

NOTICE OF CLASS CERTIFICATION

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

A court authorized this notice. You are not being sued. This is not a solicitation from a lawyer.

If you are a person or entity in the United States who sold raw, harvested runner peanuts to any of the Defendants, their subsidiaries or joint-ventures, from January 1, 2014 through December 31, 2019, your rights may be affected by a recent court decision preliminarily approving a settlement with the remaining Defendant.

- This litigation is pending in the United States District Court for the Eastern District of Virginia (“Court”) in an action captioned *In Re Peanut Farmers Antitrust Litigation*, No. 2:19-cv-00463 (E.D. Va.) (the “Action”), in which Plaintiffs have alleged, among other things, that Defendants Golden Peanut Company LLC (“Golden Peanut”), Birdsong Corporation (“Birdsong”), and Olam Peanut Shelling Company, Inc. (“Olam”) entered into a conspiracy to pay depressed prices to farmers for runner peanuts during the Class Period, in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1 (the “Claims”). Defendants have denied and continue to deny all of Plaintiffs’ Claims and have asserted numerous defenses to those Claims.
- The Court previously authorized Notice pursuant to Rule 23 of the Federal Rules of Civil Procedure regarding its determination to certify the following Class: All persons or entities in the United States who sold raw, harvested runner peanuts to any of the Defendants, their subsidiaries or joint-ventures, from January 1, 2014 through December 31, 2019 (the “Class Period”). Specifically excluded from this Class are the Defendants; the officers, directors or employees of any Defendant; any entity in which any Defendant has a controlling interest; and any affiliate, legal representative, heir or assign of any Defendant.
- The deadline to exclude yourself from that Class was March 13, 2021. If you did not exclude yourself by that date, you are a member of the Class.
- This Notice is given pursuant to Rule 23 of the Federal Rules of Civil Procedure and a Court Order to inform you of a hearing before the Court to consider: (1) the proposed settlement with Golden Peanut in the amount of \$45,000,000 (“Golden Peanut Settlement”) (2) Class Counsel’s request for attorney’s fees, unreimbursed litigation costs and expenses, and service awards for the Class Representatives, and (3) the proposed plan of distribution of settlement funds to Class Members.
- On April 5, 2021, the Court finally approved settlements with Olam and Birdsong totaling \$57,750,000. The Golden Peanut Settlement, along with the Olam and Birdsong settlements (collectively, “Settlements”), total \$102,750,000 (“Settlement Fund”), which will be distributed to Class Members who file valid Claims in accordance with a distribution plan approved by the Court. Additional information regarding the Settlements, the Fairness Hearing, the proposed distribution plan, and your rights to share in any distribution is discussed below.

- A portion of the Settlement Fund is being used by the Settlement Administrator to administer the Notice Program. The remainder of the Settlement Fund will remain available for distribution to Class Members, any future notice and administration costs, and attorneys' fees, litigation expenses, and service awards that the Court awards to Plaintiffs. Please consult the case website, www.PeanutFarmersAntitrustLitigation.com, regularly for updates on the case and these Settlements.
- Please read this notice carefully. Your legal rights will be affected.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS		DEADLINE
OBJECT AND/OR ATTEND A HEARING	Even if you did not previously exclude yourself from the Class, you still have the right to file a written objection to the Golden Peanut Settlement, Class Counsel's request for attorney's fees, unreimbursed litigation costs and expenses, and service awards for the Class Representatives, and the proposed plan of distribution.	JULY 13, 2021
FILE A CLAIM	If you did not exclude yourself from the Class, you have the right to file a claim to share in the distribution of the Settlement Fund.	JULY 13, 2021

- Your rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court in charge of this Action will decide whether to finally approve the Golden Peanut Settlement. Payments to Class Members will be made if the Court finally approves the Golden Peanut Settlement and approves the distribution plan, after any appeals are resolved.

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BASIC INFORMATION

1. Why did I receive a Notice?

A Court authorized this notice because it a) previously certified this case as a Class Action, and b) has preliminarily approved the Golden Peanut Settlement. You received this Notice because you may be a member of the Class certified by the Court. **To know if you are a member of the Class, see the answer to Question 5 below.**

The people who sued are called the Plaintiffs. Golden Peanut, Birdsong, and Olam are the Defendants.

