

If you purchased Packaged Tuna products directly from Bumble Bee, Chicken of the Sea, StarKist, or Thai Union Group between June 1, 2011 and July 31, 2015, you could be affected by a class action settlement.

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

PLEASE READ THIS NOTICE CAREFULLY. YOUR LEGAL RIGHTS ARE AFFECTED WHETHER YOU ACT OR DON'T ACT.

You or your company have been identified as a member of a proposed settlement class. This Notice is to provide information regarding:

- Proposed Settlements with Defendants StarKist Co. (“StarKist”), Dongwon Industries Co., Ltd. (“DWI”), Lion Capital LLP, Lion Capital (Americas), Inc., and Big Catch Cayman LP (collectively “Settling Defendants”);
- A process and deadline for objecting to the Settlements; and
- An update regarding available settlement benefits for eligible Settlement Class Members who have already submitted claims in the previously reached settlement with Defendants Tri Union Seafoods LLC d/b/a Chicken of the Sea International and Thai Union Group PCL (“COSI/TUG Settlement”); or who now choose to submit a claim. Benefits include a cash payment and StarKist Products that will be redeemed over the course of a three-year period. Settlement Class Members may place an order for any StarKist-branded products on StarKist’s national price list in effect on the date that they place their order to redeem their pro rata share of StarKist Products (“Product Component”). Settlement Class Members must place their first order for StarKist Products within 180 days after the Final Approval of the proposed Settlement with StarKist and DWI (“StarKist and DWI Settlement”) or 90 days after the Claims Administrator provides StarKist with the pro rata allocation of the Product Component of the Settlement, whichever is later.

Your legal rights and options are summarized in this Notice. If you are uncertain about how to proceed, you should promptly contact the Claims Administrator to discuss your options.

YOUR LEGAL RIGHTS AND OPTIONS		
You May	Explanation	Deadline
File a Claim	<ul style="list-style-type: none">• Receive Settlement benefits• Be bound by the proposed Settlement• If you already submitted a claim in the COSI/TUG Settlement, you are not required to submit another claim	Postmarked by October 18, 2024
Object	<ul style="list-style-type: none">• Stay in the Settlement Class, but tell the Court what you do not like about the proposed Settlements—you will still be bound by the proposed Settlements	Postmarked by October 18, 2024
Attend the Hearing	<ul style="list-style-type: none">• Ask to speak in Court about the proposed Settlements by providing Notice of Intention to Appear• If you want your own attorney to represent you, you must pay for that attorney	Postmarked by October 18, 2024

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Basic Information

1. Why did I receive this Notice?

You received this Notice because your business may have purchased Packaged Tuna (canned or pouched tuna) directly from one or more of the Defendants from June 1, 2011 through July 31, 2015. You have the right to know about your rights and options in the proposed Settlements.¹

The Court in charge of this case is the United States District Court for the Southern District of California (the “Court”). The case is called *In Re: Packaged Seafood Products Antitrust Litigation*, No. 15-md-2670 DMS (MSB), MDL No. 2670.

Certain Direct Purchaser Plaintiffs—the named Class Representatives: Olean Wholesale Grocery Cooperative, Inc., Pacific Groservice Inc. d/b/a PITCO Foods, Piggly Wiggly Alabama Distributing Co., Inc., Howard Samuels as Trustee in Bankruptcy for Central Grocers, Inc., Trepcos Imports and Distribution Ltd., and Benjamin Foods LLC—sued on behalf of a certified class. The companies they sued are called the Defendants and include Tri Union Seafoods LLC d/b/a Chicken of the Sea International (“COSI”), Thai Union Group PCL (“TUG”), Bumble Bee Foods LLC (“Bumble Bee”), StarKist, DWI, and Lion Capital LLP, Lion Capital (Americas), Inc., and Big Catch Cayman LP (collectively, the “Lion Companies”).

Proposed Settlements have been reached with StarKist, DWI, and the Lion Companies. A settlement was also reached previously with COSI and TUG (“COSI/TUG Settlement”). Bumble Bee went bankrupt.

