17 Q. And when that's happened, what factors
18 influenced you to purchase a different meat?

19 A. Pardon me.

20 Most generally, the price. 10:21:21

21 Q. How often has that happened, if you can
22 estimate?

23 We can confine it to the last year.

24 A. Okay.

25 Q. In the last year, how often has it been 10:21:52

1 It's 11:28 a.m. 11:28:13

2 (Recess taken.)

3 THE VIDEOGRAPHER: Back on the record.

4 It's 11:29 a.m.

5 MR. MARTY: We forgot to put one thing on 11:29:23

6 the record, and that's that the witness will read

7 and sign.

8 MS. MAHDAVI: Thank you.

9 THE VIDEOGRAPHER: Okay. We are off the
10 record. It's 11:29. 11:29:36

11 (TIME NOTED: 11:29 A.M.)

12 THE COURT REPORTER: Can I get the copy
13 orders for the record please.

14 MS. AKALAONU: I'll take a rough draft,
15 please. 11:29:37

16 MR. POZAN: We'll hold off on a copy.

17 MS. MAHDAVI: We have a standing order.

18 THE COURT REPORTER: Thank you.

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1 I, Rebecca L. Romano, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me remotely at the time and place herein set
6 forth; that any deponents in the foregoing
7 proceedings, prior to testifying, were administered
8 an oath; that a record of the proceedings was made
9 by me using machine shorthand which was thereafter
10 transcribed under my direction; that the foregoing
11 transcript is true record of the testimony given.

12 Further, that if the foregoing pertains to the
13 original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [X] was [] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21
22 Dated: December 18, 2024

23 
24 _____

25 Rebecca L. Romano, RPR, CCR
CSR. No 12546

Page 76

1 BRIAN MARTY, ESQ.
2 marty@sagwlaw.com

3 December 18, 2024

4 RE: Beef Antitrust - In Re Cattle Antitrust Litigation
5 12/12/2024, Sharon Killmon , Volume I (#7008436)

6 The above-referenced transcript is available for
7 review.

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9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
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22 Yours,

23 Veritext Legal Solutions
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Page 77

ECF No. 1142-7

Unsealed by
Agreement of the
Parties

Exhibit 8

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

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IN RE: CATTLE AND BEEF)
ANTITRUST LITIGATION) Case No.:
) 22-md-3031 (JRT/JFD)
This Document Relates To:)
Consumer Indirect Purchaser)
Plaintiff Actions)
_____)

VIDEO-RECORDED 30(b)(1) DEPOSITION OF
MARCELO LOPEZ

Taken via Zoom
On Monday, December 2, 2024
At 9:01 a.m.

Reported by: Emily A. Gibb, RPR, CSR, CCR
Certified: Utah, Nevada, California, Idaho Washington

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A P P E A R A N C E S

For Cargill:

Tara Baker, Esq.
FAEGRE DRINKER BIDDLE & REATH, LLP
2200 Wells Fargo Center
90 South 7th Street
Minneapolis, Minnesota 55402
(612) 766-7000
tara.baker@faegredrinker.com

For JBS:

Andrew Faisman, Esq.
Elle Mahdavi, Esq.
QUINN EMANUEL URQUHART & SULLIVAN, LLP
51 Madison Avenue
22nd Floor
New York, New York 10010
(212) 849-7000
andrewfaisman@quinnemanuel.com
ellemahdavi@quinnemanuel.com

For the Witness:

J. Barton Goplerud, Esq.
Brian O. Marty, Esq.
SHINDLER, ANDERSON, GOPLERUD & WEESE, P.C.
5015 Grand Ridge Drive
Suite 100
West Des Moines, Iowa 50265
(515) 223-4567
goplerud@sagwlaw.com
marty@sagwlaw.com

For the Commercial Institutional Indirect Purchaser
Plaintiffs:

Cody McCracken, Esq.
CUNEO GILBERT & LADUCA, LLP
4725 Wisconsin Ave, NW
Suite 200
Washington, D.C. 20016
(202) 789-3960
cmccracken@cuneolaw.com

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A P P E A R A N C E S

Also Present:

Arielle Wagner

John Macdonell, Legal Videographer

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I N D E X

MARCELO LOPEZ	PAGE
Examination By Mr. Faisman	6
Examination By Mr. Goplerud	60

* * *

E X H I B I T S

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Exhibit 1 -	Consumer Indirect Purchaser Plaintiffs' Sixth Amended Class Action Complaint	18
Exhibit 2 -	Consumer Indirect Purchaser Plaintiffs' Third Amended Objections and Response to Defendants' First Set of Interrogatories	38

1 the store brands, to my recollection. 09:43:18

2 I don't particularly seek out any brand in 09:43:21
3 particular. I'm not married to a certain brand as I 09:43:25
4 am with other types of products, like -- I'll give 09:43:28
5 you an example. If I'm going for tissue paper, it's 09:43:30
6 a particular brand that I always buy. 09:43:34

7 But not in the case of -- of beef. It's 09:43:37
8 whatever is available at the store, and like I said, 09:43:39
9 sometimes that's going to be the store brand. And 09:43:42
10 other times, it might be a different brand. 09:43:44

11 BY MR. FAISMAN: 09:43:48

12 Q. And has that been the case for the past ten 09:43:49
13 years, that you don't seek out particular brands when 09:43:51
14 buying beef? 09:43:53

15 A. I'd say so, yes. 09:43:54

16 Q. And so if you go to the store and you see 09:43:57
17 two different brands and one of them looks to be a 09:43:59
18 better quality or better price, you generally would 09:44:02
19 pick the one that's better quality or better priced 09:44:05
20 without looking at the brands; correct? 09:44:08

21 A. Yes. That's a fair description, yes. 09:44:10

22 Q. Do you know whether any of the brands of 09:44:16
23 beef products that you buy are processed by one of 09:44:17
24 the defendants in the case? 09:44:25

25 A. I would rely on my lawyers for that specific 09:44:26

1 response, but I would assume some of them would be 09:44:29
 2 by -- by those providers or factories, yes. 09:44:39
 3 Q. Now, setting aside anything that you may 09:44:42
 4 have learned from, you know, discussing with your 09:44:44
 5 lawyers, is it fair to say that you don't know 09:44:48
 6 whether -- well, let me -- let me rephrase. 09:44:51
 7 Is it fair to say that you wouldn't be able 09:44:54
 8 to identify which of the defendants in the case, if 09:44:55
 9 any, processed the brands of beef that you buy? 09:44:59
 10 MR. GOPLERUD: Object to the form of the 09:45:08
 11 question. 09:45:09
 12 You can answer. 09:45:09
 13 THE WITNESS: And I don't really understand 09:45:10
 14 the question. If you could put it in a different 09:45:11
 15 way. Sorry. 09:45:13
 16 BY MR. FAISMAN: 09:45:14
 17 Q. So I just want to clarify. So let's say 09:45:16
 18 you're at the store. You're buying beef. There are 09:45:20
 19 certain brands which you're saying that you're not 09:45:23
 20 particularly focused on when choosing which beef to 09:45:26
 21 buy. 09:45:28
 22 Is it fair to say that you don't know 09:45:28
 23 whether the defendants in the case, specifically JBS, 09:45:33
 24 Tyson, and National Beef, Cargill, whether those 09:45:36
 25 defendants process the brands of beef that you're 09:45:39

1 buying? 09:45:41

2 A. I guess that's fair to say, yes. 09:45:45

3 Q. Have you ever bought beef directly from 09:45:52

4 Tyson, Cargill, JBS, or National Beef? 09:45:54

5 A. No. 09:45:58

6 Q. How often do you go to the store thinking 09:46:01

7 you might buy beef and then end up buying a different 09:46:03

8 protein such as chicken or pork instead? 09:46:07

9 A. Not often, but it does happen. You know, 09:46:13

10 sometimes you go in there with the idea of getting 09:46:15

11 something and, ultimately, for whatever reason, it 09:46:17

12 could be the price, it could be you just didn't see a 09:46:23

13 cut of beef you like that day, and you decide to go a 09:46:25

14 different route. 09:46:27

15 But it's hard to pin down an accurate number 09:46:29

16 of times that's happened. But in ten years, I'm sure 09:46:32

17 that's happened. 09:46:35

18 Q. And does the reverse situation happen, too, 09:46:36

19 where you go to the store thinking you'll buy a 09:46:39

20 different protein, and you end up buying beef 09:46:41

21 instead? 09:46:43

22 A. I'm sure that's fair to say as well. 09:46:44

23 And, again, I don't know to what level of 09:46:46

24 certainty I can say the times, but I'm sure it's 09:46:48

25 happened, as it happens with many other things in 09:46:51

1 life. You decide one thing and ultimately, change 09:46:54
2 last minute. 09:46:57

3 Q. And so is price one of the factors that 09:47:02
4 might cause you to buy one protein instead of 09:47:05
5 another? 09:47:07

6 A. Sure. 09:47:10

7 Q. And also which -- which cut of meat looks 09:47:10
8 best at the store, is that another factor? 09:47:13

9 A. Sure. 09:47:16

10 Q. Now, we talked a little bit about 09:47:23
11 promotions. 09:47:25

12 Do you usually buy beef products when 09:47:26
13 they're on sale? 09:47:29

14 A. I wouldn't say "usually." I don't wait 09:47:31
15 until an item is on sale. If -- if I want or need 09:47:34
16 something, that's true of all purchases, I'll -- I'll 09:47:37
17 buy it. If it's on sale, it's a plus. But I don't 09:47:39
18 specifically wait for an item to go on sale to buy 09:47:41
19 it. 09:47:44

20 Q. Do you ever use coupons when buying beef? 09:47:46

21 A. That would be my wife. She is the coupon 09:47:50
22 queen. Not me. 09:47:53

23 MR. FAISMAN: Okay. Let's introduce another 09:48:03
24 exhibit. This will be Tab 5, and it will be 09:48:05
25 Exhibit 2. Let me add it to Exhibit Share. 09:48:09

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REPORTER'S CERTIFICATE

STATE OF UTAH)
)
COUNTY OF UTAH)

I, EMILY A. GIBB, a Certified Shorthand Reporter and Registered Professional Reporter, hereby certify:

THAT I reported the taking of the deposition of MARCELO LOPEZ, commencing on December 2, 2024, at 9:01 a.m.

THAT prior to being examined, the witness was placed under oath to tell the truth, the whole truth, and nothing but the truth; that the proceedings were taken down by me in shorthand and thereafter my notes were transcribed through computer-aided transcription; and the foregoing transcript constitutes a full, true, and accurate record of such testimony adduced and oral proceedings had, and of the whole thereof.

I further certify that I am in no way related to any of the parties, nor I am I financially interested in the outcome of the case.

- (X) Review and signature was requested.
- () Review and signature was waived.
- () Review and signature was not requested.

IN WITNESS THEREOF, I have subscribed my name on this 6th day of December, 2024.



Emily A. Gibb, RPR, CSR, CCR

1 J. Barton Goplerud
2 goplerud@sagwlaw.com

3 December 9, 2024

4 RE: IN RE: CATTLE AND BEEF ANTITRUST LITIGATION
5 12/2/2024, MARCELO LOPEZ (#7008390)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
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22 Yours,
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IN RE: CATTLE AND BEEF ANTITRUST LITIGATION

MARCELO LOPEZ (#7008390)

ACKNOWLEDGEMENT OF DEPONENT

I, MARCELO LOPEZ, do hereby declare that I have read the foregoing transcript, I have made any corrections, additions, or changes I deemed necessary as noted above to be appended hereto, and that the same is a true, correct and complete transcript of the testimony given by me.

DocuSigned by:
Marcelo Lopez 1/8/2025
B70743444532422...

MARCELO LOPEZ Date

*If notary is required

SUBSCRIBED AND SWORN TO BEFORE ME THIS
_____ DAY OF _____, 20__.

NOTARY PUBLIC

ECF No. 1142-8

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Agreement of the
Parties

Exhibit 9

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

IN RE CATTLE AND BEEF) No. 22-md-3031 (JRT/JFD)
ANTITRUST LITIGATION)
This Document Relates)
To: Consumer Indirect)
Purchaser Plaintiff)
Actions)
-----)

REMOTE PROCEEDINGS OF THE
DEPOSITION OF LISA MELEGARI
FRIDAY, FEBRUARY 9, 2024

REPORTED BY NANCY J. MARTIN
CSR. NO. 9504, RMR, RPR
PAGES 1 - 147

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

IN RE CATTLE AND BEEF) No. 22-md-3031 (JRT/JFD)
ANTITRUST LITIGATION)
This Document Relates)
To: Consumer Indirect)
Purchaser Plaintiff)
Actions)
-----)

Friday, February 9, 2024

- - -

Remote Deposition of LISA MELEGARI,
beginning at 9:34 a.m., before Nancy J. Martin, a
Registered Merit Reporter, Certified Shorthand
Reporter. All parties appeared remotely.

1 A P P E A R A N C E S :

2

SAMANTHA BURKE, ATTORNEY AT LAW
3 PERKINS COIE, LLP
1201 Third Avenue
4 Suite 4900
Seattle, Washington 98101
5 SBurke@perkinscoie.com
Counsel for Tyson Foods

6

7 DEVELYN MISTRIOTTI, ESQ.
LOCKRIDGE GRINDAL & NAUEN, PLLP
8 100 Washington Avenue S
Suite 2200
9 Minneapolis, Minnesota 55401
(612) 596-4062
10 djmistriotti@locklaw.com
Counsel for Indirect Consumer Purchasers

11

12 CODY MCCRACKEN, ESQ.
CUNEO GILBERT & LADUCA LLP
13 4725 Wisconsin Avenue NW
Suite 200
14 Washington, D.C. 20016
cmccracken@cuneolaw.com
15 Counsel for Commercial and Institutional, Indirect
Purchaser Plaintiffs

16

17 JOAN AKALAONU, ATTORNEY AT LAW
FAEGRE DRINKER BIDDLE & REATH, LLP
18 320 South Canal Street
Suite 3300
19 Chicago, Illinois 60606
(312) 356-5025
20 joan.akalaonu@faegredrinker.com
Counsel for Cargill

21

22

23

24

25

1 A P P E A R A N C E S :

2

3 GRACE E.K. ROUSER, ATTORNEY AT LAW
JONES DAY

4 90 South Seventh Street
Suite 4950

5 Minneapolis, Minnesota 55402
(612) 217-8877

6 grouser@jonesday.com
Counsel for National Beef

7

8 ALSO PRESENT:

9 CHELSEA GILCHRIST, CONCIERGE TECH

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I N D E X

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1 Q. How often do you purchase beef from, your
2 phrase, "humanely raised" cattle?

3 MR. MISTRIOTTI: Object to form.

4 THE WITNESS: I would hope that all cattle
5 are humanely raised. And I know that's not true, but
6 ones that are marketed specifically as humanely
7 raised, I'd say one in every 10 purchases.

8 BY MS. BURKE:

9 Q. Do you purchase certified Angus beef?

10 A. Yes.

11 Q. How often do you purchase certified Angus
12 beef?

13 A. One in every seven purchases.

14 Q. How often do you purchase beef from cattle
15 that have not received any antibiotics?

16 MR. MISTRIOTTI: Object to form.

17 THE WITNESS: One in every seven, advertised
18 as such.

19 BY MS. BURKE:

20 Q. How often do you purchase beef from cattle
21 that have not received any added hormones?

22 MR. MISTRIOTTI: Object to form.

23 THE WITNESS: One in every seven, advertised
24 as such.

25 BY MS. BURKE:

1 Q. Are you willing to pay more money for these
2 higher quality beef products?

3 A. Yes.

4 Q. Has that changed in the last 10 years?

5 A. Yes.

6 Q. Are you more willing now to pay more money
7 for those products than you were 10 years ago?

8 A. Yes.

9 Q. What brands of beef products do you usually
10 buy?

11 A. The majority of my beef that I buy is grocery
12 store packaged, so I'm not aware of any specific
13 brands.

14 Q. Do you know whether any of the beef products
15 that you purchased have been processed by one of the
16 defendants in this action?

17 MR. MISTRIOTTI: Object to form.

18 THE WITNESS: I defer to information provided
19 by my attorneys.

20 BY MS. BURKE:

21 Q. So you don't know whether any of the beef
22 products that you purchased have been processed by
23 Tyson, for example?

24 A. I cannot individually confirm that, no.

25 Q. How about for Cargill?

1 A. I can't individually confirm that.

2 Q. Do you know if any of the beef products that
3 you purchased have been processed by JBS?

4 MR. MISTRIOTTI: Object to form.

5 THE WITNESS: I can't confirm that.

6 BY MS. BURKE:

7 Q. Do you know if any of the beef products that
8 you've purchased have been processed by National Beef?

9 MR. MISTRIOTTI: Same objection.

10 THE WITNESS: I can't confirm that.

11 BY MS. BURKE:

12 Q. Have you ever purchased beef directly from
13 Tyson?

14 MR. MISTRIOTTI: Object to form.

15 THE WITNESS: I have not.

16 BY MS. BURKE:

17 Q. Have you ever purchased beef directly from
18 Cargill?

19 MR. MISTRIOTTI: Same objection.

20 THE WITNESS: I have not.

21 BY MS. BURKE:

22 Q. Have you ever purchased beef directly from
23 JBS?

24 MR. MISTRIOTTI: Same objection.

25 THE WITNESS: I have not.

1 BY MS. BURKE:

2 Q. Have you ever purchased beef directly from
3 National Beef?

4 MR. MISTRIOTTI: Same objection.

5 THE WITNESS: I have not.

6 BY MS. BURKE:

7 Q. And you've never entered into a contract with
8 any of the four defendants for the purchase of beef, I
9 take it?

10 MR. MISTRIOTTI: Object to form.

11 THE WITNESS: I have not.

12 BY MS. BURKE:

13 Q. Do you prefer to buy your beef from the local
14 farmers and ranchers that you've mentioned?

15 MR. MISTRIOTTI: Object to form.

16 THE WITNESS: Yes.

17 BY MS. BURKE:

18 Q. Why is that?

19 MR. MISTRIOTTI: Same objection.

20 THE WITNESS: I like knowing that my food is
21 coming from a more local source. It's generally, my
22 understanding, better for the environment. Less
23 trucks on the road. Less things moving around to feed
24 the cattle because they're right in my own state.

25 The ranchers that I do follow paint a very

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C E R T I F I C A T E

I do hereby certify that the aforesaid testimony was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true and correct record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.



Nancy J. Martin, RMR, CSR

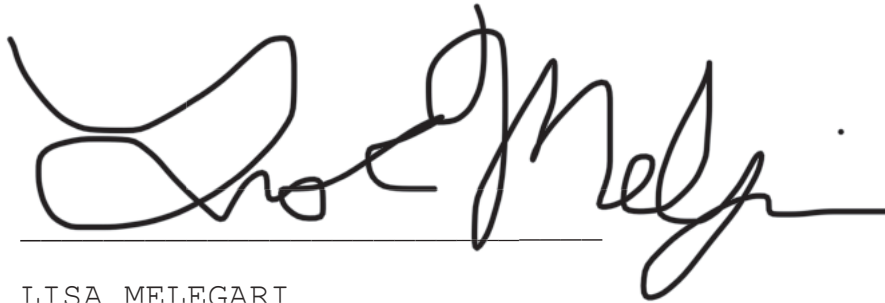
Dated: February 16, 2024

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying shorthand reporter.)

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I, LISA MELEGARI, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made any corrections as appear noted, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this 9 day of March,
2024, at Deltona, Florida.
(City) (State)



LISA MELEGARI

ECF No. 1142-9
Public Redacted
Version

Exhibit 10

Filed Under Seal

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

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IN RE: CATTLE AND BEEF)
ANTITRUST LITIGATION) Case No. :
) 22-md-3031 (JRT/JFD)
This Document Relates To:)
Consumer Indirect Purchaser)
Plaintiff Actions)
_____)

VIDEO-RECORDED REMOTE 30 (b) (1) DEPOSITION OF
JASON FALBO

Taken via Zoom
On Wednesday, June 12, 2024
At 10:02 a.m.