2. What is this lawsuit about?

The Defendants in this lawsuit, Golden Peanut, Birdsong, and Olam, are peanut shellers. Plaintiffs in this lawsuit are farmers who sell their raw, harvested peanuts to shellers, which in turn process these peanuts and sell them to manufacturers of products such as peanut butter and candy. Plaintiffs represent a group of farmers who have similar claims against Defendants. This group of people is known as the “Class” (*see* Questions 3 and 5 for more information about the Class).

This lawsuit alleges, among other things, that Defendants entered into a conspiracy to pay depressed prices to the Class during the Class Period, in violation of Section 1 of the Sherman Act 15 U.S.C. § 1. This lawsuit focuses on runner peanuts, the most common type of peanut grown in the United States. In other words, Plaintiffs and the Class allege that Golden Peanut, Birdsong, and Olam violated federal antitrust law by conspiring with one another to depress the prices paid to farmers for runner peanuts, causing farmers to be underpaid for their runner peanuts.

All Defendants have denied and continue to deny Plaintiffs’ Claims and have asserted numerous defenses to those Claims. However, Plaintiffs have reached Settlements with all 3 Defendants, Golden Peanut, Olam and Birdsong (collectively, “Settling Defendants”), for a total of \$102,750,000. Settling Defendants admit no liability, but chose to settle to avoid further the expenses, burdens, and risks associated with continuing this litigation. If the Golden Peanut Settlement is finally approved, this litigation will come to an end.

Important information about the case will be posted on the website, www.PeanutFarmersAntitrustLitigation.com, as it becomes available. Please check the website to be kept informed about any future developments.

3. What is a class action?

In a class action, the Plaintiffs act as “class representatives” and sue on behalf of themselves and other people who have similar claims (the Plaintiffs are identified in Question 14 below). This group of people is called the “class,” and the people in the class are called “class members.” One court resolves the issues for all class members, except for people who exclude themselves from the class. The Honorable Raymond A. Jackson of the United States District Court for the Eastern District of Virginia is presiding over this class action. The case is *In re Peanut Farmers Antitrust Litigation*, No. 2:19-cv-00463.

4. Why did the parties settle this lawsuit?

The Court did not decide in favor of Plaintiffs or the Settling Defendants. Instead, Plaintiffs and the Settling Defendants have agreed to the Settlements to avoid the costs and risks of a trial. The class representatives and their attorneys think the Settlements are an excellent result, which will provide Class Members with monetary compensation.

WHO IS IN THE CLASS?

5. Who is in the Class?

You may be a member of the Class if you are a person or entity in the United States who sold raw, harvested runner peanuts to any of the Defendants, their subsidiaries or joint-ventures, from January 1, 2014 through December 31, 2019.

Specifically excluded from this Class are the Defendants; the officers, directors or employees of any Defendant; any entity in which any Defendant has a controlling interest; and any affiliate, legal representative, heir or assign of any Defendant.

6. What should I do if I am still not sure whether I am included?

If you are not sure whether you are included in the Class, you can ask for free help by calling the Settlement Administrator at (844) 754-7469 or email Info@PeanutFarmersAntitrustLitigation.com for more information.

THE SETTLEMENTS

7. What do the Settlements provide?

Olam and Birdsong collectively paid \$57,750,000.00 into the Settlement Fund. If the Court, after conducting a final Fairness Hearing, approves the Golden Peanut Settlement, Golden Peanut will pay \$45,000,000 into the Settlement Fund. After deductions for attorneys' fees, litigation costs, and other expenses (*see* Question 14), the Settlement Fund will be distributed at a later date to Class Members who submit valid claims (*see* Question 10).

Additional details about the Settlements are contained in the Settlement Agreements, which are available at www.PeanutFarmersAntitrustLitigation.com.

8. How much money can I get from the Settlements?

The amount you get will be calculated pursuant to a Plan of Distribution to be approved by the Court, and will depend on how many valid claims are submitted, and how much the Court allows in fees, costs, and expenses. For information on how to make claim, *see* Question 10 and www.PeanutFarmersAntitrustLitigation.com. For information on the plan of distribution, *see* www.PeanutFarmersAntitrustLitigation.com.