This Notice explains that:

- ✓ The Class is affected by proposed Settlements with Settling Defendants.
- ✓ You have legal rights and options that you may exercise before the Court decides whether to approve the Settlements.

2. What is this lawsuit about?

Direct Purchaser Plaintiffs allege that Defendants conspired to fix, raise, and maintain the prices that direct purchasers paid for Packaged Tuna and that, as a result, members of the Class paid more than they otherwise would have. Defendants have denied all liability for this conduct and/or assert that their conduct was lawful or exempt from the antitrust laws, or that their conduct did not cause injury, among other defenses. The Court has not decided who is right.

The Direct Purchaser Plaintiffs previously reached a settlement with COSI and TUG. That settlement is now final. Bumble Bee went bankrupt. Proposed Settlements have been reached with the remaining Defendants. While the Settling Defendants deny all allegations, they have agreed to settle this action to avoid the uncertainties and risks of further litigation.

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

In a class action lawsuit, one or more persons or businesses called class representatives sue on behalf of others who have similar claims, all of whom together are a “class.” Individual class members do not have to file a lawsuit to participate in the class action settlement or be bound by the judgment in the class action. One court resolves the issues for everyone in the class.

¹ This lawsuit is only on behalf of direct purchasers of Packaged Tuna, that is, entities such as retailers, wholesalers, and distributors that bought Packaged Tuna directly from one or more of the Defendants. There are separate class actions brought on behalf of indirect purchasers (i.e., persons who did not purchase directly from the Defendants), including consumers and commercial food preparers.

4. Why are there proposed settlements in this case?

The Court did not decide in favor of either Direct Purchaser Plaintiffs or the Settling Defendants. Trials involve risks to both sides; therefore, Direct Purchaser Plaintiffs and the Settling Defendants have agreed to settle the case. The proposed Settlements require Settling Defendants to pay money into Settlement Funds and require StarKist to provide Packaged Tuna Products or other StarKist-branded products. The Settlement Funds and allocated StarKist Products will be distributed to Settlement Class Members with valid claims. Direct Purchaser Plaintiffs and their attorneys believe the Settlements are in the best interests of the Settlement Class.

5. Am I part of the Settlement Class?

You are a Settlement Class Member if you or your company directly purchased Packaged Tuna Products (excluding tuna salad kits and cups and salvage purchases) within the United States, its territories, and the District of Columbia from any Defendant at any time between June 1, 2011 and July 31, 2015. Packaged Tuna Products means shelf-stable tuna sold for human consumption and packaged in either cans or pouches. Excluded from the Settlement Class are all governmental entities; Defendants and any parent, subsidiary, or affiliate thereof; Defendants' officers, directors, employees, and immediate families; and any federal judges or their staffs. Also excluded from the Class is any person or entity that was excluded from the Class, in whole or in part, pursuant to the Court's Order in this Action at ECF No. 3097, which incorporates the list of entities at ECF No. 3095-1. ECF Nos. 3095-1 and 3097 will be posted on the Settlement Website, www.TunaDirectPurchaserCase.com.

If you are a Settlement Class Member and have not previously released your claim against one or more of the Settling Defendants, you will be eligible to participate in benefit distributions to qualified Settlement Class Members if you submit a valid claim. By filing a claim, you will be bound by the results of the proposed Settlements. If you are an eligible Settlement Class Member and you previously submitted a claim in connection with the COSI/TUG Settlement, you do not need to submit another claim. Your prior claim submission will be used to calculate your benefits with respect to benefits from these Settlements.

6. I'm still not sure if I'm included.

If you are still not sure if you are included in the Settlement Class, please review the detailed case information at www.TunaDirectPurchaserCase.com. You may also call the Claims Administrator at 1-866-615-0970.

7. Do I have a lawyer in this case?

The Court has appointed Hausfeld LLP as Class Counsel. Their contact information is provided below. You do not need to hire your own lawyer because Class Counsel is working on your behalf.