Reported by: Emily A. Gibb, RPR, CSR, CCR
Certified: Utah, Nevada, California, Idaho Washington

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A P P E A R A N C E S

For National Beef:

Chelsea Bollman, Esq.
JONES DAY
90 South Seventh Street
Suite 4950
Minneapolis, Minnesota 55402
(612) 217-8800
cbollman@jonesday.com

For the Commercial, Institutional, and Direct Purchaser Plaintiffs:

Cody McCracken, Esq.
CUNEO GILBERT & LADUCA, LLP
4725 Wisconsin Ave, NW
Suite 200
Washington, D.C. 20016
(202) 789-3960
cmccracken@cuneolaw.com

For Cargill:

Joan A. Akalaonu, Esq.
FAEGRE DRINKER BIDDLE & REATH LLP
320 South Canal Street,
Suite 3300
Chicago, Illinois 60606
(312) 569-1000
joan.akalaonu@faegredrinker.com

For Consumer Indirect Purchaser Plaintiffs:

Sarah Dupree, Esq.
HAGENS BERMAN SOBOL SHAPIRO, LLP
715 Hearst Avenue
Suite 300
Berkeley, California 94710
(510) 725-3000
sarahd@hbsslaw.com

Also Present:

John Macdonell, Legal Videographer
Zach Czerenda, Veritext Concierge

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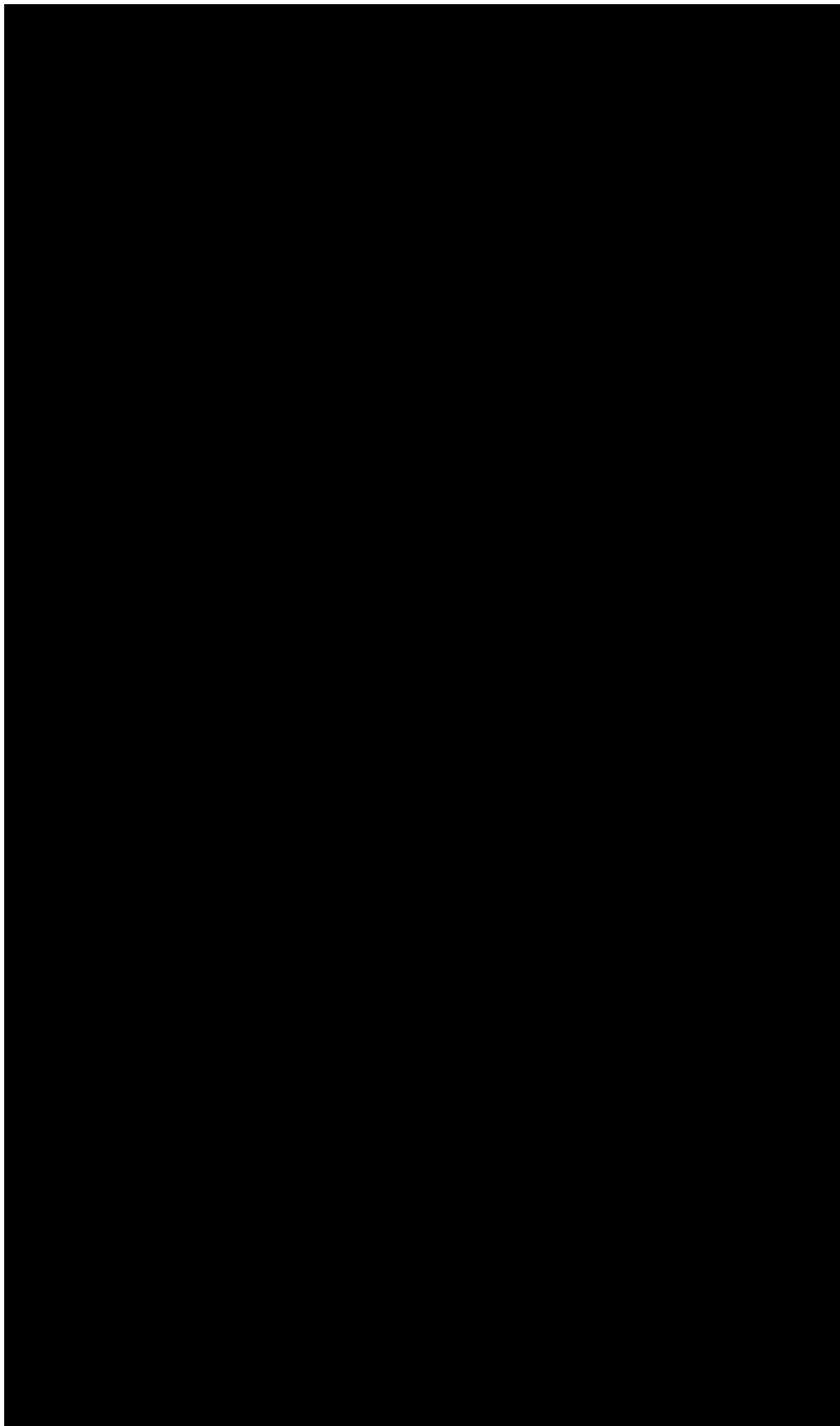
E X H I B I T S (Continued)

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1	[REDACTED]	10:11:21
2	[REDACTED]	10:11:24
3	[REDACTED]	10:11:28
4	[REDACTED]	10:11:30
5	[REDACTED] [REDACTED]	10:11:31
6	Q. I saw your mouth moving, so it might just be	10:11:32
7	a little tech problem that we -- I may have to ask	10:11:34
8	you to repeat things a few times, if that's okay.	10:11:37
9	A. No problem.	10:11:40
10	Q. Okay.	10:11:41
11	[REDACTED]	10:11:41
12	[REDACTED]	10:11:49
13	[REDACTED]	10:11:52
14	[REDACTED]	10:11:59
15	[REDACTED]	10:12:02
16	[REDACTED]	10:12:10
17	[REDACTED]	10:12:11
18	[REDACTED]	10:12:13
19	[REDACTED]	10:12:14
20	[REDACTED]	10:12:22
21	[REDACTED]	10:12:22
22	[REDACTED]	10:12:26
23	[REDACTED]	10:12:33
24	[REDACTED]	10:12:37
25	[REDACTED]	10:12:40

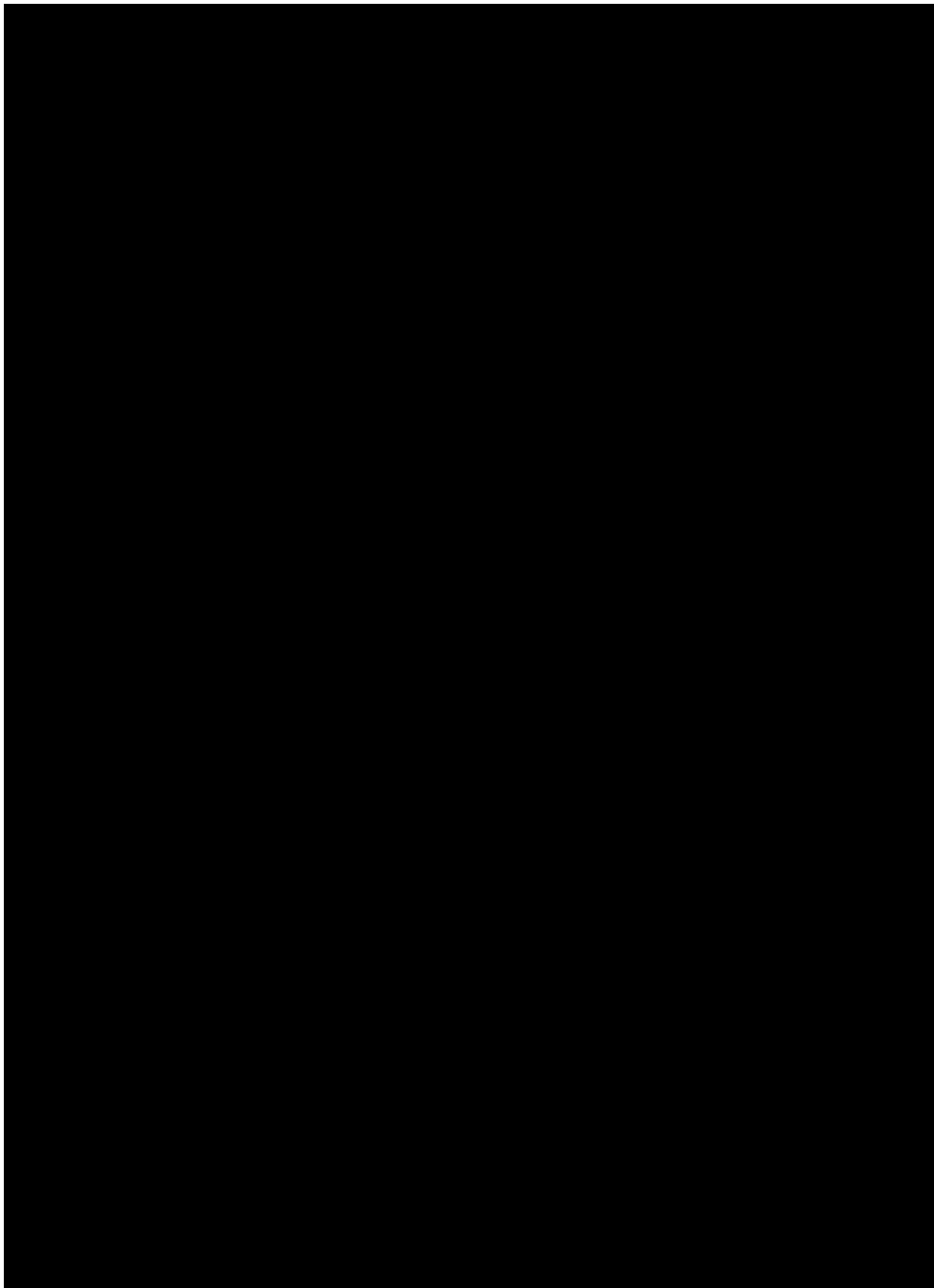
1	[REDACTED]	10:12:45
2	[REDACTED]	10:12:45
3	[REDACTED]	10:12:46
4	[REDACTED]	10:12:48
5	[REDACTED]	10:12:51
6	[REDACTED]	10:12:54
7	[REDACTED]	10:13:03
8	[REDACTED]	10:13:05
9	[REDACTED]	10:13:06
10	[REDACTED]	10:13:08
11	[REDACTED]	10:13:19
12	[REDACTED]	10:13:20
13	[REDACTED]	10:13:21
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16	[REDACTED]	10:13:31
17	[REDACTED]	10:13:32
18	[REDACTED]	10:13:33
19	[REDACTED]	10:13:40
20	[REDACTED]	10:13:45
21	[REDACTED]	10:13:54
22	[REDACTED]	10:13:57
23	[REDACTED]	10:13:58
24	[REDACTED]	10:14:03
25	[REDACTED]	10:14:04

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Q. Anything else I'm missing during, you know,
from 2010, let's say, until now?

A. No.

Q. Do you regularly spend long periods of time
in another state?

1 Q. Are there higher quality or premium beef 10:48:45
2 products that you prefer to purchase? 10:48:48
3 MS. DUPREE: Objection to form. 10:48:50
4 THE WITNESS: Well, if I'm going to get a 10:48:52
5 steak, I'm going to get a good steak, if that's what 10:48:54
6 you're asking. 10:48:57
7 BY MS. BOLLMAN: 10:48:58
8 Q. What does a "good steak" mean to you? 10:48:58
9 A. Ribeye, porterhouse. 10:49:01
10 Q. Do you prefer to purchase, for example, 10:49:15
11 grass-fed beef? 10:49:18
12 A. To me, beef it is beef. 10:49:20
13 Q. What about Certified Angus Beef? 10:49:22
14 A. Again, beef is beef to me. 10:49:24
15 Q. So you might be looking at the better cuts 10:49:32
16 of meat, but not necessarily any other factors; is 10:49:34
17 that -- am I getting that right? 10:49:41
18 A. That would be a fair statement. 10:49:43
19 Q. Which brands of beef products do you usually 10:49:58
20 buy? 10:50:00
21 A. The ones that come out of the -- the meat 10:50:01
22 department at the grocery store. 10:50:05
23 Q. Do you have any named brands that you 10:50:10
24 typically buy? 10:50:12
25 A. Piggly Wiggly or Meijer, primarily. 10:50:15

1 Q. So that's Piggly Wiggly or Meijer branded 10:50:25
2 meat? 10:50:27
3 A. Correct. Stuff that comes out of the meat 10:50:28
4 counter. 10:50:30
5 Q. Do you ever buy beef that's not from the 10:50:47
6 meat counter? 10:50:50
7 A. Yes. 10:50:53
8 Q. What do you buy that's not from the meat 10:50:54
9 counter? 10:50:56
10 A. It would be in the frozen section. 10:50:57
11 Q. And what frozen brands of beef do you buy? 10:51:02
12 A. I have no idea. 10:51:06
13 Q. Is it fair to say that the brand is not 10:51:20
14 important to you? 10:51:23
15 A. That's correct. 10:51:24
16 Q. And do you know whether any of the brands of 10:51:52
17 beef product that you purchased from, say, the frozen 10:51:55
18 food section was processed by one of the defendants 10:51:58
19 in this case? 10:52:02
20 MS. DUPREE: Objection to form. 10:52:04
21 THE WITNESS: I have no idea. 10:52:05
22 BY MS. BOLLMAN: 10:52:05
23 Q. Do you know which beef product brands are 10:52:10
24 sold by Tyson? 10:52:12
25 A. No. 10:52:13

1 Q. Cargill? 10:52:15

2 A. No. 10:52:16

3 Q. JBS? 10:52:17

4 A. No. 10:52:17

5 Q. National Beef? 10:52:19

6 A. No. 10:52:20

7 Q. Have you ever directly purchased beef from 10:52:21

8 Tyson? 10:52:24

9 A. No. 10:52:27

10 Q. Cargill? 10:52:29

11 A. No. 10:52:29

12 Q. JBS? 10:52:30

13 A. No. 10:52:31

14 Q. National Beef? 10:52:32

15 A. No. 10:52:33

16 Q. Have you ever entered into a contract with 10:52:44

17 any of the defendants for the purchase of beef? 10:52:45

18 A. No. 10:52:48

19 Q. Do you generally prefer to purchase beef 10:52:58

20 from local farmers or local beef processors? 10:53:00

21 A. It doesn't make a difference to me where it 10:53:05

22 comes from. Beef is beef. 10:53:07

23 Q. So is it fair to say you're not looking at, 10:53:11

24 for example, the country of origin of the beef you 10:53:14

25 purchased? 10:53:17

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REPORTER'S CERTIFICATE

I, EMILY A. GIBB, a Certified Shorthand Reporter and Registered Professional Reporter, hereby certify:

THAT I reported the taking of the deposition of Jason Falbo, commencing on June 12, 2024, at a.m. 10:02

THAT prior to being examined, the witness was placed under oath to tell the truth, the whole truth, and nothing but the truth; that the proceedings were taken down by me in shorthand and thereafter my notes were transcribed through computer-aided transcription; and the foregoing transcript constitutes a full, true, and accurate record of such testimony adduced and oral proceedings had, and of the whole thereof.

I further certify that I am in no way related to any of the parties, nor I am I financially interested in the outcome of the case.

- (X) Review and signature was requested.
- () Review and signature was waived.
- () Review and signature was not requested.

IN WITNESS THEREOF, I have subscribed my name on this 19th day of June, 2024.



Emily A. Gibb, RPR, CSR, CCR

1 Sarah Dupree

2 sarahd@hbsslaw.com

3 June 20, 2024

4 RE: IN RE: CATTLE AND BEEF ANTITRUST LITIGATION

5 6/12/2024, JASON FALBO (#6719574)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 Calendar-PNW@Veritext.com

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

ECF No. 1142-10

Unsealed by
Agreement of the
Parties

Exhibit 11

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

IN RE CATTLE AND BEEF ANTITRUST
LITIGATION,

No. 22-md-3031 (JRT/JFD)

This Document Relates to:
All Actions

/

*** HIGHLY CONFIDENTIAL ***

Remote Video-recorded Deposition of
BRENDA KING, the witness herein, appearing
remotely from New City, New York at 10:00 a.m.,
Eastern Daylight Time, on Thursday, September 5,
2024, before Renee Harris, California Certified
Shorthand Reporter No. 14168; New Jersey CCR,
No. 30XI00241200; Registered Professional
Reporter, and FL Notary No. 1708946

JOB NO. 6877606
PAGES: 1 - 148

1 APPEARANCES OF COUNSEL:

2 COUNSEL FOR CONSUMER PLAINTIFFS:

3 LOCKRIDGE GRINDAL NAUEN

4 BY: STEPHEN OWEN, ESQ.

5 SIMEON MORBEY, ESQ.

6 100 Washington Ave S, Suite 2200

7 Minneapolis, Minnesota 55401

8 (612) 339-6900

9 smowen@locklaw.com

10 smorbey@locklaw.com

11

12 COUNSEL FOR CARGILL DEFENDANTS:

13 FAEGRE DRINKER BIDDLE & REATH, LLP

14 BY: JOAN AKALAONU, ESQ.

15 801 Grand Ave, 33rd Floor

16 Des Moines, Iowa 50309

17 (515) 248-9000

18 joan.akalaonu@faegredrinker.com

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL: (Continued)
2 COUNSEL FOR DEFENDANT NATIONAL BEEF PACKING
3 COMPANY, LLC

4 JONES DAY

5 BY: RYAN MUELLER, ESQ.

6 110 N. Wacker Dr., Suite 4800

7 Chicago, Illinois 60606

8 (312) 269-4214

9 rmueller@jonesday.com

10

11

12 Also Present:

13 John Macdonell, Videographer

14 Zach Czerenda, Technician

15

16

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EXAMINATION BY:	PAGE
MR. MUELLER	7

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INSTRUCTION NOT TO ANSWER

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NEW CITY, NEW YORK;

JULY 18, 2024;

10:13 A.M., PDT;

THE VIDEOGRAPHER: We are on the record. 10:00:09

It's ten o'clock a.m. Eastern time on
September 5, 2024.

This is the deposition of Brenda King, we
are here in the matter of Cattle and Beef
Antitrust Litigation. I'm John Macdonell, 10:00:41
the videographer with Veritext.

Before the witness is sworn, would
counsel please identify themselves beginning
with Mr. Mueller, please.

MR. MUELLER: Ryan Mueller of the firm 10:00:52
Jones Day on behalf of Defendant National
Beef Packing Company, LLC.

MS. AKALAONU: Joan Akalaonu, attorney on
behalf of Defendant Cargill.

MR. OWEN: Stephen Owen of the law firm 10:01:10
Lockridge Grindal Nauen on behalf of the
consumer plaintiffs.

MR. MORBEY: Simeon Morbey, Lockridge
Grindal Nauen, on behalf of the consumer
plaintiffs. 10:01:22

1 A. Not really, no.

2 Q. You say "not really."

3 Is there anything that you are thinking
4 of over the last ten years that you did have a
5 preference for one of these types of beef we 10:55:36
6 discussed?

7 A. Maybe if it was like a special occasion,
8 you know, we would splurge but --

9 Q. What brands of beef products do you
10 usually buy? 10:55:46

11 MR. OWEN: Object to form.

12 THE WITNESS: They are not really
13 labeled. It's mostly whatever is in the
14 grocery case. They don't say where it's
15 from. 10:55:56

16 BY MR. MUELLER:

17 Q. Can you recall over the last ten years
18 any brands of beef that you have purchased other
19 than just the grocery store label?

20 A. Maybe like a frozen burger. But that's 10:56:06
21 about it, yeah. Frozen beef, like a Bubba Burger,
22 but nothing that has like a label on it.

23 Q. And so fair to say that you don't have a
24 preference for certain brand of beef when you --
25 when you purchase beef at a grocery store? 10:56:30

1 A. No.

2 Q. And has that changed at all in the last
3 ten years?

4 A. No.

5 Q. Do you know whether any of the beef 10:56:36
6 products that you have purchased over the last ten
7 years was processed by one of the defendants?