HOW TO GET A PAYMENT—MAKING A CLAIM

9. How can I get a payment?

As described above (*see* Questions 7 and 8), the Court will conduct a Fairness Hearing and decide whether a) to finally approve the Golden Peanut Settlement, and b) to approve the proposed distribution plan. If you are a person or entity in the United States who sold raw, harvested runner peanuts to any Defendant during the class period, and did not exclude yourself from the Class, you will have the opportunity to submit a Claim Form, which has been included as part of this Notice (and is available on the case website), and participate in the Settlements. If you did not exclude yourself from the Class but did exclude yourself from either or both of the Olam and Birdsong Settlement Classes, you are no longer a member of the Settlement Class of which you opted out and will not be able to participate in the portion of the Settlement Fund attributable to that Settling Defendant. The Settlement Fund will be allocated pursuant to a plan of distribution which will be made available at www.PeanutFarmersAntitrustLitigation.com after it has been approved by the Court.

10. How can I file a Claim to get a payment from the Settlements?

To be eligible to receive a payment from the Settlement Fund, you must complete and submit a timely Claim Form. Submit your Claim Form online at www.PeanutFarmersAntitrustLitigation.com, by **July 13, 2021**. Or fill out the Claim Form, and mail it to the address below, postmarked no later than **July 13, 2021**. If you do not submit a valid Claim Form by the deadline, you will not receive a payment from the Settlement Fund, but you will be bound by the Court's judgment in these actions. Your Claim Form is attached and reflects the amount of your sales of runner peanuts to each Defendant, based on a review of Defendants' records. You may use your personal Access Code listed on your Claim Form to log in at www.PeanutFarmersAntitrustLitigation.com, where you can submit a claim, check the status of your claim, and review your sales information electronically. You can accept the sales amounts that are set out in your Claim Form, if you disagree with those amounts, you can challenge them by completing the Sales Audit Request form posted on the Settlement Website and providing supporting documentation. All revised sales amounts will be subject to a review process by the Settlement Administrator, Class Counsel, and ultimately the Court. You can also request that a Claim Form be sent to you on the Settlement Website or by sending a written request to the Settlement Administrator by mail or by email:

Peanut Farmers Antitrust Litigation
Settlement Administrator
1650 Arch Street, Suite 2210
Philadelphia, PA 19103
(844) 754-7469
Info@PeanutFarmersAntitrustLitigation.com

If you received multiple Claim Forms for different entities, you must submit each one or take other steps to ensure that all the sales reflected in the Claim Forms are accounted for in your submission. If you have questions regarding your Claim Form(s) or participating in the Settlements, contact the Settlement Administrator using the contact information set forth immediately above.

11. When will I get my payment?

Even if the Court finally approves the Golden Peanut Settlement and approves the distribution plan, there still may be appeals of those decisions. It is hard to estimate how long it might take for any appeals to be resolved. Further, even if there are no appeals, it is difficult to predict how long the claims process will take.

Updates regarding the Settlements and when payments will be made will be posted on the Settlement website, www.PeanutFarmersAntitrustLitigation.com.

THE LAWYERS REPRESENTING YOU

12. Do I have a lawyer in the case?

Yes. The Court appointed the law firms of Lockridge Grindal Nauen PLLP and Freed Kanner London & Millen LLC to represent you and the other Class Members. These firms are called Class Counsel. You will not be charged for their services.

13. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf at no charge to you. If you want your own lawyer, you may hire one, but you will be responsible for any payment for that lawyer's services. For example, you can ask your own lawyer to appear in Court for you if you want someone other than Class Counsel to speak for you. You may also appear for yourself without a lawyer.

14. How will the lawyers be paid?

You do not have to pay Class Counsel. Class Counsel, who have not yet been paid for their services or reimbursed for their expenses, will seek a) an award of attorneys' fees not to exceed 33 1/3% of the Settlement Fund, and b) reimbursement for litigation costs they advanced in pursuing the Claims, also from the Settlement Fund. The fees will compensate Class Counsel for investigating the facts, litigating the case, and negotiating and administering the Settlements.