8. How will the lawyers be paid?

You will not have to pay any attorneys' fees or costs out of pocket. Under the Settlements, attorneys' fees and litigation expenses will be paid out of the Settlement Funds. 90.7% of any fees, expenses, or Service Awards to Class Representatives will be paid from the StarKist and DWI Settlement and 9.3% of any fees, expenses, or Service Awards will be paid from the proposed Settlement with the Lion Companies. Any award of fees or expenses is subject to approval by the Court. Class Counsel's motion for approval of their fees and costs will be filed with the Court by **October 4, 2024** and will be posted at www.TunaDirectPurchaserCase.com prior to **October 18, 2024**, which is the deadline for objections.

Your Options

9. What do the proposed Settlements provide?

If the proposed Settlements are approved, the Settling Defendants will pay a total of \$38,650,000 in cash, and StarKist will also provide StarKist-branded products on StarKist's national price list in effect on the date that an order is placed valued at \$26,100,000 for distribution to Class Members with valid claims. Settlement Class Members with valid claims will receive both a cash payment and a right to order their pro rata share of products contained on StarKist's then current national price list, which will allow you to order Packaged Tuna Products or any other product that is then available on that price list. You must place your first order for StarKist Products within 180 days after the Final Approval of the StarKist and DWI Settlement or 90 days after the Claims Administrator provides StarKist with the pro rata allocation of the Product Component of the Settlement, whichever is later. The period in which to use your full product allocation is 3 years following Final Approval of the StarKist and DWI Settlement or following ninety (90) days after the Claims Administrator provides StarKist with the pro rata allocation of the Product Component of the Settlement, whichever is later. Your portion of the allocation may not be transferred to another party prior to product delivery to your warehouse. All orders of StarKist Products will be subject to StarKist's standard terms and conditions for product orders. Finally, you must order product in truck-sized orders, or take the entirety of your product allocation (if less than a truckload of product remains available to you) in order to qualify for free shipping and handling. Any claimant may elect to donate its share of StarKist Products to Feeding America, Feed the Children, or other designated food bank, hot meal program, or 501(c)(3) cy pres recipient agreed to by the Parties and approved by the Court by informing StarKist in writing of its desire to exercise this option.

10. What are the settlement benefits being used for?

Settlement Class Members with valid claims will be entitled to receive cash and Packaged Tuna Products (or other StarKist-branded products), with the actual amount depending on the number of valid claims and the volume of commerce represented in those claims. Using an online portal, Settlement Class Members will be able to check their commerce, and in the event that their own data suggests that a different claimed volume of commerce is appropriate, they can provide that information, and it will be considered by the Claims Administrator, subject to audit. **Settlement Class Members who previously submitted claims during the COSI/TUG Settlement are not required to file a new claim.**

Settlement Class Members who previously released claims against one or more of the Settling Defendants are not entitled to benefits from the proposed Settlement Agreements to the extent of their prior release.

Additionally, a portion of the Settlement Amounts may be used by the Claims Administrator to administer notice and to administer the distribution of settlement proceeds, as well as to pay Service Awards to the named Class Representatives for their work in the case. Class Counsel intend to ask the Court to approve Service Awards in the amount of \$12,500.00 for each of the Class Representatives.

To the extent there are any undistributed funds following distribution to Settlement Class Members, the Claims Administrator, upon the recommendation of Class Counsel and approval by the Court, will either make subsequent distributions to eligible Settlement Class Members, or, if it is infeasible to do so in light of the amount of undistributed funds and the costs of administration, will distribute those funds to the Center for Public Interest Law at the University of San Diego School of Law, or similar program at another law school subject to approval by the Court. Any unclaimed product will be distributed to Feeding America and/or Feeding the Children, or other food banks, hot meal programs, or charities subject to approval by the Court.

11. Do I have to file a claim now to receive benefits?

Questions? Visit www.TunaDirectPurchaserCase.com or call toll-free at 1-866-615-0970.

If you are an eligible Settlement Class Member and you did *not* previously file a claim in the COSI/TUG Settlement, you must file a claim now to receive benefits. **The deadline to file claims is October 18, 2024.** If you are an eligible Settlement Class Member and you previously filed a claim in the COSI/TUG Settlement, you do not have to file a new claim.