8 A. I don't know specifically who processes.

9 Q. Would you agree that's possible that the
10 beef you purchased over the last ten years has 10:56:57
11 been processed by a company that is not a
12 defendant in this case?

13 MR. OWEN: Object to form.

14 THE WITNESS: Possible but not probable.

15 BY MR. MUELLER: 10:57:09

16 Q. And why do you say "possible but not
17 probable"?

18 A. They are the four major meat-packers in
19 the country. There's not a lot of companies that
20 package beef in the United States. 10:57:24

21 Q. Do you know which beef product brands are
22 sold by Tyson?

23 A. No.

24 MR. OWEN: Object to form.

25 THE WITNESS: No, I don't. 10:57:45

1 BY MR. MUELLER:

2 Q. Do you know which beef product brands are
3 sold by Cargill?

4 MR. OWEN: Object to form.

5 THE WITNESS: No, I don't. 10:57:53

6 BY MR. MUELLER:

7 Q. Do you know which beef product brands are
8 sold by JBS?

9 MR. OWEN: Object to form.

10 THE WITNESS: No, I don't. 10:58:03

11 BY MR. MUELLER:

12 Q. Do you know which beef product brands are
13 sold by National Beef?

14 MR. OWEN: Object to form.

15 THE WITNESS: I do not. 10:58:08

16 BY MR. MUELLER:

17 Q. Have you ever purchased beef directly
18 from Tyson?

19 A. No.

20 Q. Have you ever purchased beef directly 10:58:16

21 from Cargill?

22 A. No.

23 Q. Have you ever had purchase beef directly
24 from JBS?

25 A. No. 10:58:29

1 STATE OF CALIFORNIA)
2 (Ss.
3 COUNTY OF LOS ANGELES)
4

5 I, RENEE HARRIS, do hereby certify that I
6 am a licensed Certified Shorthand Reporter, duly
7 qualified and certified as such by the State of
8 California;

9 That prior to being examined, the witness named
10 in the foregoing deposition was by me duly sworn
11 to testify to tell the truth, the whole truth, and
12 nothing but the truth;

13 That the said deposition was by me recorded
14 stenographically;

15 And the foregoing pages constitute a full,
16 true, complete and correct record of the testimony
17 given by the said witness;

18 That I am a disinterested person, not
19 being in any way interested in the outcome of said
20 action, or connected with, nor related to any of
21 the parties in said action, or to their respective
22 counsel, in any manner whatsoever. DATED: 9/12/24
23



24 Renee Harris, CSR, CCR, RPR
CA CSR No. 14168
25 NJ CCR No. 30XI00241200
FL Notary No. 1708946

1 STEPHEN OWEN

2 smowen@locklaw.com

3 September 12, 2024

4 RE: IN RE CATTLE AND BEEF ANTITRUST LITIGATION

5 9/5/2024, BRENDA KING(#6877606)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 Calendar-PNW@Veritext.com

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

HIGHLY CONFIDENTIAL

1 STEPHEN OWEN

2 smowen@locklaw.com

3 September 12, 2024

4 RE: IN RE CATTLE AND BEEF ANTITRUST LITIGATION

5 9/5/2024, BRENDA KING(#6877606)

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14 Copies should be sent to all counsel, and to Veritext at
15 Calendar-PNW@Veritext.com

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

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HIGHLY CONFIDENTIAL

1 IN RE CATTLE AND BEEF ANTITRUST LITIGATION

2 BRENDA KING (#6877606)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, BRENDA KING, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10

DocuSigned by:
Brenda King
C967AD7F738D481...

9/23/2024

11

12

BRENDA KING

Date

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*If notary is required

14

SUBSCRIBED AND SWORN TO BEFORE ME THIS

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_____ DAY OF _____, 20__.

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NOTARY PUBLIC

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ECF No. 1142-11

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Agreement of the
Parties

Exhibit 12

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

IN RE CATTLE AND BEEF) No. 22-md-3031 (JRT/JFD)
ANTITRUST LITIGATION)
This Document Relates)
To: Consumer Indirect)
Purchaser Plaintiff)
Actions)
-----)

Tuesday, June 11, 2024

- - -

Remote Deposition of KAREN CARTER,
beginning at 9:54 a.m., before Nancy J. Martin, a
Registered Merit Reporter, Certified Shorthand
Reporter. All parties appeared remotely.

REPORTED BY NANCY J. MARTIN
CSR. NO. 9504, RMR, RPR
PAGES 1 - 229

1 A P P E A R A N C E S :

2

3 STEPHEN OWEN, ESQ.

LOCKRIDGE GRINDAL & NAUEN, PLLP

4 100 Washington Avenue S

Suite 2200

5 Minneapolis, Minnesota 55401

smowen@locklaw.com

6 Counsel for consumer and direct purchaser plaintiffs

7

JOAN AKALAONU, ATTORNEY AT LAW

8 FAEGRE DRINKER BIDDLE & REATH, LLP

320 South Canal Street

9 Suite 3300

Chicago, Illinois 60606

10 (312) 356-5025

joan.akalaonu@faegredrinker.com

11 Counsel for Cargill

12

CHRISTY WOLF, ATTORNEY AT LAW

13 JONES DAY

325 John H. McConnell Blvd

14 Suite 600

Columbus, Ohio 43215

15 (216) 402-5408

cmwolf@jonesday.com

16 Counsel for National Beef

17

18

19

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22

23 ALSO PRESENT:

24 JOHN MARSHALL, LEGAL VIDEOGRAPHER

25 ZACH CZERENDA, CONCIERGE TECH

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I N D E X

TESTIMONY OF KAREN CARTER PAGE

BY MS. WOLF 6

E X H I B I T S

NUMBER DESCRIPTION PAGE

Exhibit 1 CONSUMER INDIRECT/PURCHASER 11
PLAINTIFFS FIFTH/AMENDED

Exhibit 2 CLASS ACTION/COMPLAINT 60
CONSUMER INDIRECT PURCHASER

PLAINTIFFS/OBJECTIONS AND
SECOND AMENDED RESPONSE TO
DEFENDANTS/FIRST SET OF
INTERROGATORIES

Exhibit 3 Costco receipts 144

Exhibit 4 Counsel for Plaintiffs in 215
the Consumer Indirect
Purchaser Class

1 WALPOLE, MASSACHUSETTS, TUESDAY, JUNE 11, 2024; 09:55:44
2 9:54 A.M. 09:54:55
3 -OoO- 09:54:55
4 THE VIDEOGRAPHER: We're on the record. It's 09:54:55
5 9:54 a.m. eastern time on June 11, 2024. 09:54:58
6 This is the deposition of Karen Carter. 09:55:02
7 We're here in the matter of Cow and Beef Antitrust 09:55:06
8 Litigation. I'm John Macdonell, the videographer with 09:55:10
9 Veritext. 09:55:12
10 Before the witness is sworn, would counsel 09:55:14
11 please identify themselves, beginning with the 09:55:16
12 noticing party, please. 09:55:18
13 MS. WOLF: Christina Wolf with Jones Day on 09:55:23
14 behalf of National Beef. 09:55:25
15 MR. OWEN: Stephen Owen -- 09:55:28
16 MS. AKALAONO: Joan Akalaono, attorney for 09:55:28
17 defendant, Cargill. 09:55:39
18 MR. OWEN: Stephen Owen of Lockridge Grindal 09:55:41
19 & Nauen on behalf of the consumer and direct purchaser 09:55:43
20 plaintiffs. 09:55:46
21 09:55:48
22 KAREN CARTER, 09:55:48
23 having been sworn/affirmed, 09:56:10
24 was examined and testified as follows: 09:56:10
25 /// 09:56:18

1 Q. So it's not something that you look for when 11:11:52
2 you're purchasing beef? 11:11:53
3 A. No. 11:11:54
4 Q. How about hormone-free beef? Is that the 11:11:58
5 same? 11:12:03
6 A. I would say yes. Again, it might not be, you 11:12:03
7 know, blatantly packaged that way or blatantly 11:12:10
8 advertised that way. 11:12:15
9 Q. So it's not something you necessarily look 11:12:19
10 for when purchasing beef? 11:12:21
11 A. Correct. That's correct. 11:12:22
12 Q. When you do purchase higher quality beef 11:12:29
13 products, are you willing to pay more for those beef 11:12:32
14 products? 11:12:35
15 A. I think I don't have a choice. It isn't that 11:12:41
16 I'm willing. It's just there's not another option. 11:12:43
17 Q. So when you buy the higher quality beef 11:12:50
18 products like the certified angus, you're paying more? 11:12:52
19 A. I would say yes, but, again, it isn't that 11:12:57
20 you're offered a choice. It isn't like you can do 11:13:00
21 comparison shopping that you can go look for it at a 11:13:03
22 different retailer or what have you. So yes. 11:13:08
23 Q. Has that changed over the last 10 years? 11:13:14
24 A. No. It's always been you're going to buy 11:13:21
25 what you need because you need it. It isn't something 11:13:24

1 that the cost always impacts that. 11:13:29

2 Q. What brands of beef products do you usually 11:13:44

3 buy? 11:13:46

4 A. What do you mean by "brand"? 11:13:46

5 Q. Do you notice brands when you purchase beef, 11:13:48

6 like what's on the package? 11:13:51

7 A. You mean the cut? 11:13:53

8 Q. No. Like when you buy the beef and you look 11:13:55

9 at the package, do you notice brands? 11:13:58

10 A. They're usually not identified with the 11:14:01

11 brand. It's usually in the retailer's cellophane 11:14:03

12 packaging with the actual cut and quantity and price 11:14:08

13 per pound. It isn't a brand. 11:14:11

14 Q. So when you go to the store, you usually just 11:14:21

15 buy the store brand beef? 11:14:24

16 A. I'm not sure if it is the store brand. 11:14:27

17 There's no specification as to what brand it is. It's 11:14:30

18 just there. You know what I mean? 11:14:35

19 Q. Got it. So you're not aware of any brands, 11:14:38

20 if there is one? 11:14:40

21 MR. OWEN: Object to form. 11:14:42

22 THE WITNESS: No, there isn't. 11:14:43

23 BY MS. WOLF: 11:14:57

24 Q. Do you know whether any of the beef that 11:14:57

25 you've purchased has been processed by one of the 11:14:59

1 defendants? 11:15:03

2 MR. OWEN: Object to form. 11:15:05

3 THE WITNESS: I wouldn't know. It's not 11:15:09

4 advertised. It's not packaged as such. There's no 11:15:12

5 clarification as to where it originated from. 11:15:15

6 BY MS. WOLF: 11:15:35

7 Q. Do you think it's possible that the beef you 11:15:35

8 purchased could have been produced from a company 11:15:36

9 that's not a defendant in this case? 11:15:39

10 MR. OWEN: Object to form. Foundation. 11:15:41

11 THE WITNESS: Am I to answer? 11:15:50

12 BY MS. WOLF: 11:15:52

13 Q. Yes. 11:15:52

14 MR. OWEN: You can answer. 11:15:52

15 THE WITNESS: I wouldn't have any idea. 11:15:53

16 BY MS. WOLF: 11:15:55

17 Q. Do you think it's possible? 11:15:55

18 MR. OWEN: Object to form. Foundation. 11:15:57

19 BY MS. WOLF: 11:16:02

20 Q. I'm sorry. 11:16:02

21 A. I said I wouldn't know. 11:16:03

22 Q. So you don't know whether any of the beef 11:16:07

23 products you purchased were processed by one of the 11:16:11

24 defendants or anyone else? 11:16:14

25 MR. OWEN: Object to form. Asked and 11:16:16

1 answered. 11:16:22

2 BY MS. WOLF: 11:16:23

3 Q. You can answer. 11:16:23

4 A. That is correct. I would not know if it was 11:16:24

5 a product of any of the... 11:16:28

6 Q. Do you know any beef product brands that are 11:16:46

7 sold by Tyson, Cargill, JBS, or National Beef? 11:16:49

8 MR. OWEN: Object to form. 11:16:52

9 THE WITNESS: I wouldn't know specifically, 11:16:54

10 no. 11:16:55

11 BY MS. WOLF: 11:16:59

12 Q. Have you ever purchased beef directly from 11:16:59

13 Tyson, Cargill, JBS, or National Beef? 11:17:02

14 MR. OWEN: Object to form. 11:17:05

15 THE WITNESS: No, I have not. 11:17:07

16 BY MS. WOLF: 11:17:11

17 Q. Have you ever entered into a contract with 11:17:11

18 Tyson, Cargill, or National Beef for the purchase of 11:17:16

19 beef? 11:17:20

20 MR. OWEN: Object to form. 11:17:21

21 THE WITNESS: No, I have not. 11:17:22

22 BY MS. WOLF: 11:17:29

23 Q. Do you generally prefer to purchase beef from 11:17:29

24 local farmers? 11:17:31

25 A. I have not purchased from local farmers. So 11:17:35

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C E R T I F I C A T E

I do hereby certify that the aforesaid testimony was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true and correct record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.



Nancy J. Martin, RMR, CSR

Dated: June 16, 2024

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying shorthand reporter.)

1 STEPHEN OWEN

2 smowen@locklaw.com

3 June 18, 2024

4 RE: IN RE CATTLE AND BEEF ANTITRUST LITIGATION

5 6/11/2024, KAREN CARTER (#6748808)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
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15 Calendar-PNW@Veritext.com

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

1 STEPHEN OWEN

2 smowen@locklaw.com

3 June 18, 2024

4 RE: IN RE CATTLE AND BEEF ANTITRUST LITIGATION

5 6/11/2024, KAREN CARTER (#6748808)

6 The above-referenced transcript is available for
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18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

1 IN RE CATTLE AND BEEF ANTITRUST LITIGATION

2 KAREN CARTER (#6748808)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, KAREN CARTER, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10 DocuSigned by:

Karen Carter

7779EFC8ADFA450...

7/6/2024

11 _____
12 KAREN CARTER

Date

13 *If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS
15 _____ DAY OF _____, 20____.

16 _____
17 _____
18 _____
19 NOTARY PUBLIC

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ECF No. 1142-12

Unsealed by
Agreement of the
Parties

Exhibit 13

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

-o0o-

IN RE: CATTLE AND BEEF)
ANTITRUST LITIGATION) Case No. :
) 22-md-3031 (JRT/JFD)
This Document Relates To:)
Consumer Indirect Purchaser)
Plaintiff Actions)
_____)

REMOTE VIDEO-RECORDED 30(b)(1) DEPOSITION OF
KENNETH PETERSON

Taken via Zoom
On Friday, July 19, 2024
At 9:02 a.m.

Reported by: Emily A. Gibb, RPR, CSR, CCR
Certified In: Utah Nevada California Idaho Washington

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A P P E A R A N C E S
For National Beef Packing Company, LLC
Yeting Shi, Esq.
JONES DAY
90 South Seventh Street
Suite 4950
Minneapolis, Minnesota 55402
(612) 217-8800
yshi@jonesday.com

For Cargill:

Joan A. Akalaonu, Esq.
FAEGRE DRINKER BIDDLE & REATH LLP
320 South Canal Street
Suite 3300
Chicago, Illinois 60606
(312) 569-1000
joan.akalaonu@faegredrinker.com

For Consumer Indirect Purchaser Plaintiffs:

Sarah Dupree, Esq.
HAGENS BERMAN SOBOL SHAPIRO, LLP
715 Hearst Avenue
Suite 300
Berkeley, California 94710
(510) 725-3000
sarahd@hbsslaw.com

Also Present:

Dustin Brown, Legal Videographer
Chelsea Gilchrist, Veritext Concierge

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I N D E X

KENNETH PETERSON PAGE
Examination By Ms. Akalaonu 5

* * *

E X H I B I T S

EXHIBIT	DESCRIPTION	PAGE
Exhibit 1 -	Consumer Indirect Purchaser Plaintiffs' Fifth Amended Class Action Complaint	21
Exhibit 2 -	Consumer Indirect Purchaser Plaintiffs' Objections and Second Amended Response to Defendants' First Set of Interrogatories	64
Exhibit 3 -	Counsel for Plaintiffs in the Consumer Indirect Purchaser Class	138

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P R O C E E D I N G S

-o0o-

VIDEOGRAPHER: Good morning. We are on 09:02:37
record at 9:02 a.m. on July 19, 2024. This is the 09:02:38
video-recorded deposition of Ken Peterson. My name 09:02:45
is Dustin Brown, here with our court reporter, Emily 09:02:47
Gibb. This deposition is taking place remotely. The 09:02:51
caption of the case is In Re: Cattle and Beef 09:02:56
Antitrust Litigation. 09:03:00

Please note that video and audio recording 09:03:02
will take place unless all parties agree to go off 09:03:03
the record. If there are any objections to 09:03:08
proceeding, please state them at the time of your 09:03:10
appearance, beginning with the noticing attorney. 09:03:12

Appearances, please. 09:03:14

MS. AKALAONU: Yes, Good morning. 09:03:16

My name is Joan Akalaonu. I'm an attorney 09:03:17
from Faegre Drinker Biddle & Reath, representing 09:03:20
Defendant Cargill. 09:03:21

MS. DUPREE: Good morning. 09:03:26

Sarah Dupree with Hagens Berman Sobol 09:03:26
Shapiro on behalf of the consumer indirect purchaser 09:03:26
class and the witness. 09:03:33

MS. SHI: Good morning. Yeting Shi, 09:03:39

1 and -- et cetera. 11:20:20

2 Q. And what brand of steak do you usually 11:20:31

3 purchase from Safeway? 11:20:33

4 A. It's usually just the store brand. 11:20:38

5 Q. Do you know if that store-brand steak that 11:20:46

6 you purchased from Safeway, if it was processed by 11:20:48

7 one of the defendants in the case? 11:20:51

8 A. I don't know. 11:20:53

9 Q. Do you know if it was processed from 11:20:55

10 grass-fed cattle or grain-fed cattle? 11:20:57

11 A. I don't know. 11:21:01

12 Q. Do you know if it was processed from fed 11:21:01

13 cattle or from dairy cattle? 11:21:04

14 A. I don't know. 11:21:09

15 Q. Then in terms of, then, the ground beef or 11:21:11

16 the hamburger meat that you purchase from Safeway, 11:21:13

17 what type or kind of hamburger meat do you typically 11:21:17

18 purchase from Safeway? 11:21:21

19 A. Well, it's typically the store brand. 11:21:27

20 Q. And during a typical month, about how many 11:21:31

21 pounds of ground beef/hamburger meat do you purchase 11:21:34

22 from Safeway? 11:21:37

23 A. I had purchased 2 pounds in the past two 11:21:48

24 months. 11:21:51

25 Q. Has the amount of ground beef that you 11:21:59

1 purchased from Safeway changed over the last ten 11:22:00
2 years? 11:22:03
3 A. Yes. 11:22:05
4 Q. In what ways? 11:22:06
5 A. It's decreased. 11:22:08
6 Q. Do you know if the store-brand hamburger 11:22:19
7 meat/ground beef that you purchase from Safeway, if 11:22:22
8 it's processed by one of the defendants in the case? 11:22:25
9 A. I have no idea. 11:22:27
10 Q. Do you know if it's processed from grass-fed 11:22:28
11 cattle or grain-fed cattle? 11:22:32
12 A. I have no idea. 11:22:34
13 Q. Do you know if it's processed from fed 11:22:36
14 cattle or from dairy cattle? 11:22:38
15 A. I have no idea. 11:22:41
16 Q. Do you recall any general trends in the 11:22:46
17 prices that you paid for beef that you purchased at 11:22:48
18 Safeway over the last ten years? 11:22:52
19 A. They've gone up. Same with Nob Hill and 11:22:55
20 Raley's and same with Costco. 11:23:02
21 Q. Do you know if the price of other non-beef 11:23:10
22 products that you buy at Safeway has also gone up 11:23:12
23 over the last ten years? 11:23:16
24 A. Or shrunk in size? 11:23:21
25 Q. So is that -- sorry. Is that, then, a yes 11:23:32

