

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

<p>IN RE BROILER CHICKEN GROWER ANTITRUST LITIGATION (NO. II)</p> <p><i>This document relates to all actions.</i></p>	<p>Case No. 6:20-MD-02977-RJS-CMR</p> <p>Chief Judge Robert J. Shelby</p> <p>Magistrate Judge Cecilia M. Romero</p>
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**ORDER GRANTING PLAINTIFFS' MOTION FOR AN AWARD
OF ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION EXPENSES**

WHEREAS, this matter comes before the Court on Plaintiffs' Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses;

WHEREAS, the Court, having considered (a) the Settlement Agreement, dated February 28, 2023 (MDL 2977 ECF No. 435-1); (b) the Court's April 17, 2023 Preliminary Approval Order (MDL 2977 ECF No. 482); (c) Plaintiffs' Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses and accompanying Memorandum of Law; (d) the supporting Declaration of Daniel J. Walker (the "Walker Decl."); and (e) all other papers and proceedings herein;

WHEREAS, the Court held a Fairness Hearing on August 25, 2023;

WHEREAS, the Court having considered all of the submissions and arguments with respect to the Settlement Agreement, and otherwise being fully informed, and good cause appearing;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. All terms in initial capitalization used in this Order shall have the same meanings as set forth in the Settlement Agreement, unless otherwise defined herein.

I. AWARD OF ATTORNEYS' FEES

2. Upon review of the record, the Court finds that Class Counsel's requested award of attorneys' fees in the amount of one-third of the cash settlement fund of \$17.75 million (plus one-third of accrued interest) created by the Settlement Agreement is well within the applicable range of reasonable attorneys' fees percentage-of-recovery awards established by relevant precedent.

3. The percentage-of-recovery method of calculating attorneys' fees is appropriate in this Action, as the Tenth Circuit expressly prefers that method in determining the award of attorneys' fees in common fund cases.

4. While a lodestar crosscheck is not required in the Tenth Circuit, such a check further supports the reasonableness of the fee award. Class Counsel have spent nearly 54,000 hours litigating the Action, producing a total lodestar amount of \$31,458,032.30 based on each firm's standard current hourly rates. *See* Walker Decl. ¶ 135. Thus, a fee award of one-third of the Settlement Fund, and taking into consideration the fees previously awarded Class Counsel in connection with the earlier Tyson, Perdue and Koch settlements in this matter, would represent a multiplier of approximately 0.731 of this lodestar. *Id.* ¶ 136. This lodestar crosscheck multiplier

is in line with—and indeed, significantly lower than—Iodestar multipliers that courts in this Circuit have found to be reasonable in comparable common fund cases.

5. Both the Direct Notice and the Publication Notice indicated that Class Counsel would seek a fee award of up to one-third of the Settlement Fund in addition to reimbursement of costs. *See* Walker Decl. ¶ 130.

6. Accordingly, Class Counsel's request for an award of one-third of the \$17.75 million cash value of the Settlement Fund (plus one-third of accrued interest), which equals a fee award of \$5,916,667 (plus the amount for one-third of accrued interest), is granted.

II. REIMBURSEMENT OF EXPENSES

7. The Court finds that Class Counsel's request for reimbursement of their reasonably incurred expenses should be granted. From the inception of litigation, Class Counsel have incurred \$972,341.98 in unreimbursed litigation out-of-pocket expenses, litigation fund disbursements, and outstanding invoices due while prosecuting this Action, the majority of which are for the work of economic experts. *See* Walker Decl. ¶¶ 137-40. These collective expenses were reasonably incurred and expended for the direct benefit of the Settlement Class and should therefore be reimbursed.

8. Accordingly, Class Counsel's request for reimbursement of litigation costs and expenses in the amount of \$972,341.98 is granted.

III. CO-LEAD COUNSEL IS AUTHORIZED TO DISTRIBUTE THE AWARDED ATTORNEYS' FEES

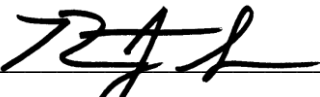
9. Co-Lead Counsel shall allocate the fees and expenses among all of the counsel representing Plaintiffs based upon Co-Lead Counsel's evaluation of the contribution of such counsel to the prosecution and resolution of this litigation.

IV. THE COURT RETAINS JURISDICTION

10. Without affecting the finality of this Order in any respect, this Court reserves jurisdiction over any matters related to or ancillary to this Order.

SO ORDERED.

DATED: November 2, 2023



The Honorable Robert J. Shelby
Chief United States District Judge