Class Counsel will also ask the Court to approve service award payments out of the Settlement Fund to each of the Class Representatives, who are D&M Farms, Mark Hasty, Dustin Land, Rocky Creek Peanut Farms LLC, Daniel Howell, and Lonnie Gilbert.

The costs of providing this notice and administering the Settlements are being paid from the Settlement Fund.

EXCLUDING YOURSELF FROM THE CLASS OR SETTLEMENT CLASSES

15. Can I get out of the Class or Settlement Classes?

You previously received a notice informing you about a) the Court's decision to certify this Action as a class action, and b) the settlements with Defendants Olam and Birdsong. That notice explained that you had the option to a) exclude yourself from the Class or to remain in the Class, and b) exclude yourself from the Olam and/or Birdsong settlement classes. The deadline for excluding yourself from the Class was March 13, 2021. If you did not exclude yourself from the Class by March 13, 2021, you remain a member of the Class and are bound by the terms of the Golden Peanut Settlement.

The deadline to exclude yourself from the Olam and/or Birdsong Settlement Classes was also March 13, 2021, and if you did not exclude yourself from one or both of those settlement classes by that date, you remain a member of those settlement class(es) and are bound by the terms of those settlement(s).

16. Can I sue Defendants for the same thing later?

No. Unless you excluded yourself from the Class, you gave up the right to sue Golden Peanut for the claims asserted in this Action. Similarly, unless you excluded yourself from the Olam and/or Birdsong Settlement Classes, you gave up the right to sue Olam or Birdsong for those claims. If you excluded yourself from a settlement class, you maintain the right to sue only the Defendant that was a party to that settlement, and not the others.

17. What happens if I opted out of the Class or either or both of the Settlement Classes?

If you opted out of the Class, you are no longer a member of the Class and will not be able to participate in the Golden Peanut Settlement.

If you remained in the Class but opted out of either or both of the Olam and Birdsong Settlement Classes, you are no longer considered a member of the Settlement Class from which you opted out and will not be able to participate in the Settlement with that Settling Defendant.

OBJECTING TO THE SETTLEMENTS

18. How do I tell the Court if I do not like the Golden Peanut Settlement?

If you are a Class Member, you may object to the Golden Peanut Settlement. If you are a Class Member or a member of either or both of the Olam and Birdsong Settlement Classes, you may also object to Class Counsel's request for attorney's fees, unreimbursed litigation costs and expenses, and service awards for the Class Representatives, and the proposed plan of distribution.

You cannot ask the Court to order a larger settlement; the Court can only approve or deny the Golden Peanut Settlement. If the Court denies approval, no settlement payment attributable to the proposed Golden Peanut Settlement will be sent out and the lawsuit will continue against Golden Peanut.

If you wish to object to the proposed Golden Peanut Settlement, the proposed plan of distribution or Class Counsel's request for attorney's fees, unreimbursed litigations costs and expenses, and service awards for the Class Representatives, you must do so in writing. You may also appear at the Fairness Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for paying that attorney. To object, you must file a document with the Court saying that you object to the Golden Peanut Settlement (or to one or more of the other items detailed above) in *In Re Peanut Farmers Antitrust Litigation.*, Civil Action No. 2:19-cv-00463. Be sure to include:

- Your name, address, and telephone number;
- A statement saying that you object to the Golden Peanut Settlement (and/or the proposed distribution plan, or the request for fees, expenses and service awards) in *In Re Peanut Farmers Antitrust Litigation.*, Civil Action No. 2:19-cv-00463;
- Whether you plan to appear at the Fairness Hearing;
- Proof of membership in the Class or one of the Settlement Classes, including any documentation evidencing you sold raw, harvested runner peanuts to any of the Defendants during the Class Period;
- The specific reasons you object to the Golden Peanut Settlement and/or the proposed distribution plan, or the request for fees, expenses and service awards, along with any supporting materials or documents that you want the Court to consider; and
- Your signature.

You must mail the written objection by First Class U.S. Mail, postmarked no later than **July 13, 2021** to the Court at the following address: United States District Court for the Eastern District of Virginia (Norfolk Division), Walter E. Hoffman E. Hoffman United States Courthouse, 600 Granby Street, Norfolk, VA 23510.