1 to that question, in terms of have you -- has the 11:23:34
2 price of other non-beef products that you buy at 11:23:37
3 Safeway also gone up over the last ten years? 11:23:40
4 A. Some have, some haven't, but the size of the 11:23:46
5 package has shrunk. 11:23:50
6 Q. And when you say "size of the package," what 11:23:51
7 package are you referring to? 11:23:53
8 A. Well, you used to get four Dove bars in a 11:23:55
9 package and now you get three, and they used to be 11:23:58
10 bigger. 11:24:00
11 Q. And why do you think the price of beef that 11:24:12
12 you purchase at Safeway has increased? 11:24:13
13 MS. DUPREE: Objection to form. 11:24:19
14 BY MS. AKALAONU: 11:24:20
15 Q. You can answer. 11:24:20
16 A. Well, it's probably a variety of factors. 11:24:23
17 Q. What are some of the factors that you think 11:24:28
18 may have contributed to that? 11:24:30
19 A. Well, it's probably the basis of this 11:24:31
20 litigation for one. And then there would be 11:24:33
21 increased prices due to COVID and supply chain issues 11:24:39
22 as well. 11:24:43
23 Q. Any other factors? 11:24:52
24 A. General economy. Wages are increasing, so 11:24:54
25 those wage costs have to be passed along to the 11:24:55

1 And on the rare occasion that I make tacos, 11:29:29
2 because that would be the rare occasion she wants 11:29:31
3 them, then we'd have ground beef. 11:29:33
4 Q. And outside of those steaks and ground beef, 11:29:39
5 is there any other specific type of beef products 11:29:43
6 that you get from Raley's? 11:29:45
7 A. No. 11:29:47
8 Q. Do you ever purchase ribs? 11:29:50
9 A. Nope. 11:29:52
10 Q. Any roast? 11:29:54
11 A. Not for a long time. 11:29:56
12 Q. Or brisket? 11:29:59
13 A. It's been a long time since we've done one 11:30:02
14 of those. 11:30:06
15 Q. Okay. 11:30:07
16 A. It takes a long time to cook them. 11:30:08
17 Q. In a -- during a typical month, how many 11:30:18
18 pounds of steak would you say you purchased from 11:30:21
19 Raley's? 11:30:23
20 A. Typical month of when? 11:30:27
21 Q. I would say within the last -- within the 11:30:33
22 last two years, during a typical month, how many 11:30:36
23 pounds of steak would you say you purchased from 11:30:42
24 Raley's? 11:30:44
25 A. Not much. 11:30:44

1 Q. And then during the years of COVID, during a 11:30:55
2 typical month, how many pounds of steak would you say 11:31:01
3 you purchased from Raley's? 11:31:04

4 A. Again, I don't differentiate between 11:31:08
5 Raley's, Costco, and Safeway. So I couldn't tell you 11:31:11
6 a specific answer for a specific store. 11:31:13

7 Q. Okay. But in general, in terms of how many 11:31:18
8 pounds of steak you were purchasing, was it more 11:31:22
9 during COVID from grocery stores, from supermarkets? 11:31:24

10 A. Well, if I take COVID versus now, yes. If I 11:31:31
11 take pre-COVID versus COVID, it would probably 11:31:34
12 depend. 11:31:39

13 Q. And what brand of steaks do you typically 11:31:48
14 purchase from Raley's? 11:31:50

15 A. It's the store brand. 11:31:54

16 Q. Do you know if the store-brand steaks from 11:32:00
17 Raley's are -- was processed by one of the defendants 11:32:01
18 in the case? 11:32:04

19 A. I have no idea. 11:32:06

20 Q. Do you know if it was processed from 11:32:07
21 grass-fed cattle or grain-fed cattle? 11:32:11

22 A. I have no idea. 11:32:13

23 Q. And do you know if it was processed from fed 11:32:14
24 cattle or from dairy cattle? 11:32:17

25 A. I have no idea. 11:32:19

1 Q. In terms of, then, the ground beef that you 11:32:27
2 purchase from Raley's, what type of -- type or kind 11:32:29
3 of ground beef do you typically purchase from there? 11:32:34

4 A. Do you want to be a little more specific 11:32:40
5 there? 11:32:42

6 Q. I don't know if it's considered, then, the 11:32:43
7 cut or the grade, but sometimes people get what is a 11:32:45
8 90/10s, something like that. 11:32:47

9 A. Okay. So typic- -- it typically would be 11:32:50
10 maybe 90 -- combination of 90/10 and 80-something 11:32:55
11 versus whatever the rest was. 11:33:02

12 Q. Okay. And within the last two years, during 11:33:03
13 a typical month, about how many pounds of ground beef 11:33:08
14 would you say you purchased from Raley's? 11:33:11

15 A. From where? 11:33:12

16 Q. From Raley's. 11:33:14

17 A. Couldn't tell you. 11:33:15

18 Q. Has the amount or -- yeah. Has the amount 11:33:22
19 of ground beef that you've purchased from Raley's, 11:33:24
20 has it increased or decreased during the last ten 11:33:27
21 years? 11:33:29

22 A. Well, meat in general has decreased in the 11:33:32
23 past couple of years compared to the early years. 11:33:35
24 Again, I don't differentiate between the three 11:33:38
25 stores, so I couldn't tell you one versus the other. 11:33:41

1 Q. Okay. What brand of ground beef do you 11:33:44
2 purchase from Raley's? 11:33:49

3 A. It would just be the store brand. 11:33:52

4 Q. And then those store-brand ground beef that 11:33:54
5 you purchase from Raley's, do you know if it was 11:33:56
6 processed by one of the defendants in the case? 11:34:00

7 A. I have no idea. 11:34:03

8 Q. Do you know if it was processed from 11:34:04
9 grass-fed cattle or grain-fed cattle? 11:34:06

10 A. I have no idea. 11:34:09

11 Q. And do you know if it was processed from fed 11:34:10
12 cattle or from dairy cattle? 11:34:12

13 A. I have no idea. 11:34:14

14 Q. And in terms of Raley's/Nob Hill, do you 11:34:18
15 recall any general trends in the prices that you paid 11:34:25
16 for beef that you've purchased at the store over the 11:34:27
17 last ten years? 11:34:31

18 A. They've gone up over the past couple of 11:34:32
19 years. 11:34:34

20 Q. And at Raley's and Nob Hill, has the price 11:34:38
21 of other non-beef products that you bought there 11:34:41
22 also -- has it also gone up over the past ten years? 11:34:45

23 A. Yes. 11:34:49

24 Q. And why do you think the price of beef that 11:34:54
25 you purchased at Raley's/Nob Hill has increased? 11:34:55

1 MS. DUPREE: Objection to form. 11:34:58

2 BY MS. AKALAONU: 11:34:59

3 Q. You may answer. 11:34:59

4 A. Be the same reasons as I listed before for 11:35:03

5 Safeway, which would be the same answers I would give 11:35:06

6 for Costco. 11:35:09

7 Q. Do you recall whether the price of beef at 11:35:18

8 Raley's/Nob Hill has ever gone down over the past ten 11:35:20

9 years? 11:35:23

10 A. If there was a sale. 11:35:26

11 Q. Outside of there being a sale, have you 11:35:29

12 ever -- have -- do you recall whether the price of 11:35:32

13 beef at Raley's/Nob Hill has ever gone down in the 11:35:34

14 last ten years? 11:35:37

15 A. I don't have a specific recollection. 11:35:39

16 Q. When was the last time that you purchased 11:35:41

17 beef at Raley's/Nob Hill? 11:35:43

18 A. Couldn't tell you. 11:35:46

19 Q. Have you purchased there within the last 11:35:48

20 month? 11:35:50

21 A. I doubt it. 11:35:53

22 Q. Do you keep the receipts for when you 11:35:57

23 purchase beef at Raley's/Nob Hill? 11:35:59

24 A. If I remember to. 11:36:03

25 Q. And if you remember to keep them, where 11:36:06

1 purchased beef from Costco? 11:37:44

2 A. Couldn't tell you. 11:37:48

3 Q. What specific type of beef products do you 11:37:53

4 typically buy from Costco? 11:37:56

5 A. Typically would be steak. 11:37:57

6 Q. Any other type of beef products, like ground 11:38:02

7 beef? 11:38:04

8 A. No. I don't think I've bought ground beef 11:38:08

9 at Costco in -- that I can recall. 11:38:10

10 Q. Ribs? 11:38:17

11 A. Nope. 11:38:18

12 Q. Or a roast? 11:38:19

13 A. It's been a while, so I couldn't tell you 11:38:22

14 when the last one was. 11:38:24

15 Q. Has the type of beef that you've purchased 11:38:32

16 from Costco, has it changed over the past ten years? 11:38:34

17 A. Yes. 11:38:37

18 Q. In what way? 11:38:39

19 A. Same as the others. I earlier would have 11:38:41

20 purchased more filet mignons. Not anymore. 11:38:44

21 Occasionally, the boneless New York steaks. Not 11:38:48

22 anymore. So it's primarily just top sirloins. 11:38:51

23 Q. During a typical month, like, how many 11:39:08

24 pounds of steak do you purchase from Costco? 11:39:10

25 A. Depended on the month and the year and the 11:39:17

1 dietary habits. So it wouldn't -- it varied. 11:39:20

2 Q. Okay. Sorry. Just to confirm, you said it 11:39:24

3 varied over the time period and the years based on 11:39:33

4 dietary, and what were the other thing -- factors 11:39:37

5 that you mentioned? 11:39:40

6 A. Members of the household. 11:39:42

7 Q. And what brand of steak did you typically 11:39:49

8 purchase from Costco? 11:39:52

9 A. Store brand. 11:39:54

10 Q. And do you know if the store-brand steak 11:40:01

11 from Costco, if it was processed by one of the 11:40:04

12 defendants in the case? 11:40:07

13 A. No. 11:40:08

14 Q. Do you know if it was processed from 11:40:11

15 grass-fed cattle or grain-fed cattle? 11:40:13

16 A. No. 11:40:16

17 Q. Or if it was processed from dairy cattle or 11:40:16

18 fed cattle? 11:40:20

19 A. I have no idea. 11:40:20

20 Q. And then with Costco, did you recall any 11:40:25

21 general trends from the prices that you paid for 11:40:27

22 beef? 11:40:30

23 A. Gone up. 11:40:32

24 Q. Gone up as well? 11:40:33

25 And then how about any other non-beef 11:40:37

1 products that you purchased from Costco? Have you 11:40:40
2 noticed any trends in the last ten years with those 11:40:42
3 prices? 11:40:45
4 A. I'm trying to think. 11:40:49
5 Q. Wait. Sorry. I didn't hear you. 11:40:51
6 A. I'm trying to think. 11:40:53
7 Q. Oh, okay. 11:40:55
8 A. Oh -- well, size package has decreased for 11:41:00
9 non-beef packet -- products such as toilet paper and 11:41:08
10 paper towels and ... 11:41:12
11 Q. And then similar to, then, the other stores, 11:41:29
12 over the last ten years, have you noticed or recall 11:41:31
13 whether the price of beef at Costco has went down 11:41:34
14 over the last ten years? 11:41:36
15 A. Not that I can recall. 11:41:41
16 Q. When was the last time that you purchased 11:41:42
17 beef from Costco? 11:41:44
18 A. Couldn't tell you. 11:41:47
19 Q. Have you purchased beef from Costco in the 11:41:50
20 last month? 11:41:51
21 A. Probably not. 11:41:56
22 Q. And have you ever ordered beef to be 11:42:00
23 delivered to you from Costco -- 11:42:03
24 A. Nope. 11:42:05
25 Q. -- directly from the store? 11:42:05

1 draft? 01:12:55
2 COURT REPORTER: Yes. 01:12:55
3 Ms. Shi, did you also want a rough draft? 01:12:55
4 MS. SHI: No, just a regular copy. 01:12:55
5 COURT REPORTER: And, Ms. Dupree? 01:12:55
6 MS. DUPREE: No, just the read and sign. 01:12:55
7 (This deposition was concluded at
8 1:12 p.m.)
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REPORTER'S CERTIFICATE

I, EMILY A. GIBB, a Certified Shorthand Reporter and Registered Professional Reporter, hereby certify:

THAT I reported the taking of the deposition of Kenneth Peterson, commencing on July 19, 2024, at 9:02 a.m.

THAT prior to being examined, the witness was placed under oath to tell the truth, the whole truth, and nothing but the truth; that the proceedings were taken down by me in shorthand and thereafter my notes were transcribed through computer-aided transcription; and the foregoing transcript constitutes a full, true, and accurate record of such testimony adduced and oral proceedings had, and of the whole thereof.

I further certify that I am in no way related to any of the parties, nor I am I financially interested in the outcome of the case.

Review and signature was requested.

Review and signature was waived.

Review and signature was not requested.

IN WITNESS THEREOF, I have subscribed my name on this 25th day of July, 2024.



Emily A. Gibb, RPR, CSR, CCR

1 Sarah Dupree

2 sarahd@hbsslaw.com

3 July 26, 2024

4 RE: IN RE: CATTLE AND BEEF ANTITRUST LITIGATION

5 7/19/2024, KENNETH PETERSON (#6765293)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 Calendar-PNW@Veritext.com

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

1 IN RE: CATTLE AND BEEF ANTITRUST LITIGATION

2 KENNETH PETERSON(#6765293)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, KENNETH PETERSON, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10

Signed by: Ken Peterson 8/9/2024
DEFF78F777D0451...

11

12

KENNETH PETERSON

Date

13

*If notary is required

14

SUBSCRIBED AND SWORN TO BEFORE ME THIS

15

_____ DAY OF _____, 20__.

16

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NOTARY PUBLIC

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ECF No. 1142-13
Public Redacted
Version

Exhibit 14

Filed Under Seal

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

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IN RE: CATTLE AND BEEF)
ANTITRUST LITIGATION) Case No. :
) 22-md-3031 (JRT/JFD)
This Document Relates To:)
Consumer Indirect Purchaser)
Plaintiff Actions)
_____)

** CONFIDENTIAL **

REMOTE VIDEO-RECORDED 30(b)(1) DEPOSITION OF
DAVID RENZ

Taken via Zoom
On Monday, August 19, 2024
At 9:04 a.m.

Reported by: Emily A. Gibb, RPR, CSR, CCR
Certified In: Utah/Nevada/California/Idaho/Washington

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A P P E A R A N C E S

For National Beef Packing Company, LLC
Yeting Shi, Esq.
JONES DAY
90 South Seventh Street
Suite 4950
Minneapolis, Minnesota 55402
(612) 217-8800
yshi@jonesday.com

For Cargill:

Joan A. Akalaonu, Esq.
FAEGRE DRINKER BIDDLE & REATH LLP
320 South Canal Street
Suite 3300
Chicago, Illinois 60606
(312) 569-1000
joan.akalaonu@faegredrinker.com

For Consumer Indirect Purchaser Plaintiffs:

Stephen M. Owen, Esq.
Simeon A. Morbey, Esq.
LOCKRIDGE GRINDAL NAUEN P.L.L.P.
100 Washington Avenue South
Suite 2200
Minneapolis, Minnesota 55401
(612) 596-4068
samorbey@locklaw.com
smowen@locklaw.com

Also Present:

John Macdonell, Legal Videographer
Chelsea Gilchrist, Veritext Concierge

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I N D E X

DAVID RENZ PAGE
Examination By Ms. Akalaonu 5

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E X H I B I T S

EXHIBIT	DESCRIPTION	PAGE
Exhibit 1 -	Consumer Indirect Purchaser Plaintiffs' Sixth Amended Class Action Complaint	15
Exhibit 2 -	Consumer Indirect Purchaser Plaintiffs' Objections and Second Amended Response to Defendants' First Set of Interrogatories	58
Exhibit 3 -	Counsel for Plaintiffs in the Consumer Indirect Purchaser Class List	143

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P R O C E E D I N G S

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VIDEOGRAPHER: Okay. And we're on the 09:04:38
record. It's 9:04 a.m. Central Time on August 19, 09:04:39
2024. This is the deposition of David Renz. We're 09:04:43
here in the matter of the Cattle and Beef Antitrust 09:04:48
Litigation. I'm John Macdonnel, the videographer, 09:04:49
with Veritext. 09:04:54

Before the witness is sworn, would counsel 09:04:56
please identify themselves, beginning with the 09:04:59
noticing party, please. 09:05:00

MS. AKALAONU: Yes. Good morning. My name 09:05:03
is Joan Akalaonu. I'm from the law firm Faegre 09:05:04
Drinker Biddle & Reath representing the defendants, 09:05:07
specifically Cargill, Incorporated. 09:05:11

MR. OWEN: Good morning. Stephen Owen of 09:05:19
the law firm Lockridge Grindal Nauen on behalf of the 09:05:20
consumer plaintiffs. 09:05:23

MR. MORBEY: Simeon Morbey from the firm of 09:05:24
Lockridge Grindal Nauen for the consumer plaintiffs. 09:05:26

MS. AKALAONU: I believe -- oh, sorry. I 09:05:43
believe that Yeting is also on. She's -- 09:05:43

Yeting, can you hear us? 09:05:46

MS. SHI: Yes. Sorry. I'm -- I'm away. 09:05:47

1 BY MS. AKALAONU: 11:16:12

2 Q. You may answer. 11:16:14

3 A. What brand, meaning like who produces it? 11:16:15

4 Q. Like, is it come -- does it come packaged 11:16:18

5 and labeled and has a brand name, or is it the store 11:16:21

6 brand or like -- 11:16:25

7 A. It is a store brand. Because like I -- I've 11:16:26

8 said before, that they get, what -- I believe it's 11:16:28

9 boxed beef or, you know, cuts of beef, and then they 11:16:32

10 further process it, and then they grind it there in 11:16:35

11 store to make their ground beef, and they -- they 11:16:38

12 package it -- them there themselves. 11:16:41

13 Q. And do you know if the ground beef that you 11:16:47

14 purchase from Super Savers, if it was processed by 11:16:49

15 one of the defendants in the case? 11:16:53

16 A. I do not know. 11:16:54

17 Q. Okay. Do you know if it was processed from 11:16:55

18 grass-fed cattle or grain-fed cattle? 11:16:59

19 A. I do not know. 11:17:02

20 Q. And do you know if it was processed from fed 11:17:03

21 cattle or from dairy cattle? 11:17:06

22 A. What was that? I missed that last part. 11:17:08

23 Q. Sorry. 11:17:10

24 Do you know if it was processed from fed 11:17:10

25 cattle or dairy cattle? 11:17:13

1 A. That, I do not know. 11:17:17

2 Q. Okay. In terms of the steaks that you 11:17:18

3 purchase from Super Savers, what type or kind of 11:17:24

4 steaks do you usually or typically buy from Super 11:17:26

5 Savers? 11:17:29

6 A. I prefer a sirloin steak. 11:17:31

7 Q. And during a typical month, about how many 11:17:43

8 pounds of sirloin steak or -- yeah, sirloin steak do 11:17:45

9 you purchase from Super Savers? 11:17:48

10 A. I would say 1 to 2 pounds. 11:17:50

11 Q. Has that changed over the last ten years? 11:17:57

12 A. I don't think it would change over the 11:18:03

13 years. I think it's -- kind of varies, you know, 11:18:04

14 monthly. You know, sometimes it would be more. 11:18:06

15 Sometimes it would be less. 11:18:08

16 Q. And what usually determines during the month 11:18:26

17 if you buy more or if you buy less? 11:18:31

18 A. It just depends on the need. 11:18:34

19 Q. Okay. And what type -- strike that. 11:18:38

20 What brand of steaks do you typically 11:18:47

21 purchase from Super Savers? Is it wrapped in a 11:18:50

22 package that has a certain brand label, or is it 11:18:53

23 wrapped in a package that has the store's label? 11:18:56

24 A. It would be the store's label. 11:19:00

25 Q. And then do you know if the steak that you 11:19:08

1 purchase from Super Savers, if it was processed by 11:19:10

2 one of the defendants in the case? 11:19:13

3 A. I do not know. 11:19:16

4 Q. Do you know if it was processed from 11:19:19

5 grass-fed cattle or grain-fed cattle? 11:19:22

6 A. I do not know. 11:19:24

7 Q. And do you know if it was processed from fed 11:19:25

8 cattle or dairy cattle? 11:19:28

9 A. I do not know. 11:19:29

10 Q. And then the roasts that you get from Super 11:19:31

11 Savers -- 11:19:35

12 A. I missed that -- 11:19:36

13 Q. Sorry? The roast. 11:19:37

14 A. Oh, roast. Okay. Yes. 11:19:39

15 Q. Okay. Yeah. 11:19:40

16 The roast that you get from Super Savers, 11:19:41

17 what type or kind of roast do you get? 11:19:44

18 A. It typically was a chuck roast. 11:19:48

19 Q. Okay. And during a typical month, about how 11:19:51

20 many pounds of roast do you purchase from Super 11:19:59

21 Savers? 11:20:03

22 A. I don't think it's really like a monthly 11:20:14

23 type of thing. It's -- it's -- I can more quantify, 11:20:16

24 you know, like yearly, but it's kind of -- something 11:20:21

25 of necessity to buy it for like a certain recipe or 11:20:27

1 something. 11:20:30

2 I would say like per month, it would be 11:20:32

3 less -- less than once, but per year, probably like 11:20:36

4 three to four. 11:20:38

5 Q. Okay. So in a typical year, about how many 11:20:39

6 pounds of roast would you say you purchase from Super 11:20:41

7 Savers? 11:20:44

8 A. I think it would be about 20 pounds' worth. 11:20:51

9 Q. And what brand of roast do you typically 11:21:02

10 purchase from Super Savers? Again, is it in a -- 11:21:04

11 wrapped in a package that has a brand label, a 11:21:08

12 specific brand, or is it wrapped in a package that 11:21:11

13 has a store label? 11:21:14

14 A. It would be the store label. 11:21:14

15 Q. And do you know if the roast that you 11:21:22

16 purchase from Super Saver, if it was processed by one 11:21:23

17 of the defendants in the case? 11:21:26

18 A. I do not know. 11:21:27

19 Q. Do you know if it was processed from 11:21:28

20 grass-fed cattle or grain-fed cattle? 11:21:30

21 A. I do not know. 11:21:32

22 Q. And do you know if it was processed from fed 11:21:34

23 cattle or from dairy cattle? 11:21:36

24 A. I do not know. 11:21:39

25 Q. And do you recall any general trends in the 11:21:46

1 prices that you've paid for beef that you've 11:21:48
2 purchased at Super Savers over the past ten years? 11:21:50
3 MR. OWEN: Object to form. 11:21:53
4 BY MS. AKALAONU: 11:21:54
5 Q. You may answer. 11:21:54
6 A. I've noticed that the -- the prices have 11:21:56
7 increased over the last ten years. For instance, 11:21:58
8 hamburger. I would like to say I was paying \$1.99 a 11:22:05
9 pound approximately ten years ago, and currently, 11:22:12
10 it's 6.98 a pound. 11:22:20
11 Q. Has the price of other non-beef products 11:22:30
12 that you purchase from Super Savers also gone up over 11:22:32
13 the last ten years? 11:22:35
14 A. Yes. 11:22:38
15 MR. OWEN: Object to form. 11:22:39
16 BY MS. AKALAONU: 11:22:43
17 Q. You can answer. 11:22:44
18 A. Yes, I believe so. 11:22:45
19 Q. Why do you think the price of beef that you 11:22:51
20 purchase at Super Savers has increased over the last 11:22:53
21 ten years? 11:22:56
22 MR. OWEN: Object to form. 11:23:01
23 BY MS. AKALAONU: 11:23:01
24 Q. You can answer. 11:23:02
25 A. Partially, I believe that the -- the cost of 11:23:03

1 years? 11:31:35

2 A. I would say yes. Like I said, it -- it's 11:31:43

3 been more ground beef. I did used to buy other, 11:31:49

4 like, steaks or even roasts, but I prefer not to 11:31:57

5 because I don't care for the quality of the beef that 11:32:03

6 they have there. 11:32:07

7 Q. And what type of ground beef do you 11:32:13

8 typically purchase from Walmart? 11:32:16

9 A. Either the 80/20 or the 90/10. 11:32:18

10 Q. During a typical month, about how many 11:32:29

11 pounds of ground beef do you purchase from Walmart? 11:32:30

12 A. I would say less than a pound, because I 11:32:38

13 typically don't go there very often to buy ground 11:32:40

14 beef or any beef products. 11:32:44

15 Q. Has that changed over the last ten years in 11:32:47

16 terms of the amount that you would buy in a typical 11:32:50

17 month? 11:32:52

18 A. Yes. Like I -- like I said, it's been less, 11:32:55

19 'cause I've found other stores that I like their 11:32:57

20 quality of meats better than I do Walmart's. 11:33:02

21 Q. Do the other stores -- these other stores 11:33:29

22 where you've found better quality of meat to purchase 11:33:30

23 than from Walmart, have those stores had higher 11:33:34

24 prices for the -- that meat than Walmart would have 11:33:40

25 for the -- that meat product? 11:33:43

1 A. I think they've kind of been similar across 11:33:47
2 the board price-wise. 11:33:49

3 Q. What brand of ground beef typically do you 11:34:04
4 purchase from Walmart? Is it, like, wrapped in 11:34:08
5 packaging that has a certain brand label, or is it 11:34:11
6 wrapped in packaging that has, like, the Walmart 11:34:15
7 label? 11:34:19

8 A. It's -- it's not the Walmart label. It's -- 11:34:24
9 it's actually, like, prepackaged. I don't -- I don't 11:34:26
10 remember offhand what brand that was. 11:34:28

11 Q. Do you know if the ground beef that you 11:34:45
12 purchased from Walmart, if it was processed by one of 11:34:47
13 the defendants in the case? 11:34:50

14 A. I do not know. 11:34:53

15 Q. Do you know if it was processed from 11:34:53
16 grass-fed cattle or grain-fed cattle? 11:34:55

17 A. I do not know. 11:34:57

18 Q. Do you know if it was processed from fed 11:34:58
19 cattle or from dairy cattle? 11:35:02

20 A. I do not know. 11:35:03

21 Q. Okay. Do you recall any general trends in 11:35:07
22 the prices that you've paid for the beef that you've 11:35:08
23 purchased at Walmart over the past ten years? 11:35:11

24 MR. OWEN: Object to form. 11:35:15

25 THE WITNESS: Yes. It's gone up in price, 11:35:17

1 especially post 2020. It's gone up in price, and -- 11:35:24
2 and if I don't have to, I won't buy it from there 11:35:33
3 because I -- you know, I -- I have my -- kind of my 11:35:37
4 personal favorite store, being Super Saver, where I 11:35:41
5 can get it for less. 11:35:43
6 BY MS. AKALAONU: 11:36:10
7 Q. Has the price of other non-beef products 11:36:10
8 that you've bought -- buy at Walmart, has that also 11:36:12
9 gone up over the last past ten years? 11:36:15
10 MR. OWEN: Object to form. 11:36:18
11 BY MS. AKALAONU: 11:36:18
12 Q. You may answer. 11:36:19
13 A. I believe so. 11:36:20
14 Q. And so, again, why do you think the price of 11:36:31
15 beef that you purchased at Walmart has increased over 11:36:34
16 the last ten years? 11:36:36
17 MR. OWEN: Object to form. 11:36:37
18 BY MS. AKALAONU: 11:36:38
19 Q. You may answer. 11:36:38
20 A. Part of it is due to inflation. The other 11:36:39
21 part, I believe, is that there was a conspiracy to 11:36:42
22 inflate the -- the price of beef by the Big Four 11:36:46
23 meatpackers for monetary gain for themselves. 11:36:51
24 Q. And what's the reason that you believe 11:37:15
25 the -- the price for non-beef products that you've 11:37:17

1 your beef purchases for Walmart? 11:38:47

2 A. If I purchase any at Walmart, I kept those 11:38:49

3 and procured them to my attorney. 11:38:54

4 [REDACTED] 11:38:57

5 [REDACTED] 11:39:07

6 [REDACTED] 11:39:11

7 [REDACTED] 11:39:14

8 Q. And what specific type of beef products do 11:39:21

9 you purchase from Hy-Vee, then? 11:39:23

10 A. If I would, it would be either their 11:39:26

11 hamburger or their Angus steaks. 11:39:28

12 Q. Has the type of beef products that you've 11:39:36

13 purchased from Hy-Vee, has that changed over the last 11:39:38

14 ten years? 11:39:41

15 A. Yes. I -- I've purchased less from them 11:39:43

16 [REDACTED] 11:39:46

17 [REDACTED] 11:39:51

18 to. But if there's a sale -- sale on a certain item 11:39:55

19 or multiple items, we'll go there to purchase either 11:40:00

20 the beef or beef products. 11:40:05

21 Q. And what type of ground beef do you purchase 11:40:19

22 from Hy-Vee? 11:40:21

23 A. 80/20 or 90/10. 11:40:25

24 Q. And in a typical month, about how many 11:40:35

25 pounds of ground beef would you say you purchase from 11:40:39

1 Hy-Vee? 11:40:43

2 A. Per month, I would say less than one. We -- 11:40:49

3 we go there pretty much, you know, for that specific 11:40:58

4 product when they have a sale. So it may be, you 11:41:01

5 know, like two or three months before we go there to 11:41:04

6 buy beef or beef products. 11:41:06

7 Q. And has this changed -- changed over the 11:41:16

8 last ten years? As you mentioned before, you 11:41:18

9 purchase less in general from Hy-Vee because further 11:41:21

10 away from the other stores that you go to now for 11:41:24

11 beef purchases? 11:41:27

12 A. Yes. 11:41:29

13 Q. Okay. What brand of ground beef do you 11:41:33

14 purchase from Hy-Vee? 11:41:40

15 A. It would be their house brand. 11:41:41

16 Q. Do you know if the ground beef you purchase 11:41:47

17 from Hy-Vee, if it was processed by one of the 11:41:48

18 defendants in the case? 11:41:51

19 A. I do not know. 11:41:53

20 Q. Do you know if it was processed from 11:41:54

21 grass-fed cattle or grain-fed cattle? 11:41:57

22 A. I do not know. 11:41:59

23 Q. And then do you know if it was processed 11:42:00

24 from fed cattle or from dairy cattle? 11:42:02

25 A. I do not know. 11:42:06

1 Q. And then the Angus steak, how -- during a 11:42:14
2 typical month, how many pounds of Angus steak do you 11:42:19
3 purchase from Hy-Vee? 11:42:23

4 A. In a month, probably less than one. And 11:42:24
5 just like the ground beef, if it comes up on sale for 11:42:29
6 a good price, we may go there maybe every two or 11:42:34
7 three months to get a couple pounds of -- of, like, 11:42:38
8 Angus steak, and it's due to, you know, the sale 11:42:42
9 price. 11:42:49

10 Q. What brand of Angus steak do you purchase 11:43:06
11 from Hy-Vee? 11:43:08

12 A. It would be their house brand. 11:43:10

13 Q. Okay. And do you know if the Angus steak 11:43:12
14 that you purchased from Hy-Vee, if it was processed 11:43:14
15 by one of the defendants in the case? 11:43:16

16 A. I do not know. 11:43:18

17 Q. Do you know if it was processed from 11:43:20
18 grass-fed cattle or grain-fed cattle? 11:43:22

19 A. I do not know. 11:43:25

20 Q. And do you know if it was processed from fed 11:43:26
21 cattle or from dairy cattle? 11:43:28

22 A. I do not know. 11:43:30

23 Q. Do you recall any general trends in the 11:43:35
24 prices that you paid for beef that you purchased from 11:43:37
25 Hy-Vee over the last ten years? 11:43:40

1 MR. OWEN: Object to form. 11:43:43

2 THE WITNESS: It has -- 11:43:47

3 BY MS. AKALAONU: 11:43:47

4 Q. You may answer. Go ahead. 11:43:48

5 A. It has gone up in price. 11:43:50

6 Q. Okay. Can you give me an example? 11:43:52

7 MR. OWEN: Object to form. 11:43:53

8 THE WITNESS: I've noticed that the steaks 11:44:01

9 have gone up in price, and I've purchased less from 11:44:02

10 there because of the significant increase in prices, 11:44:09

11 because a lot of times, their steaks would be, you 11:44:17

12 know, over \$15 a pound. 11:44:19

13 BY MS. AKALAONU: 11:44:25

14 Q. You mentioned -- testified earlier, also, 11:44:25

15 about liking the quality of steaks that you get from 11:44:28

16 Super Saver. 11:44:33

17 Does that factor into purchasing steaks from 11:44:34

18 there over Hy-Vee? 11:44:37

19 A. Yes, it does. 11:44:38

20 Q. Has the price of the non-beef products that 11:44:50

21 you buy at Hy-Vee, has that also gone up over the 11:44:52

22 past ten years? 11:44:56

23 A. I believe -- 11:44:58

24 MR. OWEN: Object to form. 11:44:58

25 THE WITNESS: I believe so. 11:44:59

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REPORTER'S CERTIFICATE

I, EMILY A. GIBB, a Certified Shorthand Reporter and Registered Professional Reporter, hereby certify:

THAT I reported the taking of the deposition of David Renz, commencing on August 19, 2024, at 9:04 a.m.

THAT prior to being examined, the witness was placed under oath to tell the truth, the whole truth, and nothing but the truth; that the proceedings were taken down by me in shorthand and thereafter my notes were transcribed through computer-aided transcription; and the foregoing transcript constitutes a full, true, and accurate record of such testimony adduced and oral proceedings had, and of the whole thereof.

I further certify that I am in no way related to any of the parties, nor I am I financially interested in the outcome of the case.

Review and signature was requested.

Review and signature was waived.

Review and signature was not requested.

IN WITNESS THEREOF, I have subscribed my name on this 24th day of August, 2024.



Emily A. Gibb, RPR, CSR, CCR

1 Stephen M. Owen

2 smowen@locklaw.com

3 August 26, 2024

4 RE: IN RE: CATTLE AND BEEF ANTITRUST LITIGATION

5 8/19/2024, DAVID RENZ (#6765431)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 Calendar-PNW@Veritext.com

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

1 IN RE: CATTLE AND BEEF ANTITRUST LITIGATION

2 DAVID RENZ (#6765431)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, DAVID RENZ, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10 DocuSigned by:

11 *David Renz*

7A54310C0C4D449...

9/16/2024

12 DAVID RENZ

Date

13 *If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS
15 _____ DAY OF _____, 20____.

18 _____

19 NOTARY PUBLIC

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ECF No. 1142-14
Public Redacted
Version

Exhibit 15

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

-o0o-

IN RE: CATTLE AND BEEF)
ANTITRUST LITIGATION) Case No. :
) 22-md-3031 (JRT/JFD)
This Document Relates To:)
Consumer Indirect Purchaser)
Plaintiff Actions)
_____)

PORTIONS OF THE TRANSCRIPT HAVE BEEN DESIGNATED AS
CONFIDENTIAL OR HIGHLY CONFIDENTIAL

REMOTE 30(b)(1) DEPOSITION OF SHARON DAWSON-GREEN

Taken via Zoom
On Wednesday, February 7, 2024
At 7:32 a.m.

Reported by: Emily A. Gibb, RPR, CSR, CCR
Certified: Utah, Nevada, California, Idaho Washington

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A P P E A R A N C E S

For Tyson Foods:

Barry G. Stratford, Esq.
Samantha J. Burke, Esq.
PERKINS COIE
2901 North Central Avenue
Suite 2000
Phoenix, Arizona 85012
(602) 351-8206
bstratford@perkinscoie.com
sburke@perkinscoie.com

For The Consumers:

Sarah Dupree, Esq.
HAGENS BERMAN SOBOL SHAPIRO, LLP
715 Hearst Avenue
Suite 300
Berkeley, California 94710
(510) 725-3000
sarahd@hbsslaw.com

For National Beef:

Christy Wolf, Esq.
JONES DAY
325 John H. McConnell Boulevard
Suite 600
Columbus, Ohio 43215
(614) 469-3939
cmwolf@jonesday.com

For the Commercial, Institutional, and Direct
Purchaser Plaintiffs:

Cody McCracken, Esq.
CUNEO GILBERT & LADUCA, LLP
4725 Wisconsin Ave, NW
Suite 200
Washington, D.C. 20016
(202) 789-3960
cmccracken@cuneolaw.com

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A P P E A R A N C E S

For the Consumer Plaintiffs:

Stephen Owen, Esq.
LOCKRIDGE GRINDAL NAUEN
100 Washington Avenue South
Suite 2200
Minneapolis, Minnesota 55401
(612) 339-6900
smowen@locklaw.com

For Cargill:

Joan Akalaonu, Esq.
FAEGRE DRINKER BIDDLE & REATH LLP
320 South Canal Street
Suite 3300
Chicago, Illinois 60606
(224) 531-7532
joan.akalaonu@faegredrinker.com

For Specht Plaintiffs:

Sydney Michels, Esq.
PAUL, LLP
601 Walnut Street
Suite 300
Kansas City, Missouri 64106
(816) 984-8100
sydney@paulllp.com

Also Present:

Chelsea Gilchrist, Veritext Concierge

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I N D E X

SHARON DAWSON-GREEN PAGE
Examination By Ms. Burke 5

* * *

E X H I B I T S

EXHIBIT	DESCRIPTION	PAGE
Exhibit 1 -	Consumer Indirect Purchaser Plaintiffs' Fifth Amended Class Action Complaint - Redacted Version	12
Exhibit 2 -	Consumer Indirect Purchaser Plaintiffs' Objections and Amended Response to Defendants' First Set of Interrogatories (CONFIDENTIAL)	48
Exhibit 3 -	Receipts (HIGHLY CONFIDENTIAL)	54
Exhibit 4 -	List of Counsel for Plaintiffs in the Consumer Indirect Purchaser Class	132
Exhibit 5 -	Consumer Indirect Purchaser Plaintiffs' Objections and Responses to Defendants' First Requests for the Production of Documents to Plaintiffs	138

D E S I G N A T I O N S

PAGE/LINE	
7:25-8:1	Confidential
18:13-15	Confidential
19:13-21	Confidential
130:21-22	Confidential
138:13	Confidential

1 A. No.

2 Q. Could you identify the meat -- beef
3 products? Excuse me.

4 A. Eight-ounce strip steak, two of them, \$5
5 each, save \$1.50 on each one.

6 Q. So these strip steaks, they were on sale;
7 correct?

8 A. Yes.

9 Q. Do you know if the strip steaks were
10 processed by one of the defendants in this action?

11 MR. OWEN: Object to form.

12 THE WITNESS: No.

13 BY MS. BURKE:

14 Q. So I'm not going to go through all of the
15 rest of these. As we -- as we've seen from the
16 receipts, it appears that the dates and the beef
17 products may have been highlighted.

18 Do you agree with that, Ms. Dawson-Green?

19 A. Could you state that question again?

20 Q. Yeah.

21 So we saw from these receipts that the dates
22 and the beef products may have been highlighted and
23 made the -- and made those portions of the receipts
24 more difficult to read.

25 Do you agree with that?

1 MR. OWEN: Object to form.

2 THE WITNESS: Some of them. Some of them is
3 clear. Some of them it's not. It's blurred out, and
4 it's due to the highlight.

5 BY MS. BURKE:

6 Q. And to confirm, you -- you testified that
7 you did not make those highlights; correct?

8 A. That --

9 MR. OWEN: Object to form.

10 THE WITNESS: That's correct.

11 BY MS. BURKE:

12 Q. And you don't know who did?

13 A. I don't know their name, but I have -- you
14 know, I'm relying on my attorney firm -- firm, which
15 I turned them in to. I would have to assume.

16 Q. And they -- they were not highlighted before
17 you sent them to your attorneys, to confirm.

18 A. No.

19 Q. And as you sit here today, you don't know if
20 any of the beef purchases that we just went through
21 were processed by one of the defendants in this
22 action; correct?

23 MR. OWEN: Object to form.

24 THE WITNESS: Could you restate the
25 question?

1 BY MS. BURKE:

2 Q. Yes.

3 Do you know whether any of the beef
4 purchases on these receipts were processed by the --
5 one of the defendants in this action?

