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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

IN RE: PACKAGED SEAFOOD
PRODUCTS ANTITRUST
LITIGATION

This filing relates to:

ALL ACTIONS

Case No. 3:15-md-02670-DMS-MDD
MDL No. 2670

**ORDER GRANTING DIRECT
PURCHASER PLAINTIFFS’
RENEWED (1) MOTION FOR
LEAVE TO DISSEMINATE CLASS
NOTICE AND (2) MOTION TO
MODIFY CLASS DEFINITION**

[ECF No. 2969]

1 WHEREAS, on July 30, 2019, this Court granted Class Certification of the
2 Direct Purchaser Plaintiffs Class and ordered the Direct Purchaser Plaintiffs (the
3 “DPPs”) to submit a proposed plan for dissemination of notice of class certification
4 to members of the class within 30 days (ECF No. 1931);

5 WHEREAS, on August 29, 2019, DPPs filed a Proposed Plan for
6 Dissemination of Class Notice and Motion to Modify Class Definition (ECF No.
7 1945);

8 WHEREAS, on January 28, 2020, the Court denied that motion without
9 prejudice on the grounds that the motion was premature given defendants’ then-
10 pending appeal of the Court’s class certification order (ECF No. 2271);

11 WHEREAS, on April 6, 2021, a three-judge panel of the Ninth Circuit vacated
12 the Order and remanded. *See Olean Wholesale Grocery Coop., Inc. v. Bumble Bee*
13 *Foods LLC*, 993 F.3d 774, 794 (9th Cir. 2021), *reh’g en banc granted*, 5 F.4th 950
14 (9th Cir. 2021);

15 WHEREAS, on April 8, 2022, the Ninth Circuit sitting en banc held otherwise
16 and affirmed the Order;

17 WHEREAS, on August 8, 2022, defendants filed a petition for a writ of
18 certiorari with respect to the Ninth Circuit’s en banc decision;

19 WHEREAS, on November 15, 2022, the United States Supreme Court denied
20 the petition. *StarKist Co. v. Olean Wholesale Grocery Coop.*, Case No. 19-56514 (9th
21 Cir. 2022) (ECF No. 191);

22 WHEREAS, DPPs now renew their motion to disseminate class notice, and the
23 Court having considered all papers filed, and otherwise being fully informed,

24 **IT IS HEREBY ORDERED AS FOLLOWS:**

- 25 1. JND Legal Administration LLC (“JND”) is appointed as the Notice
26 Administrator;
- 27 2. The Long Form Notice, Email Notice, and Publication Notices (together,
28

1 the “Notices”) attached as Exhibits 1-3 of the Intrepido-Bowden Declaration for
2 dissemination to the Class, are approved;

3 3. The use of the class website, toll-free number, and Post Office Box to be
4 administered and maintained by JND is approved;

5 4. The Notices and the plans for their dissemination comply with the
6 requirements of Rule 23(c)(2)(B) and constitute the best notice practicable under the
7 circumstances;

8 5. JND, under the supervision of Class Counsel, shall disseminate notice as
9 set forth in the DPPs’ notice plan;

10 6. Class members shall be bound by all determinations and judgments in
11 this action, whether favorable or unfavorable, unless such persons and entities request
12 exclusion from the Class in a timely and proper manner, as set forth above. A Class
13 member wishing to make such a request shall send the request by first class mail or
14 hand-delivery, postmarked or delivered no later than forty-five (45) calendar days
15 after the Last Publication Date, to the address designated in the Notice. Such requests
16 for exclusion shall clearly state that the Class member requests exclusion from the
17 direct purchaser Class in *In re Packaged Seafood Products Antitrust Litigation*, MDL
18 No. 2670, and must clearly state the name and address of the entity requesting
19 exclusion and a signature. The Class member must specifically identify each entity
20 that they wish to exclude from the Litigation Class in order for the exclusion to be
21 effective. The request for exclusion shall not be effective unless it provides the
22 required information and is made within the time stated above, or the exclusion is
23 otherwise accepted by the Court;

24 7. JND, under the supervision of Class Counsel, shall disseminate notice as
25 set forth in the DPPs’ notice plan, and the DPPs shall update the Court accordingly,
26 pursuant to the following timeline:

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Deadline	Date
Notice Date (Mailing and Emailing Notice Completion and Launch of Website and Publication Notice)	No later than 21 days after Approval of Notice Plan.
Last Publication Date (the last day the Publication Notice will run)	45 days after Court’s approval of notice plan.
Opt-Out Deadline	45 days after Last Publication Date.
Deadline to Submit List of All Class Opt-Outs, with proof that Notice issued pursuant to this Order	14 days after Opt-Out Deadline.

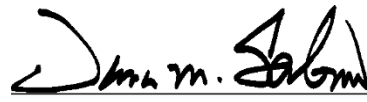
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8. The Court’s order granting class certification (ECF No. 1931) is hereby modified to reflect the following Class definition:

Direct Purchaser Plaintiff Class: All persons and entities that directly purchased packaged tuna products 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. Excluded from the class are all governmental entities; Defendants and any parent, subsidiary or affiliate thereof; Defendants’ officers, directors, employees, and immediate families; any federal judges or their staffs; purchases of tuna salad kits or cups; and salvage purchases.

IT IS SO ORDERED.

Dated: March 13, 2023


 Hon. Dana M. Sabraw
 United States District Judge