If you did not receive a Notice in the mail but you believe you qualify as a Settlement Class Member, you may file a claim by mail with documentation that shows your direct purchases from Defendants during the Class Period. If you sufficiently prove qualifying direct purchases of Packaged Tuna Products, you may be eligible to receive benefits.

12. How do I file a claim?

To file a claim online, visit www.TunaDirectPurchaserCase.com and enter the Unique ID and PIN that were printed on the Notice that was mailed to you. If you do not have the Notice with you, you may call the Claims Administrator for your Unique ID and PIN. When you log in to the online claim portal, you will be able to view the commerce attributed to you for purchases from each Defendant. If you disagree with any of the commerce values, you may dispute them. All disputes must be supported by documentation. Claims are subject to verification, and the Claims Administrator may reach out to you for additional information to validate your claim. Individual awards will be based on the number of valid claims and will be calculated pro rata based on the total commerce attributed to you.

If you did not receive a Notice but you believe you qualify as a Settlement Class Member, you may file a claim by mail. The Claim Form is available for download at www.TunaDirectPurchaserCase.com. You may also email or call the Claims Administrator at info@TunaDirectPurchaserCase.com or 1-866-615-0970 to request a Claim Form be sent to you.

The deadline to file a claim is October 18, 2024. If you do not submit a claim on or before this date, your claim may not be considered.

13. When will I get my cash payment?

Payments will be issued to qualifying Settlement Class Members after the Settlement Effective Dates and after all claims have been validated. StarKist Products are available for three years following Final Approval of the StarKist and DWI Settlement or following ninety (90) days after the Claims Administrator provides StarKist with the pro rata allocation of the Product Component of the Settlement, whichever is later. Settlement Class Members must place their first order for StarKist Products within 180 days after the Final Approval of the StarKist and DWI Settlement or 90 days after the Claims Administrator provides StarKist with the pro rata allocation of the Product Component of the Settlement, whichever is later.

14. How does the StarKist Products benefit work?

Settlement Class Members with valid claims will be awarded a combination of benefits that includes a cash payment and an award of StarKist Products. After all claims have been reviewed and final claim determinations have been made, eligible Class Members will be mailed a check and instructions on how to redeem the Product benefits. Settlement Class Members can redeem their pro rata share of the Product benefit for 3 years following Final Approval of the StarKist and DWI Settlement or following ninety (90) days after the Claims Administrator provides StarKist with the pro rata allocation of the Product Component of the StarKist and DWI Settlement, whichever is later. Class Members can place an order for any StarKist-branded products on StarKist's national price list in effect on the date that they place their order to redeem their pro rata share of StarKist Products. Settlement Class Members must place their first order for StarKist Products within 180 days after the Final Approval of the StarKist and DWI

Settlement or 90 days after the Claims Administrator provides StarKist with the pro rata allocation of the Product Component of the StarKist and DWI Settlement, whichever is later.

Any Settlement Class Member whose allocation of StarKist Products is valued at less than \$113,000.00 must redeem all of its StarKist Products in one order. There is no limit on the number of orders that Settlement Class Members whose allocations of StarKist Products are valued at or above \$113,000.00 may place. StarKist Products will be delivered FOB destination point to each Settlement Class Member who makes a claim and places an order, freight pre-paid to a single agreed shipping address within the continental United States for that claimant, provided that the claimant shall pay the standard shipping costs for any shipments that are made in less than full truckloads if more than one order for StarKist Products is placed for its allocated share of the Product Component. StarKist will pay full trucking costs on all full truckload shipments. StarKist will promptly ship the agreed upon StarKist Products subject to availability. In the event of a product allocation, StarKist will treat the orders of Settlement Class Members as it treats all other orders in determining order fulfillment. StarKist will annually provide the Claims Administrator and Settlement Class Counsel with an accounting of the StarKist Products benefit, including a list of the StarKist Products claimed during each preceding calendar year, and the dollar value of such orders (valued at the national list price in effect as of the order date). Any claimant may elect to donate its share of StarKist Products to Feeding America, Feed the Children, or other designated food bank, hot meal program, or 501(c)(3) cy pres recipient agreed to by the Parties and approved by the Court by informing StarKist in writing of its desire to exercise this option. The orders for StarKist Products by Settlement Class Members will be subject to StarKist's standard terms and conditions for product orders.