6 MR. OWEN: Objection. Asked and answered.

7 THE WITNESS: Could you reframe the
8 question?

9 BY MS. BURKE:

10 Q. Yeah. I'm just talking about just in
11 general, all of the ones that we just went through.

12 Do you know whether any of the beef
13 purchases were processed by any of the defendants in
14 this action?

15 MR. OWEN: Object to form. Asked and
16 answered.

17 THE WITNESS: I don't know how to answer
18 that.

19 MS. BURKE: Okay. We can pull this down.
20 Thank you.

21 BY MS. BURKE:

22 Q. Okay. Ms. Dawson-Green, I'm just going to
23 ask some questions -- we've obviously touched on this
24 a bit so far, but I'm going to ask you questions
25 about where you purchase your beef from.

1 Do you purchase beef from superstores like
2 Walmart, Schnucks, Dierbergs, Ruler Foods, Shop 'n
3 Save, and Save A Lot?

4 MR. OWEN: Objection. Asked and answered.

5 THE WITNESS: Could you reframe the
6 question?

7 BY MS. BURKE:

8 Q. Sure.

9 Do you purchase beef from superstores like
10 Walmart?

11 A. Not particularly.

12 Q. Do you ever buy beef from Walmart?

13 A. Rarely.

14 Q. What specific locations do you buy beef --
15 or, excuse me.

16 Which particular locations of Schnucks do
17 you purchase beef from?

18 MR. OWEN: Object to form.

19 THE WITNESS: Could you reframe that
20 question?

21 BY MS. BURKE:

22 Q. Yeah.

23 So Schnucks, you -- you purchase beef from
24 Schnucks; correct?

25 A. Yes.

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REPORTER'S CERTIFICATE

I, the undersigned Certified Shorthand Reporter, holding valid and current licenses issued by the States of California, Nevada, Washington, Utah and Idaho, do hereby certify:

That said proceedings were taken down by me in shorthand at the time and place therein set forth and thereafter transcribed under my direction and supervision.

I further certify that I am neither counsel for nor related to any party to said action nor in any way interested in the outcome thereof.

The dismantling, unsealing, or unbinding of the original transcript will render the Reporter's certificate null and void.

IN WITNESS WHEREOF, I have subscribed my name on this date: February 13, 2024.



Emily A. Gibb
Certified Shorthand Reporter

1 SHARON DAWSON-GREEN

2 [REDACTED]

3 February 14, 2024

4 RE: IN RE: CATTLE AND BEEF ANTITRUST LITIGATION

5 2/7/2024, SHARON DAWSON-GREEN(#6428752)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 Calendar-PNW@Veritext.com

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21
22 Yours,

23 Veritext Legal Solutions
24
25

Page 141

DECLARATION

I hereby declare I am the deponent in the within matter; that I have read the foregoing deposition and know the contents thereof; and I declare that the same is true of my knowledge except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe them to be true.

I declare under the penalties of perjury of the State of Utah that the foregoing is true and correct.

Executed this 28 day of February, 2024, at Saint Louis, Missouri.
(City) (State)

Sharon Dawson-Green
Sharon Dawson-Green

ECF No. 1142-15
Public Redacted
Version

Exhibit 16

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

IN RE CATTLE AND BEEF
ANTITRUST LITIGATION

Case No. 0:20-cv-01319
(JRT/JFD)

This Document Relates To:

CONSUMER INDIRECT No. 0:22-md-03031
PURCHASER PLAINTIFF (JRT/JFD)
ACTION

ZOOM DEPOSITION OF JACQUELYN WATSON
(Reported Remotely via Web videoconference)
Knoxville, Tennessee (Deponent's location)
Friday, March 29, 2024
Volume 1

STENOGRAPHICALLY REPORTED BY:
REBECCA L. ROMANO, RPR, CSR, CCR
California CSR No. 12546
Nevada CCR No. 827
Oregon CSR No. 20-0466
Washington CCR No. 3491
JOB NO. 6589588
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

IN RE CATTLE AND BEEF
ANTITRUST LITIGATION

Case No. 0:20-cv-01319
(JRT/JFD)

This Document Relates To:

CONSUMER INDIRECT No. 0:22-md-03031
PURCHASER PLAINTIFF (JRT/JFD)
ACTION

DEPOSITION OF JACQUELYN WATSON, taken on
behalf of the Defendants Tyson Foods, Inc., and
Tyson Fresh Meats, Inc., with the deponent located
in Knoxville, Tennessee, commencing at 9:59 a.m.,
Friday, March 29, 2024, remotely reported via
Web videoconference before REBECCA L. ROMANO, a
Certified Shorthand Reporter, Certified Court
Reporter, Registered Professional Reporter.

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APPEARANCES OF COUNSEL

(All parties appearing via Web videoconference)

For the Plaintiff:

LOCKRIDGE GRINDAL NAUEN PLLP

BY: STEPHEN M. OWEN

Attorney at Law

100 Washington Avenue South

Suite 2200

Minneapolis, Minnesota 55401-2159

(612) 339-6900

smowen@locklaw.com

For the Consumer Indirect Purchaser Plaintiff

Class:

HAGENS BERMAN SOBOL SHAPIRO LLP

BY: SARAH DUPREE

Attorney at Law

715 Hearst Avenue

#300

Berkeley, California 94710

(510) 725-3000

sarahd@hbsslw.com

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APPEARANCES OF COUNSEL(cont'd)

(All parties appearing via Web videoconference)

For the Commercial Indirect Plaintiffs:

CUNEO GILBERT & LaDUCA, LLP
BY: CODY McCRACKEN
Attorney at Law
4725 Wisconsin Avenue
Suite 200
Washington, D.C. 20016
(202) 89-3960
cmccracken@cuneolaw.com

For the Defendants - Tyson Foods, Inc., and Tyson
Fresh Meats, Inc.

PERKINS COIE LLP
BY: SAMANTHA J. BURKE
Attorney at Law
2901 North Central Avenue
Suite 2000
Phoenix, Arizona 85012-2788
(602) 351-8395
sburke@perkinscoie.com

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APPEARANCES OF COUNSEL(cont'd)

(All parties appearing via Web videoconference)

For the Defendants - Cargill, Incorporated, and
Cargill Meat Solutions Corporation:

FAEGRE DRINKER BIDDLE & REATH LLP

BY: JOAN A. AKALAONU

Attorney at Law

320 S. Canal Street

Suite 3300

Chicago, Illinois 60606

(312) 569-1000

joan.akalaonu@faegredrinker.com

For the Defendant - National Beef Packing Company,
LLC:

JONES DAY

BY: GRACE ROUSER

Attorney at Law

90 South Seventh Street

Suite 4950

Minneapolis, Minnesota 55402

(612) 217-8877

grouser@jonesday.com

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APPEARANCES (cont'd)

ALSO PRESENT:

Chelsea Gilchrist, Concierge Technician

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I N D E X

DEPONENT EXAMINATION
JACQUELYN WATSON PAGE
VOLUME 1

BY MS. BURKE 9

E X H I B I T S

NUMBER PAGE

DESCRIPTION

Exhibit 1 Consumer Indirect Purchases 16
Plaintiffs' Fifth Amended
Class Action Complaint;

Exhibit 2 Consumer Indirect Purchases 48
Plaintiffs' Objections and
Amended Response to
Defendants' First Set of
Interrogatories;

Exhibit 3 Grocery Receipts, 84
CONSUMERIPP0000015741 -
CONSUMERIPP0000017305;

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E X H I B I T S (cont'd)

NUMBER	DESCRIPTION	PAGE
Exhibit 4	Counsel for Plaintiffs in the Consumer Indirect Purchaser Class;	105
Exhibit 5	Consumer Indirect Purchaser Plaintiffs' Objections and Responses to Defendants' First Requests for the Production of Documents to Plaintiffs.	111.

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1 A. I -- there are receipts that you can 10:41:46
2 refer to. I'm not sure, but 15 pounds or more.

3 Q. Per month?

4 A. Yes.

5 Q. When you say that there are receipts that 10:42:08
6 I can refer to, where are they from?

7 A. Sam's Club, Walmart.

8 I think it's called Fresh Market. There
9 was a short stretch that I was buying from another
10 store. I think it's called Fresh Market. 10:42:24

11 Q. Did you give those receipts to your
12 attorneys?

13 A. Yes.

14 Q. When did you start saving your receipts?

15 A. I didn't have to make a special effort. 10:42:50
16 I've been -- it's been electrically recorded for --
17 since at least 2014, I believe. 2015? I think it
18 was 2014.

19 Q. Okay. Is that true for all of the
20 grocery stores that you shop at? 10:43:12

21 A. I don't know.

22 I don't -- I don't know about Kroger. I
23 assume so. They have -- I think they've been
24 tracking me since, gosh, when I was employed there
25 20- -- or 2005, probably. It goes back for Kroger. 10:43:29

1 Q. And you think that those Kroger receipts 10:43:36
2 are digital?

3 A. I didn't submit any Kroger receipts.

4 Q. Is there a reason that you didn't submit
5 Kroger receipts? 10:43:49

6 A. I don't have a habit of buying beef from
7 Kroger.

8 Q. Okay. Do you know if Sam's Club gives
9 digital receipts?

10 A. Yes. 10:44:05

11 Q. Did you submit those to your attorneys?

12 A. Yes.

13 Q. Okay. So we were talking about how much
14 beef you buy in a typical month. You estimated 15
15 or more pounds. 10:44:30

16 Has that changed over the last ten years?

17 A. Not to my knowledge.

18 Q. You don't think you buy more now that you
19 have four kids versus ten years ago?

20 MR. OWEN: Object to form. 10:44:49

21 THE DEPONENT: I think some circumstances
22 may cause that to level out. So was I eating more
23 beef back in 2012? Perhaps. I -- I think I did.
24 I think I was buying more beef back then than I am
25 now, relative to my consumption. 10:45:13

1 Does that make sense? 10:45:17

2 Q. (By Ms. Burke) Yeah.

3 Okay.

4 A. My husband and I were eating more beef,
5 and now we've got kids eating that portion. 10:45:23

6 So I do think that it's probably pretty
7 consistent.

8 Q. Okay. Do you generally purchase the same
9 amount of beef to cook and eat at home over the
10 course of a year, or does that fluctuate within a 10:45:37
11 given year?

12 MR. OWEN: Object to form.

13 THE DEPONENT: I -- I suspect there's
14 some fluctuations where I might buy extra.

15 Q. (By Ms. Burke) Do you buy more beef 10:46:02
16 around the holiday seasons?

17 A. I wouldn't call it holiday-related. It's
18 more company-related.

19 People have their vacations, and so when
20 I have guests, I buy more beef. And I tend to have 10:46:17
21 more guests around the holidays.

22 Q. Do you buy more beef during the summer to
23 barbecue?

24 A. I think it's the same.

25 Q. What about during like football season, 10:46:36

1 Q. (By Ms. Burke) Do you ever buy beef from 10:57:40
2 cattle that was raised without receiving any
3 antibiotics, so antibiotic-free beef?

4 A. I don't know.

5 Q. Do you ever buy hormone-free beef? 10:57:57

6 A. I -- I don't know.

7 Q. When you do purchase grass-fed and Angus,
8 are you willing to pay more money for those
9 products than not those products?

10 A. That's another one of those complex 10:58:25
11 questions in that there's more than just dollar
12 amount that's at play, I guess, like how much --
13 how much more I am willing to pay.

14 I don't -- I'm not going to pay extreme
15 prices. If it's a slight difference, then -- then 10:58:46
16 it would be something I'd consider buying.

17 Q. What brands of beef products do you
18 usually buy?

19 A. I don't know what it says on -- I know
20 what it looks like. I don't know the title on the 10:59:21
21 package.

22 So I would say most frequently, Members
23 Mark. That's a Sam's Club product.

24 When I buy from Walmart, it's fresh.

25 But other -- beyond that, I don't know 10:59:36

1 much more. The package is -- it's a fresh package. 10:59:39

2 It's not like a tube. I don't know the name on it.

3 Q. So when you are saying "fresh," that's
4 not the brand. You are describing the state --

5 A. Condition. 10:59:51

6 Q. -- of the beef?

7 Yeah.

8 A. Right.

9 Q. Okay. Does it have a label on it, and
10 you just don't recall? 11:00:01

11 A. It does.

12 I don't -- I don't look at the fine
13 print. I'm looking at the price, what cut. I
14 don't know about names.

15 Q. Okay. What about for like further 11:00:13
16 processed beef, like sausages and things like that?

17 Do you ever purchase beef products like
18 that?

19 A. Yes.

20 Q. Do you recall any brands for those 11:00:34
21 products?

22 A. Yes.

23 Q. Can you tell me what they are?

24 A. Ballpark, Oscar Mayer.

25 I need a minute to try to out what animal 11:00:56

1 this is. 11:00:59

2 I'm going to say possibly Johnsonville.

3 I'm not certain of the animal.

4 Q. Okay. Any particular reason you buy

5 those brands that you just listed? 11:01:20

6 A. They're familiar.

7 Q. Have -- has -- strike that.

8 Do you know if any of the brands that you

9 just mentioned are beef that's been processed by

10 one of the defendants in this case? 11:01:54

11 MR. OWEN: Objection to form.

12 THE DEPONENT: I don't know -- sorry.

13 Do I need to say it again? I'm sorry.

14 Q. (By Ms. Burke) Yeah, I just didn't hear

15 you because you guys said it at the same time. 11:02:09

16 MR. OWEN: Yeah, same objection.

17 THE DEPONENT: I don't know.

18 Q. (By Ms. Burke) Do you think it's

19 possible that the beef that you just mentioned has

20 been produced from a company that's not a defendant 11:02:27

21 in this case?

22 MR. OWEN: Object to form.

23 THE DEPONENT: I don't know.

24 Q. (By Ms. Burke) Do you know what beef

25 product brands are sold by Tyson? 11:02:42

1 A. I don't know. 11:02:50

2 Q. What about Cargill?

3 A. I don't know.

4 Q. What about JBS?

5 A. I don't know. 11:03:02

6 Q. National Beef?

7 A. I don't know.

8 Q. Have you ever purchased beef directly

9 from one of the defendants in this case?

10 A. No. 11:03:15

11 MR. OWEN: Object to form.

12 THE DEPONENT: Sorry. I'm sorry.

13 MR. OWEN: It's okay.

14 THE DEPONENT: Should I go?

15 Q. (By Ms. Burke) You can answer. 11:03:34

16 A. No.

17 Q. Have you ever entered into a contract

18 with any of the defendants for the purchase of

19 beef?

20 A. No. 11:03:47

21 MS. BURKE: I think we are at the top of

22 the hour, if you need to take like a five-,

23 ten-minute break?

24 I know I could use one.

25 THE DEPONENT: Okay, that's fine. 11:04:11

1 [REDACTED] 11:33:24

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED] 11:33:44

6 Q. Okay. That's okay.

7 Could you estimate when the last time
8 that you purchased beef from Kroger was?

9 A. I don't know.

10 Q. It sounds like you purchased beef from 11:34:16
11 Sam's Club; is that accurate?

12 A. Yes.

13 [REDACTED]

14 [REDACTED]

15 [REDACTED] 11:34:31

16 [REDACTED]

17 [REDACTED]

18 Q. What specific types of beef products do
19 you buy from Sam's Club?

20 A. Ground chuck, ground sirloin, frozen beef 11:34:52
21 patties, Angus frozen beef patties, chuck roast,
22 beef stew meat -- I think that's what it's called.

23 I think that's -- that's the majority of
24 what I would get.

25 Q. Have you consistently bought those 11:35:38

1 products from Sam's Club over the last ten years? 11:35:40

2 MR. OWEN: Object to form.

3 THE DEPONENT: I'm not sure.

4 Can you -- can you ask that again.

5 Q. (By Ms. Burke) Yeah. 11:35:58

6 Have you consistently purchased those
7 types of meat from Sam's Club over the last ten
8 years?

9 A. I suspect my purchases vary. I'm not
10 sure. 11:36:14

11 Q. During a typical month, about how many
12 pounds of ground chuck do you buy from Sam's Club?

13 A. Ten.

14 Q. In a typical month, how many pounds of
15 ground sirloin do you buy from Sam's Club? 11:36:41

16 A. I know what package I buy. I don't know
17 how many pounds it is. It's in the receipts.

18 Q. Okay. You said you produced your
19 Sam's Club receipts to your attorneys?

20 A. Yes. 11:37:07

21 Q. Okay. Did those Sam's Club receipts
22 predate 2020?

23 A. I think so.

24 Q. You mentioned that you purchase about
25 10 pounds of ground chuck from Sam's Club a year -- 11:37:28

1 I'm sorry, a month. I'm sorry. 11:37:31

2 Has that been generally consistent over
3 the last ten years?

4 A. The package I buy is 10 pounds.
5 Sometimes I buy more. They have smaller ones that 11:37:49
6 I might supplement.

7 That's my go-to, would be the 10-pounder.

8 Q. Okay. And for the ground sirloin -- but
9 you don't know how much the ground sirloin weighs;
10 is that correct? 11:38:08

11 A. It's -- I'm not sure. It's a big old bag
12 of -- I think they are one-third pound patties, and
13 you get a lot of them.

14 I -- I don't know off the top of my head.
15 It's big. 11:38:23

16 Q. Is that the same thing, then, as the
17 frozen patties that you were just describing?

18 A. Yeah, yeah, they are frozen patties.

19 Q. Okay. Could you approximate how much
20 stew meat that you purchased in a typical month 11:38:41
21 from Sam's Club?

22 A. That's something that I bought more of in
23 the past.

24 Q. When do you think that changed?

25 A. The prices went up beyond what I could 11:39:11

1 A. No. 12:32:50

2 Q. Was it just discounted?

3 A. Yes.

4 Q. Okay.

5 A. Can I -- can we revisit that? Because 12:33:05

6 I'm not sure.

7 This is what I know: I didn't pay

8 nothing. So it was either that it was discounted

9 for a month, or I had a month free, and then I paid

10 a second month. 12:33:20

11 So it's possible I had it for two. I

12 didn't have it more than two. But that's my

13 thought process on answering that.

14 Q. Okay.

15 A. Is that -- 12:33:29

16 Q. Yeah.

17 A. Okay.

18 Q. Yeah, that's fair. Thank you.

19 Okay. You're aware that you produced

20 some grocery receipts in this litigation, correct? 12:33:40

21 We've talked that a little bit.

22 A. Yeah.

23 Q. Okay. I'm going go through some of those

24 with you. Okay.

25 /////

1 (Exhibit 3 was marked for identification 12:33:56
2 by the Court Reporter and is attached hereto.)

3 MS. BURKE: So I would like to introduce
4 what's been pre-marked as Exhibit 3, please.

5 CONCIERGE TECHNICIAN: One moment. 12:34:03

6 Q. (By Ms. Burke) Okay. Just looking at
7 right here, does this look --

8 MS. BURKE: And you can scroll around,
9 Chelsea, a little bit if you need to.

10 Q. (By Ms. Burke) Does this look like the 12:34:24
11 type of -- does this look like your receipt from
12 Walmart?

13 A. Yes.

14 Q. Okay.

15 MS. BURKE: And could you please go back 12:34:32
16 up, Chelsea.

17 Q. (By Ms. Burke) Is that your email
18 address?

19 A. Yes.

20 Q. I'm going to represent to you that this 12:34:44
21 is a collection of digital receipts that your
22 counsel produced. They are produced as separate
23 documents, so we just combined them for purposes of
24 this deposition, because it would have been very
25 unwieldy to go through a bunch of different 12:35:01

1 exhibits. 12:35:05

2 So you mentioned that you received
3 digital receipts from Sam's Club earlier.

4 Do you know if those were sent to this

5 [REDACTED] 12:35:20

6 [REDACTED]

7 A. If they were sent to my email, it would
8 be this email.

9 I know there's more than one way to
10 access my Sam's Club receipts, so I'm not -- it 12:35:42
11 might be in more than one place. But it's -- it
12 would be sent to this email, if that's what you're
13 wanting to know.

14 Q. How do you access your Sam's Club
15 receipts? 12:35:58

16 A. I would just go onto the app.

17 Q. Do you know if they are located in your
18 emails?

19 A. I think they are. It's something I could
20 easily check. It's just... 12:36:10

21 Q. When you go into the app, does it track
22 your receipts that -- from like all of your
23 purchases you've ever made from Sam's Club?

24 A. You know, I don't know how far back the
25 app will let me access. It might be the case that 12:36:28

1 I would have to contact someone, in their like 12:36:33
2 customer service to go further back.

3 I'm not -- I'm not sure. I haven't tried
4 to go back on the app.

5 Q. Do you recall when you started using the 12:36:45
6 app and accessing your receipts through the app?

7 A. I don't know the exact date, but I could
8 give a general guess: Sometime in the last five
9 years.

10 Q. I'm going to go through and have you 12:37:18
11 identify -- I'm not going to go through all of
12 these, because there are 150 pages or so. We'll
13 just go through some of them and have you identify
14 the date, the beef products, the prices.

15 So we can just start with this one. If 12:37:38
16 you could just identify the date of this receipt.

17 A. Is it possible to zoom in a little bit?

18 CONCIERGE TECHNICIAN: Does that work,
19 Ms. Watson? I can go further in. I just want to
20 make sure you can comfortably see. 12:38:00

21 THE DEPONENT: I can see.
22 July 3rd, 2018.

23 Q. (By Ms. Burke) Okay.

24 MS. BURKE: Let's kind of scroll through,
25 Chelsea. 12:38:14

1 Q. (By Ms. Burke) And when you see the beef 12:38:15

2 products on this receipt, just let us know,

3 Ms. Watson.

4 A. Right there, we got a beef.

5 Q. Okay. So just for the record, can you 12:38:56

6 state which one is the beef product.

7 A. Yeah, I see I've got a 90/10 lean ground

8 beef sirloin. I bought four and a half pounds.

9 Q. Okay. And what's the total price?

10 A. \$21.28. 12:39:14

11 Q. Okay. Do you think that you paid too

12 much for this beef here?

13 A. It's a little high, but at the time, it

14 was probably -- I mean, at the time, it was

15 probably a little high. 12:39:39

16 I don't know.

17 Q. Do you know if the 90/10 that we're

18 looking at was processed by one of the defendants

19 in this case?

20 MR. OWEN: Object to form. 12:39:50

21 THE DEPONENT: I don't know.

22 Q. (By Ms. Burke) Okay. Let's go to the

23 next receipt. And can you just identify the date

24 here.

25 A. August 9th, 2018. 12:40:16

1 Q. Okay. And let's just kind of walk 12:40:18

2 through the same -- the same way.

3 A. Oh, there it is.

4 Q. Which products do you see that are beef

5 here? 12:41:44

6 A. There's a 90/10 ground beef sirloin, two
7 and a half -- or 2.25 pounds for \$10.64.

8 Q. Do you consider the Ballpark Beef Franks
9 to be a beef product?

10 It's just -- it's -- 12:42:08

11 A. That's a processed beef.

12 Q. So would you not consider that to be a
13 beef product?

14 (Technical issue; Court Reporter
15 initiates discussion off the stenographic record.) 12:42:20

16 MS. BURKE: Let's go off the record.

17 (Recess taken.)

18 MS. BURKE: Back on the record.

19 Q. (By Ms. Burke) Okay. Ms. Watson, before
20 the break, you were saying that -- can you just say 12:44:44
21 what you said about the beef franks.

22 A. Oh, yeah.

23 So hotdogs are processed beef. I
24 wouldn't call that fresh or frozen beef.

25 Q. Okay. And we scrolled past -- I don't 12:45:04

1 know if you saw, there was pastrami and salami. 12:45:08

2 Do those fall in the same category, where
3 they're -- you consider those to be processed beef?

4 MR. OWEN: Object to form.

5 THE DEPONENT: Yes. 12:45:28

6 Q. (By Ms. Burke) Okay. Let's go through
7 just a couple more. Let's skip ahead.

8 If you could go to page 54, I think it
9 is, of the PDF.

10 CONCIERGE TECHNICIAN: I can definitely 12:46:02
11 zoom in more. I just want to make sure that this
12 is the one you intended.

13 MS. BURKE: Could you just go up so I can
14 see the date.

15 Q. (By Ms. Burke) Okay. Yeah, this one's 12:46:23
16 fine. Let's just go through this one.

17 Can you just identify the date for me,
18 Ms. Watson.

19 A. March 17th. I don't see a year.

20 Q. I think it's up there in the -- 12:46:35

21 A. Oh, oh, right.

22 Okay. March 17th, 2020.

23 Q. Okay. All right. Let's go through this
24 one in the same fashion we have, and just let us
25 know when you see the beef products on the receipt 12:46:51

1 and the prices. 12:46:54

2 I think this one is a long one that I
3 chose.

4 A. It's the night before I was giving birth.
5 I stocked up. 12:48:12

6 Q. Wow, grocery shopping the night before.

7 A. There it is. You might need to keep
8 going. It looks like a substitute. Yeah, that
9 looks good.

10 Q. Okay. And could you just identify for 12:48:41
11 the record the beef products.

12 A. The purchase was for 93/7 lean ground
13 beef. It looks like I got two 1-pound packages,
14 for a total of \$10.48.

15 Is that right? 12:49:00

16 Q. And the same questions as before.

17 I think we passed by a corned
18 beef/brisket product. Do you consider that to be a
19 beef product?

20 A. I consider that to be processed beef. 12:49:21

21 Q. Are you seeking to recover in this
22 lawsuit for money associated with your purchases of
23 processed beef?

24 MR. OWEN: Object to form.

25 THE DEPONENT: No. 12:49:44

1 MS. BURKE: Can you scroll down just a 12:49:50
2 little bit, Chelsea. I think there may be one or
3 two more other products.

4 THE DEPONENT: Yeah, it looks like
5 there's another one. 12:50:12

6 Q. (By Ms. Burke) And can you just state
7 that for the record.

8 A. It looks like I tried to buy ground
9 chuck, and they substituted it with five 1-pound
10 packages of 73/27 ground beef for \$16.50. 12:50:28

11 Q. Okay. And \$3.30 per pound; is that
12 correct?

13 A. Yes.

14 Q. Do you think that you paid too much for
15 this beef product? 12:50:48

16 A. Yes.

17 Q. Well, why do you say that?

18 A. I think that's high for 73/27 beef.

19 Q. Do you know if either of the ground beef
20 that we just discussed on this receipt has been 12:51:12
21 processed by one of the defendants in this case?

22 MR. OWEN: Object to form.

23 THE DEPONENT: I don't know.

24 Q. (By Ms. Burke) Okay.

25 MS. BURKE: All right. I think we can 12:51:45

1 take this down. 12:51:46

2 Q. (By Ms. Burke) Ms. Watson, the complaint
3 that you filed in this case alleges an antitrust
4 conspiracy; is that correct?

5 A. Yes. 12:52:16

6 Q. What is that conspiracy, as you
7 understand it?

8 A. That Cargill, Tyson, JBS and
9 National Beef colluded to reduce the number of
10 cattle in order to artificially drive up the price 12:52:35
11 of beef.

12 Q. So does the conspiracy relate to just
13 their actions with respect to cattle, in your -- as
14 you understand it?

15 A. Can you ask that again. 12:53:00

16 Q. Yeah.
17 You mentioned both cattle and beef. And
18 I guess --

19 A. Oh.

20 Q. Let me back up a little bit. 12:53:09

21 Is the conspiracy with respect to just
22 the cattle; or is it multiple conspiracies, in your
23 understanding?

24 MR. OWEN: Object to form.

25 THE DEPONENT: Just -- I understand it to 12:53:22

1 be one conspiracy. 12:53:24

2 Q. (By Ms. Burke) What did you understand
3 the goal of the conspiracy to be?

4 MR. OWEN: Object to form.

5 THE DEPONENT: To reduce the supply to 12:53:41
6 increase the price for the consumer.

7 Q. (By Ms. Burke) To reduce the supply of
8 what?

9 A. Cattle.

10 Q. When did the conspiracy start? 12:53:58

11 MR. OWEN: Object to form.

12 THE DEPONENT: I don't know.

13 Q. (By Ms. Burke) When did the conspiracy
14 end?

15 MR. OWEN: Object to form. 12:54:20

16 THE DEPONENT: I don't know.

17 Q. (By Ms. Burke) And how did you learn
18 about the alleged conspiracy?

19 A. I was having dinner with friends at my
20 house, and we were talking about beef prices. And 12:54:37
21 I was just talking about how it got -- it was
22 getting expensive.

23 And I think it was -- I think this is
24 when it was brought up. Like, Hey, if you want to
25 share your spending habits, like, you could 12:55:02

1 I, Rebecca L. Romano, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me remotely at the time and place herein set
6 forth; that any deponents in the foregoing
7 proceedings, prior to testifying, were administered
8 an oath; that a record of the proceedings was made
9 by me using machine shorthand which was thereafter
10 transcribed under my direction; that the foregoing
11 transcript is true record of the testimony given.

12 Further, that if the foregoing pertains to the
13 original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript was was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21

22 Dated: April 5, 2024

23

24



Rebecca L. Romano, RPR, CCR

25

CSR. No 12546

1 STEPHEN M. OWEN
2 smowen@locklaw.com

3 April 5, 2024

4 RE: IN RE CATTLE AND BEEF ANTITRUST LITIGATION
5 3/29/2024, JACQUELYN WATSON (#6589588)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 Calendar-PNW@Veritext.com

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17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

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22 Yours,
23 Veritext Legal Solutions
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25

1 STEPHEN M. OWEN
2 smowen@locklaw.com

3 April 5, 2024

4 RE: IN RE CATTLE AND BEEF ANTITRUST LITIGATION
5 3/29/2024, JACQUELYN WATSON (#6589588)

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20 allotted, the transcript may be used as if signed.

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22 Yours,
23 Veritext Legal Solutions
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1 IN RE CATTLE AND BEEF ANTITRUST LITIGATION

2 JACQUELYN WATSON(#6589588)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, JACQUELYN WATSON, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10  4/23/2024
11 B527E6CC08034F9...

12 JACQUELYN WATSON Date

13 *If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS
15 _____ DAY OF _____, 20____.

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Exhibit 17

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

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IN RE: CATTLE AND BEEF)
ANTITRUST LITIGATION) Case No. :
) 22-md-3031 (JRT/JFD)
This Document Relates To:)
Consumer Indirect Purchaser)
Plaintiff Actions)
_____)

** CONTAINS CONFIDENTIAL INFORMATION **
REMOTE 30(b)(1) DEPOSITION OF STACEY TROUPE

Taken via Zoom
On Friday, February 16, 2024
At 9:31 a.m.

Reported by: Emily A. Gibb, RPR, CSR, CCR
Certified: Utah, Nevada, California, Idaho Washington

A P P E A R A N C E S

For Tyson Foods:

Samantha J. Burke, Esq.
PERKINS COIE
2901 North Central Avenue
Suite 2000
Phoenix, Arizona 85012
(602) 351-8206
sburke@perkinscoie.com

For The Consumers:

Sarah Dupree, Esq.
HAGENS BERMAN SOBOL SHAPIRO, LLP
715 Hearst Avenue
Suite 300
Berkeley, California 94710
(510) 725-3000
sarahd@hbsslaw.com

For National Beef:

Ryan Mueller, Esq.
JONES DAY
110 North Wacker Drive
Suite 4800
Chicago, Illinois 60606
(312) 269-4164
rmueller@jonesday.com

For the Commercial, Institutional, and Direct
Purchaser Plaintiffs:

Cody McCracken, Esq.
CUNEO GILBERT & LADUCA, LLP
4725 Wisconsin Ave, NW
Suite 200
Washington, D.C. 20016
(202) 789-3960
cmccracken@cuneolaw.com

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A P P E A R A N C E S

For the Consumer Plaintiffs:

Stephen Owen, Esq.
LOCKRIDGE GRINDAL NAUEN
100 Washington Avenue South
Suite 2200
Minneapolis, Minnesota 55401
(612) 339-6900
smowen@locklaw.com

For Cargill:

Joan Akalaonu, Esq.
FAEGRE DRINKER BIDDLE & REATH LLP
320 South Canal Street
Suite 3300
Chicago, Illinois 60606
(224) 531-7532
joan.akalaonu@faegredrinker.com

For the Indirect Sellers:

Jessica Peisen, Esq.
WATTS GUERRA
875 East Ashby Place
Suite 1200
San Antonio, Texas 78212
(210) 477-0500
jpeisen@guerrallp.com

Also Present:

Zach Czerenda, Veritext Concierge

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I N D E X

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* * *

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P R O C E E D I N G S

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Thereupon --

Stacey Troupe,
was called as a witness, and having been first duly
sworn to tell the truth, the whole truth, and nothing
but the truth, testified as follows:

MS. BURKE: Good morning, Ms. Troupe. I'm
Samantha Burke. I work for the law firms Perkins
Coie, and I represent Tyson Foods in this matter, and
I'll be the one asking you questions today.

I think before we get started, we should
just announce everybody on the record.

MS. DUPREE: Sarah Dupree with the law firm
Hagens Berman on behalf of consumer plaintiffs.

MR. OWEN: Stephen Owen of the law firm
Lockridge Grindal Nauen on behalf of the consumer
plaintiffs.

MR. McCracken: Cody McCracken of Cuneo
Gilbert on behalf of the commercial, institutional,
and direct plaintiffs.

MR. MUELLER: Ryan Mueller of Jones Day on
behalf of National Beef.

1 purchases of beef over the last ten years?

2 A. I can't say that was the only thing, no.

3 Q. Ten -- ten years ago, what other factors did
4 you consider when you were purchasing beef?

5 A. I don't know. That was ten years ago.

6 Q. Well, this lawsuit includes allegations from
7 ten years ago, so that's why I'm asking questions
8 from -- from then.

9 A. I get it. And I'm not trying to be rude,
10 but I am older now. I -- I couldn't tell you how my
11 mind clicked exactly ten years ago.

12 Q. Are you willing to pay more money for items
13 like grass-fed beef, antibiotic-free, hormone-free
14 beef?

15 A. No.

16 Q. Do you know which brands of beef products
17 you usually buy?

18 A. I buy a lot of brands, so I couldn't
19 necessarily narrow it down to a few, no.

20 Q. Has your preference for any particular
21 brands changed over the last ten years?

22 A. I'd say no.

23 Q. Do you think that you've generally purchased
24 the same brands for the last ten years?

25 A. I think I've probably purchased most of the

1 same brands, but I vary out and try new ones too.

2 Q. What drives your decisions to venture out
3 and try new brands?

4 A. I would think the price of the meat -- oh,
5 the price of the purchase. I'm not going to say
6 meat. The looks, the quality. And, again, if it
7 could feed a whole family like mine.

8 Q. Can you recall any of the brands you
9 recently tried that you were just mentioning?

10 A. No.

11 Q. Do you know if any of the brands of beef
12 that you purchase from grocery stores comes from
13 cattle that's been processed by one of the defendants
14 in this case?

15 A. Sorry.

16 I'm pretty sure I have.

17 Q. What makes you say that?

18 A. 'Cause I buy so many different types of meat
19 and food that I'm pretty sure I've hit one of your
20 people.

21 Q. Would you agree it's possible that the beef
22 you purchase could be produced by a company that's
23 not a defendant in this case?

24 MS. DUPREE: Objection. Form.

25 THE WITNESS: Say that again, please.

1 BY MS. BURKE:

2 Q. Yeah.

3 Would you -- would you agree that it's
4 possible that you purchase beef that's been processed
5 by a company that is not a defendant in this case?

6 A. I would not agree.

7 Q. You think all of the beef that you purchase
8 has been processed by one of the defendants in this
9 case?

10 MS. DUPREE: Objection. Form.

11 THE WITNESS: No, I don't believe all the
12 beef, but I believe I've had some of your beef.

13 BY MS. BURKE:

14 Q. Yeah. And I'm just asking: Would you also
15 agree that it's possible that some of the beef that
16 you purchase has not been processed by one of the
17 defendants in this case?

18 A. Oh, it can be possible.

19 Q. Do you know what beef brands are sold by
20 Tyson?

21 A. Not exactly.

22 Q. Do you know what beef brands are sold by
23 Cargill?

24 A. Not exactly.

25 Q. Do you know what beef brands are sold by

1 to assume.

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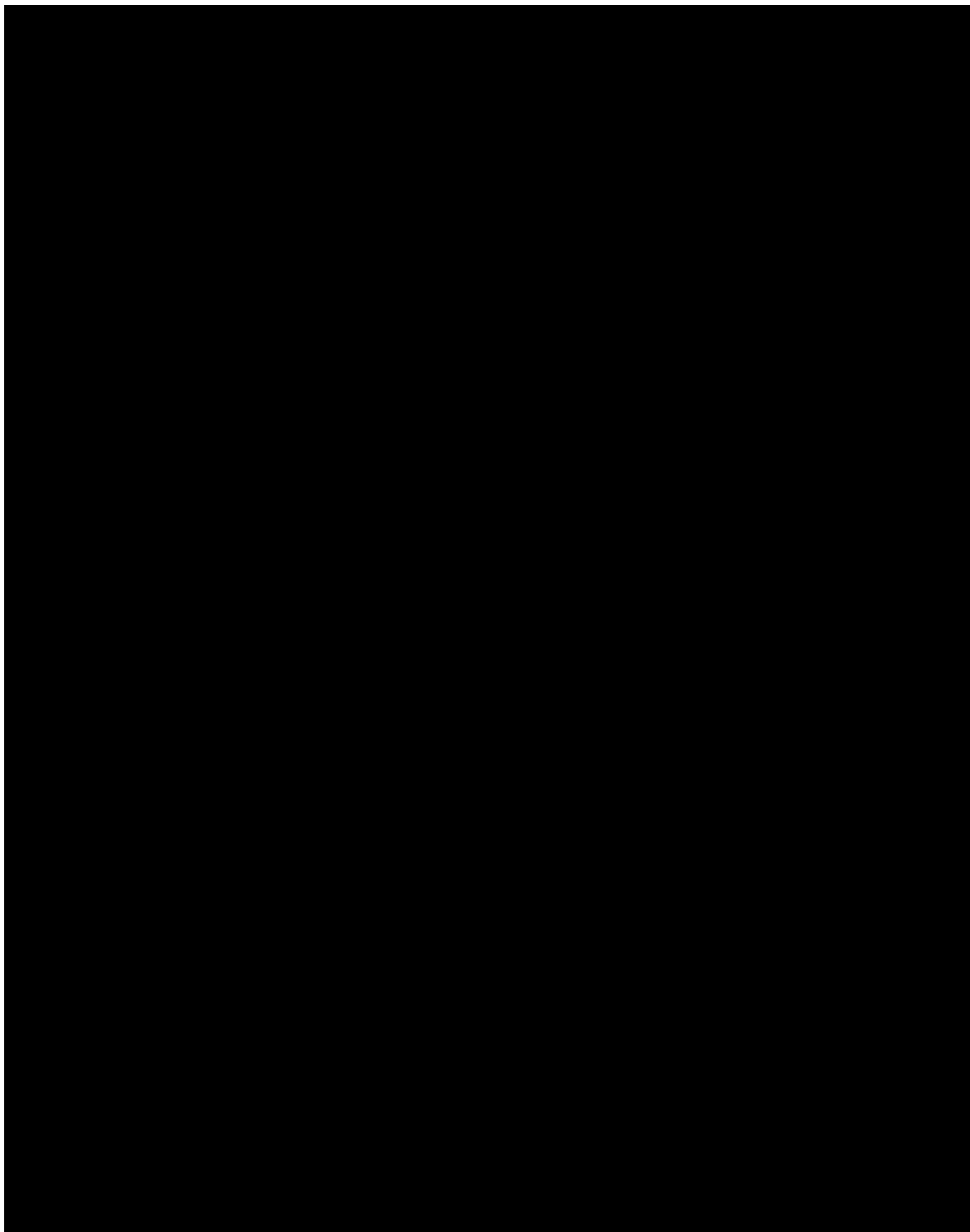
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1 MS. DUPREE: Objection. Form.

2 THE WITNESS: I -- I would have to say no.

3 If they ask me to do something, I'm going to do it.

4 If you ask me to do something, I'm going to do it.

5 But I can't necessarily say that when I
6 leave a place, that I actually come home with the
7 receipt. Because if they put them on the bag, they
8 put them here, if they're not in my hand, I can't
9 guarantee that I produced them.

