

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

*IN RE CATTLE AND BEEF ANTITRUST
LITIGATION*

This Document Relates to:

*Consumer Indirect Purchaser Plaintiff
Action*

No. 0:22-md-03031-JRT-JFD

Honorable John R. Tunheim

Honorable John F. Docherty

**SUPPLEMENT TO MEMORANDUM IN SUPPORT OF CONSUMER INDIRECT
PURCHASER PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF
SETTLEMENT AGREEMENTS WITH CARGILL AND TYSON DEFENDANTS
AND APPROVAL OF NOTICES, PLAN OF NOTICE
AND PLAN OF ALLOCATION**

Consumer Indirect Purchaser Plaintiffs, through their counsel, and in accordance with the Court's October 29, 2025 Order (ECF No. 1467), hereby supplement their Memorandum In Support of Consumer Indirect Purchaser Plaintiffs' Motion for Preliminary Approval of Settlement Agreement with Cargill and Tyson Defendants and Approval of Notices, Plan of Notice, and Plan of Allocation (ECF No. 1445) as follows:

Class Counsel proposed a distribution plan that includes the option of a hard copy check and six digital options for class members to receive money: Walmart, Amazon, Starbucks, Kroger, PayPal, and Venmo. (*Id.* at 28.) Cargill disagreed with the inclusion of Kroger as a digital payment option because of its status as a Direct-Action Plaintiff in this litigation. (ECF No. 1446 at 1–2.) Following the Court's October 29, 2025 Order, Class Counsel worked with the claims administrator to identify a suitable and appropriate replacement for Kroger and have selected Instacart. Instacart is a grocery delivery and pick-up service that allows individuals to order groceries from over 1,800

retail banners across 100,000 retail locations. (Supplemental Declaration of Cameron R. Azari, Esq. Regarding Notice Program, ¶ 7.) Instacart will now join Walmart, Amazon, Starbucks, PayPal, and Venmo as digital payment options for the proposed distribution plan, as reflected in the Payment Election section of the amended Claim Form. (*Id.* at ¶ 8, Ex. 1.)

For these reasons and the reasons stated in the Memorandum In Support of Consumer Indirect Purchaser Plaintiffs' Motion for Preliminary Approval of Settlement Agreement with Cargill and Tyson Defendants and Approval of Notices, Plan of Notice, and Plan of Allocation (ECF No. 1445), Consumer Indirect Purchaser Plaintiffs respectfully request that the Court preliminarily approve the settlements with Cargill and Tyson, certify the Settlement Class, and direct notice in the form and manner and on the schedule, proposed therein.

DATED: October 30, 2025

s/ Shana E. Scarlett

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Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned attorney of record hereby certifies that a true and correct copy of the foregoing was filed electronically through the Court's CM/ECF system. Notice and a copy of this filing will be served upon all counsel of record by operation of the Court's CM/ECF system.

DATED: October 30, 2025

s/ Brian D. Clark
BRIAN D. CLARK