15. What happens if I do nothing at all?

If you do nothing, you will remain a member of the Settlement Class, but unless you already submitted a valid claim in the COSI/TUG Settlement, you will not receive any settlement benefits. Settlement Class Members who submitted claims in the COSI/TUG Settlement who do nothing will receive a cash payment and StarKist Products, except to the extent that they previously released claims against one or more of the Settling Defendants. To check on the status of your claim, you may email or call the Claims Administrator at info@TunaDirectPurchaserCase.com or 1-866-615-0970.

16. How do I tell the Court that I don't like the proposed Settlements?

If you are part of the Settlement Class, you can object to the proposed Settlements if you don't like part or all of them. The Court will consider your views.

To object to the Settlements, you must send a written objection that includes your Notice of Intention to Appear; proof of membership in the Settlement Class; and the specific grounds for the objection and any reasons why you desire to appear and be heard, as well as all documents or writings that you desire the Court to consider.

Your written objection must be filed with the Court and mailed to Class Counsel and the Settling Defendants' counsel at the addresses below. Your objection must be postmarked (or mailed by overnight delivery) no later than **October 18, 2024**.

The Court:

United States District Court Judge,
The Honorable Dana M. Sabraw
James M. Carter and Judith N. Keep
United States Courthouse
Courtroom 13A
333 West Broadway
San Diego, CA 92101

Class Counsel:

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17. When and where is the Court's Fairness Hearing?

The Court will hold a Fairness Hearing on the Settlements at 1:30 p.m. PT on **November 22, 2024** at the United States District Court for the Southern District of California, James M. Carter and Judith N. Keep United States Courthouse, 333 West Broadway, San Diego, CA 92101, Courtroom #13A. At the hearing, the Court will consider (i) whether the proposed Settlements should be approved as fair, reasonable, and adequate to Settlement Class Members, and whether the judgment should be entered dismissing the claims of Direct Purchaser Plaintiffs and all Settlement Class Members against Settling Defendants on the merits and with prejudice; and (ii) whether to approve any application by Class Counsel for an award of attorneys' fees and payment of costs and expenses, and any Service Awards to the named Class Representatives.

If there are objections, the Court will consider them. You may attend and ask to speak at the Fairness Hearing if you filed an objection as instructed in Question 16, but you don't have to. The Court will listen to people who have asked to speak at the hearing. After the hearing, the Court will decide whether to approve the Settlements. We do not know how long the Court will take to decide. The date of the hearing may change without further notice to the Class, so please check the case website regularly for updates.

18. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. However, you are welcome to come at your own expense. If you send an objection to the proposed Settlements, you do not have to come to the Fairness Hearing to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend the hearing or trial, but it's not necessary.

19. May I speak at the hearing?

Yes. If you did not previously request exclusion from the Settlements, you may ask permission for you or your own attorney to speak at the Fairness Hearing, at your own expense. To do so, you must submit a written objection as instructed in Question 16. Your Notice of Intention to Appear must be postmarked no later than **October 18, 2024**, and it must be sent to the Court, Class Counsel, and the Settling Defendants' counsel at the addresses provided in Question 16.

Getting More Information

20. How do I get more information?

For more detailed information about the case, visit the www.TunaDirectPurchaserCase.com, call 1-866-615-0970, or speak with Class Counsel directly at PackagedTuna@Hausfeld.com or 415-633-1908.

PLEASE DO NOT CONTACT THE COURT FOR INFORMATION.

If you have *any* questions about this Notice, please do not hesitate to call 1-866-615-0970 or email Class Counsel directly at PackagedTuna@Hausfeld.com.

Dated: August 23, 2024

The Honorable Dana M. Sabraw