10 BY MS. BURKE:

11 Q. Okay. Are there any other sit-down
12 restaurants that you regularly eat at and where you
13 purchase beef?

14 A. I'm going to have to say no, not on a
15 regular basis. But like I tell you, we restaurant
16 hop. And if it's not good, we don't go back. If
17 everybody don't like it, because there's so many
18 different tastes, we don't go back. The regular ones
19 are what I told you.

20 Q. What fast-food restaurants do you order beef
21 from?

22 A. Oh, my God. I order from a lot of places.
23 That doesn't necessarily mean I eat there because I'm
24 not -- I'm older. I don't do the fast-food. It make
25 my stomach hurt. But I know I love McDonald's fries,

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REPORTER'S CERTIFICATE

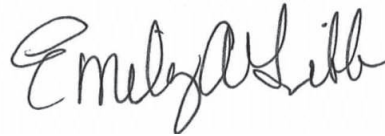
I, the undersigned Certified Shorthand Reporter, holding valid and current licenses issued by the States of California, Nevada, Washington, Utah and Idaho, do hereby certify:

That said proceedings were taken down by me in shorthand at the time and place therein set forth and thereafter transcribed under my direction and supervision.

I further certify that I am neither counsel for nor related to any party to said action nor in any way interested in the outcome thereof.

The dismantling, unsealing, or unbinding of the original transcript will render the Reporter's certificate null and void.

IN WITNESS WHEREOF, I have subscribed my name on this date: February 20, 2024.



Emily A. Gibb

Certified Shorthand Reporter

1 Sarah Dupree

2

3

February 23, 2024

4

RE: IN RE: CATTLE AND BEEF ANTITRUST LITIGATION

5

2/16/2024, STACEY TROUPE (#6428824)

6

The above-referenced transcript is available for
7 review.

8

Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

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The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
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15 Calendar-PNW@Veritext.com

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Return completed errata within 30 days from
18 receipt of testimony.

19

If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

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Yours,

23

Veritext Legal Solutions

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25

1 IN RE: CATTLE AND BEEF ANTITRUST LITIGATION

2 STACEY TROUPE (#6428824)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, STACEY TROUPE, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10

DocuSigned by:



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3/15/2024

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STACEY TROUPE

Date

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*If notary is required

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Exhibit 18

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Exhibit 19

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Exhibit 20

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Exhibit 25

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

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IN RE: CATTLE AND BEEF)
ANTITRUST LITIGATION) Case No. :
) 22-md-3031 (JRT/JFD)
This Document Relates To:)
Consumer Indirect Purchaser)
Plaintiff Actions)
_____)

REMOTE VIDEO-RECORDED DEPOSITION OF
LINDSEY LEMOI

Taken on Tuesday, July 30, 2024
Taken via Zoom
10:02 a.m. - 12:40 p.m.

Reported by: Emily A. Gibb, RPR, CSR, CCR
Certified: Utah, Nevada, California, Idaho Washington
California CSR No. 14451

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A P P E A R A N C E S

For Consumer Indirect Purchaser Plaintiffs:

Sarah Dupree, Esq.
HAGENS BERMAN SOBOL SHAPIRO LLP
715 Hearst Avenue
Suite 300
Berkeley, California 94710
(510) 725-3000
sarahd@hbsslw.com

For National Beef:

Christina Wolf, Esq.
JONES DAY
325 John H. McConnell Boulevard
Suite 600
Columbus, Ohio 43215
(614) 281-3988
cmwolf@jonesday.com

For JBS:

Szymon (Simon) Barnas, Esq.
QUINN EMANUEL URQUHART & SULLIVAN, LLP
51 Madison Avenue
22nd Floor
New York, New York 10010
(212) 849-7000
simonbarnas@quinnemanuel.com

For Cargill Inc. and Cargill Meat Solutions:

Joan A. Akalaonu, Esq.
FAEGRE DRINKER BIDDLE & REATH LLP
320 South Canal Street
Suite 3300
Chicago, Illinois 60606
(312) 569-1000
joan.akalaonu@faegredrinker.com

Also Present:

John Macdonell, Legal Videographer

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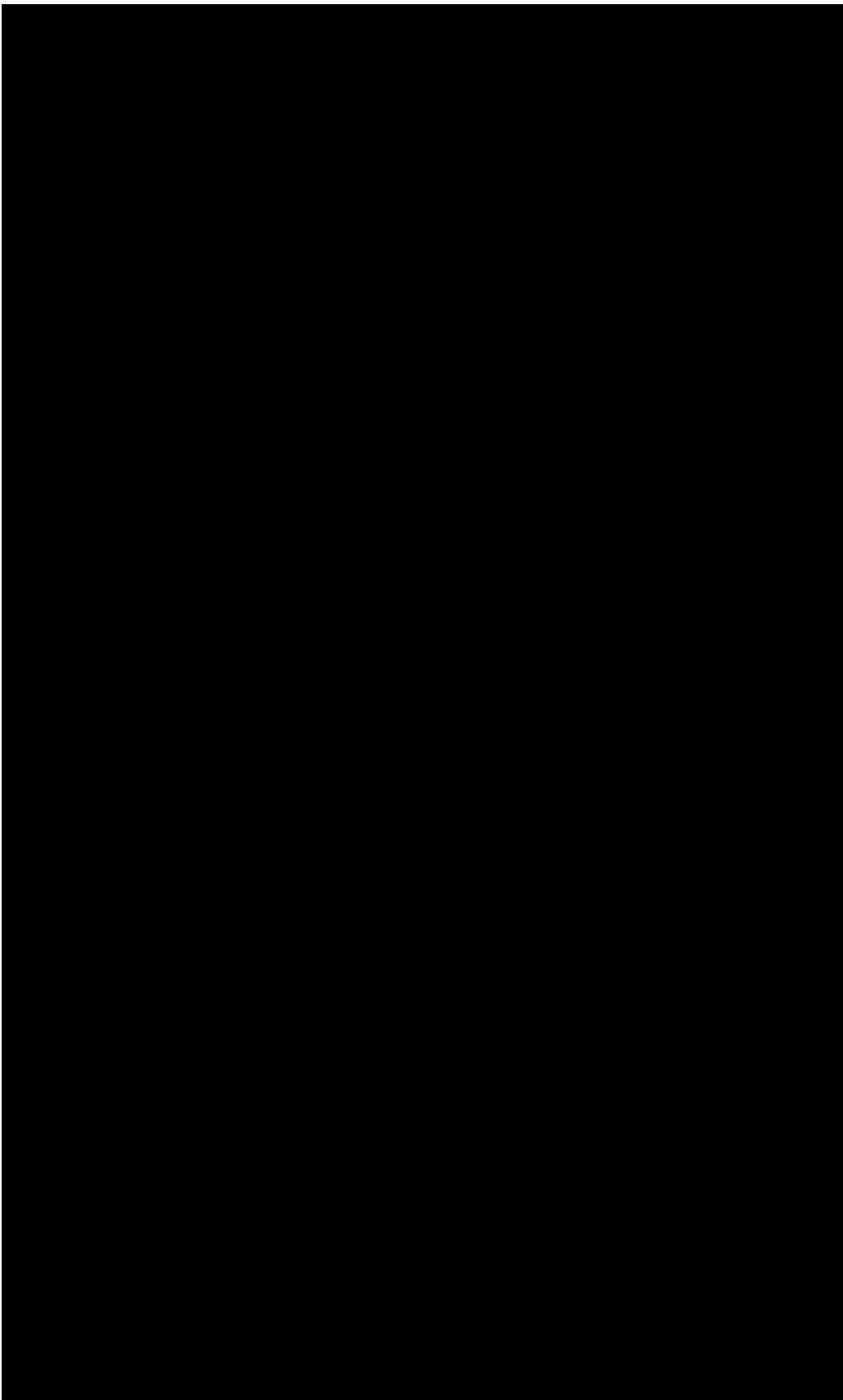
LINDSEY LEMOI PAGE
Examination By Mr. Barnas 5

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E X H I B I T S

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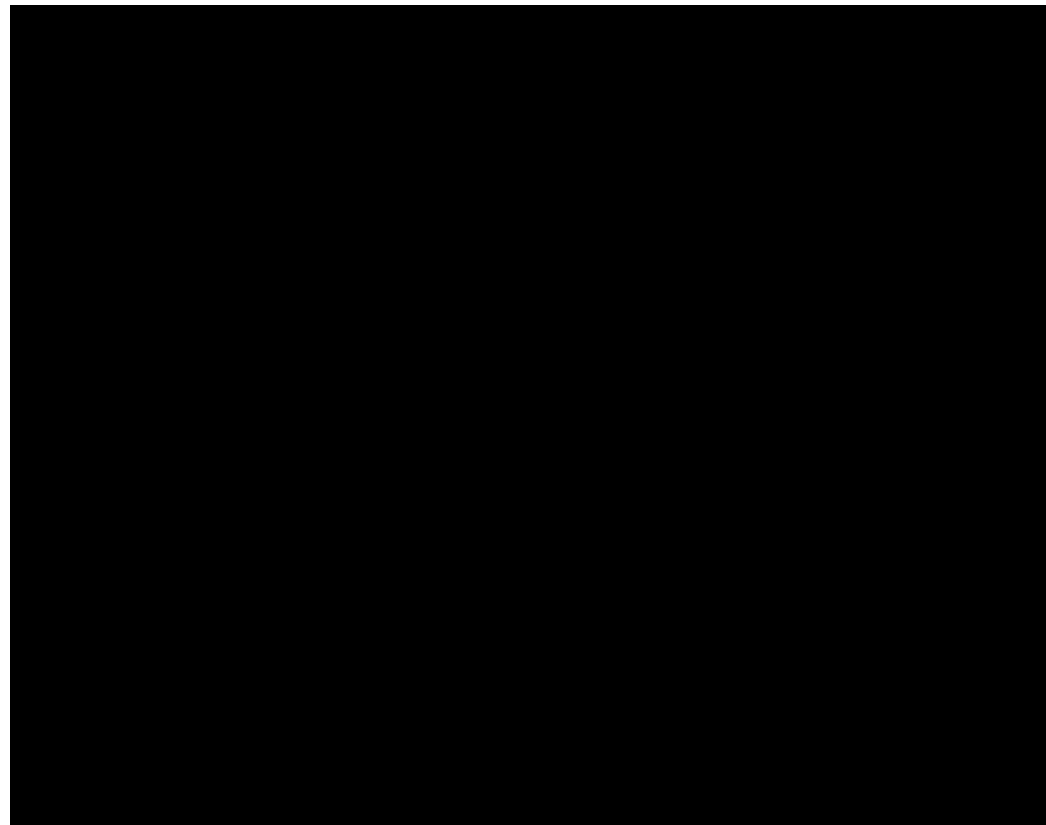
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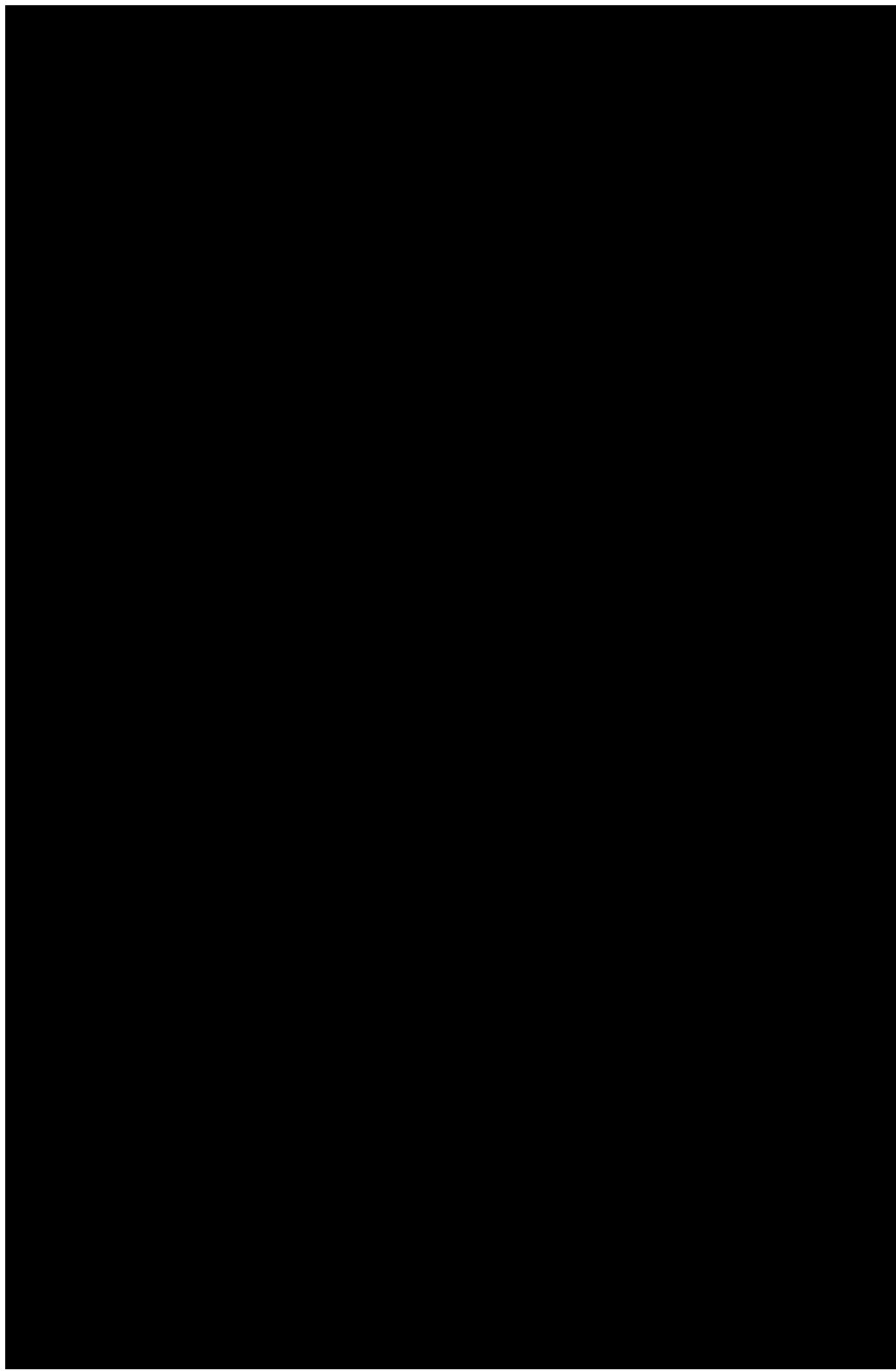
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1 consider when deciding where to purchase beef from. 11:38:01

2 A. Mm-hmm. 11:38:05

3 Q. What about a grocery store's selection? 11:38:06

4 MS. DUPREE: Objection to form. 11:38:09

5 THE WITNESS: So would a grocery store's 11:38:17

6 selection make me more inclined to shop there? 11:38:19

7 BY MR. BARNAS: 11:38:23

8 Q. Yes. 11:38:24

9 A. Yes. 11:38:26

10 Q. What about a grocery store's customer 11:38:27

11 service? 11:38:29

12 A. Yeah, that's important to me. 11:38:30

13 Q. Can you name any of the store-brand beef 11:38:43

14 products that you typically purchase? 11:38:48

15 A. Various types of cuts of meat from ground to 11:38:56

16 top round, bottom round, sirloin, strip, you know, 11:39:03

17 skirt. I could go on and on. 11:39:07

18 Q. But -- but can you name the brand name 11:39:10

19 that's -- that's labeled on these beef products? 11:39:12

20 MS. DUPREE: Objection to form. 11:39:17

21 THE WITNESS: It's usually just the sticker 11:39:22

22 from the counter. Like -- no, I don't -- I have no 11:39:24

23 idea, no. 11:39:27

24 BY MR. BARNAS: 11:39:28

25 Q. Got it. 11:39:29

1 Are you familiar with any of the brand names 11:39:34
2 of beef that are sold by any of the defendants? 11:39:36
3 A. Not that I know of. The only thing that I 11:39:53
4 could think of would be -- would be from Tyson, but I 11:39:56
5 can't think of a beef product that I buy from Tyson, 11:39:59
6 so I have no idea. 11:40:03
7 Q. Can you think of a beef product you buy from 11:40:04
8 Cargill? 11:40:07
9 A. I have no idea. 11:40:07
10 MS. DUPREE: Objection to form. 11:40:09
11 BY MR. BARNAS: 11:40:09
12 Q. What about -- can you think of a beef 11:40:10
13 product you buy from National Beef? 11:40:12
14 MS. DUPREE: Objection to form. 11:40:15
15 THE WITNESS: No idea. 11:40:17
16 BY MR. BARNAS: 11:40:18
17 Q. Can you name a beef product you buy from 11:40:19
18 JBS? 11:40:23
19 MS. DUPREE: Objection to form. 11:40:25
20 THE WITNESS: No idea. 11:40:27
21 BY MR. BARNAS: 11:40:28
22 Q. Would you agree that it's possible that the 11:40:29
23 store-branded beef that you purchase could have been 11:40:32
24 processed by a meatpacker other than one of the 11:40:37
25 defendants? 11:40:41

1 A. I acknowledge that that's possible, yes. 11:40:46

2 Q. And you previously testified that you were 11:40:48

3 aware of other meatpackers that process beef in the 11:40:49

4 United States; that's right -- right? 11:40:54

5 A. Yeah. Yes, there -- I am aware. 11:40:56

6 Q. Okay. Have you ever purchased any beef 11:40:58

7 directly from JBS? 11:41:05

8 A. Not that I know of. 11:41:08

9 Q. Tyson? 11:41:10

10 A. Not that I know of. 11:41:10

11 Q. Cargill? 11:41:12

12 A. Not that I know of. 11:41:13

13 Q. National Beef? 11:41:15

14 A. Not that I know of. 11:41:15

15 Q. Have you ever entered into a contract with 11:41:16

16 any of the four defendants? 11:41:19

17 A. No. 11:41:22

18 Q. Okay. Okay. Let's say you're standing in 11:41:24

19 the deli section of a grocery store and you have a 11:41:34

20 bunch of proteins. There's fish. There's chicken 11:41:38

21 products. There's your usual beef option. There's 11:41:42

22 some pork options. 11:41:47

23 Walk me through your thought process of how 11:41:49

24 you compare these different meats in deciding what to 11:41:51

25 purchase. 11:41:56

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REPORTER'S CERTIFICATE

I, EMILY A. GIBB, a Certified Shorthand Reporter and Registered Professional Reporter, hereby certify:

THAT I reported the taking of the deposition of Lindsey Lemoi, commencing on July 30, 2024, at 10:02 a.m.

THAT prior to being examined, the witness was placed under oath to tell the truth, the whole truth, and nothing but the truth; that the proceedings were taken down by me in shorthand and thereafter my notes were transcribed through computer-aided transcription; and the foregoing transcript constitutes a full, true, and accurate record of such testimony adduced and oral proceedings had, and of the whole thereof.

I further certify that I am in no way related to any of the parties, nor I am I financially interested in the outcome of the case.

Review and signature was requested.

Review and signature was waived.

Review and signature was not requested.

IN WITNESS THEREOF, I have subscribed my name on this 5th day of August, 2024.



Emily A. Gibb, RPR, CSR, CCR

1 Sarah Dupree

2 

3 August 6, 2024

4 RE: IN RE: CATTLE AND BEEF ANTITRUST LITIGATION

5 7/30/2024, LINDSEY LEMOI (#6736027)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 Calendar-PNW@Veritext.com

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

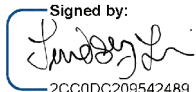
1 IN RE: CATTLE AND BEEF ANTITRUST LITIGATION

2 LINDSEY LEMOI (#6736027)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, LINDSEY LEMOI, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10

Signed by:

2CC0DC209542489...

8/9/2024

11

12

LINDSEY LEMOI

Date

13

*If notary is required

14

SUBSCRIBED AND SWORN TO BEFORE ME THIS

15

_____ DAY OF _____, 20__.

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NOTARY PUBLIC

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