You must also mail your objection by First Class U.S. Mail to Class Counsel and Counsel for the Settling Defendants at each of the following addresses:

Class Counsel	Class Counsel
Brian D. Clark Lockridge Grindal Nauen PLLP 100 Washington Avenue South, Suite 2200 Minneapolis, MN 55401	Kimberly A. Justice Freed Kanner London & Millen LLC 923 Fayette Street Conshohocken, PA 19428

Counsel for Settling Defendants

Niall E. Lynch
Latham & Watkins LLP
505 Montgomery Street
Suite 2000
San Francisco, CA 94111

Counsel for Olam

Stephen E. Noona
Kaufman & Canoles, P.C.
150 W. Main Street
Suite 2100
Norfolk, VA 23510

Counsel for Birdsong

Daniel E. Laytin
Kirkland & Ellis LLP
300 North LaSalle Street
Chicago, IL 60654

Counsel for Golden Peanut

If your objection is not postmarked by the deadline and does not include the information listed above, it will not be valid.

THE COURT’S FAIRNESS HEARING

19. When and where will the Court decide whether to approve the Golden Peanut Settlement?

The Court will hold a Fairness Hearing at 2:30 p.m. on July 26, 2021 in Courtroom 4 of the United States District Court for the Eastern District of Virginia, located at United States District Court for the Eastern District of Virginia (Norfolk Division), Walter E. Hoffman E. Hoffman United States Courthouse, 600 Granby Street, Norfolk, VA 23510. If the Court determines that it is appropriate, the hearing may be conducted remotely by telephone or other electronic means. If the Court decides to hold the hearing remotely, Class Counsel shall post that information on the website devoted to the litigation (www.PeanutFarmersAntitrustLitigation.com) and provide any Settlement Class member that has informed the Court that it intends to participate at the hearing the information required to do so remotely.

At this hearing, the Court will consider whether the Golden Peanut Settlement is fair, reasonable, and adequate. The Court will also consider Class Counsel’s request for attorney’s fees, unreimbursed litigation costs and expenses, and service awards for the Class Representatives, and the proposed plan of distribution. If there are objections, the Court will consider them. The Court will listen to people who have previously notified the Court that they wished to speak at the hearing.

At or after the Fairness Hearing, the Court will decide whether to approve the Golden Peanut Settlement and the related matters raised by Class Counsel.

The Court may reschedule the Fairness Hearing or change any of the deadlines described in this notice. The date of the Fairness Hearing may change without further notice to the Class Members. Be sure to check the website, www.PeanutFarmersAntitrustLitigation.com, for news of any such changes.

20. Do I have to come to the Fairness Hearing?

No. Class Counsel will answer any questions the Court may have. You may attend at your own expense if you wish. If you send an objection, you do not have to come to Court to talk about it. So long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

21. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must include a statement in your written objection (*see* Question 18) that you intend to appear at the hearing. Be sure to include your name, address, and signature as well. You cannot speak at the hearing if you excluded yourself from the Class and both Settlement Classes.

IF I DO NOTHING

22. What happens if I do nothing at all?

If you do nothing, you will remain a member of the Class and be bound by all judgments, rulings, and settlements in the Action, but you will not receive any portion of the Settlement Fund unless you file a Claim Form (*see* Question 10)

GETTING MORE INFORMATION

23. Are more details about the Action available?

Yes. This notice summarizes the Court’s decisions to certify this case as a Class Action, to finally approve the Olam and Birdsong settlements, and to preliminarily approve the Golden Peanut Settlement. You can get copies of case-related documents and other information about the Action at www.PeanutFarmersAntitrustLitigation.com.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE TO INQUIRE ABOUT THIS ACTION.

24. How do I get more information?

The website www.PeanutFarmersAntitrustLitigation.com has important Court documents and answers to questions about the Action.

You can also call or write to the Settlement Administrator at:

Peanut Farmers Antitrust Litigation
Settlement Administrator
1650 Arch Street, Suite 2210
Philadelphia, PA 19103
(844) 754-7469
Info@PeanutFarmersAntitrustLitigation.com

Dated: May 14, 2021

BY ORDER OF:

THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA