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Class Counsel for the Direct Purchaser Class

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

IN RE: PACKAGED SEAFOOD
PRODUCTS ANTITRUST
LITIGATION

This filing relates to the Direct Purchaser
Plaintiff Class Action Track

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

**DIRECT PURCHASER CLASS
PLAINTIFFS’
SUPPLEMENTAL BRIEF IN
FURTHER SUPPORT OF
MOTION FOR FINAL
APPROVAL OF COSI/TUG
SETTLEMENT [ECF NO. 2911]**

1 Direct Purchaser Class Plaintiffs (“DPPs”), by and through their undersigned
2 attorneys, hereby submit this supplemental brief providing additional information to
3 the Court and proposing additional notice to class members.¹

4 On October 7, 2022, the Court held a final approval hearing on the settlement
5 agreement between Defendants Tri Union Seafoods LLC d/b/a Chicken of the Sea
6 (“COSI”) and Thai Union Group PCL (“TUG”) (collectively with the DPPs, the
7 “Parties”). At the hearing, the Court inquired about the claims rate, and the Parties
8 agreed to ask the claims administrator, JND, to provide additional information about
9 the claims status for consideration by the Court. The declaration of Bronyn Heubach,
10 the Assistant Director of JND Legal Administration (the “Bronyn Decl.”) is attached
11 hereto as **Exhibit A**. As set forth in the Bronyn Decl., claims have been made on
12 approximately 34% of the eligible commerce reflected in the transactional data
13 provided by COSI/TUG, Bumble Bee, and StarKist.

14 JND and DPPs recommend that the Court authorize the issuance of
15 supplemental notice as described in Exhibit A to the Bronyn Decl., and to provide an
16 additional 45 days for eligible class members to make claims.

17 Specifically, DPPs propose that the Court order the following:

18 1) Within 14 days, JND shall issue the supplemental notice set forth in
19 Exhibit A of the Bronyn Decl. to class members that were not excluded from the class
20 and that did not make a claim during the initial claims period.

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23 ¹The provision of additional notice to certain COSI/TUG class members (and a
24 corresponding opportunity to submit claims by potential class members) should not
25 delay the entry of final approval of settlement and approval of the fee application.
26 COSI and TUG would appreciate the certainty of finalizing the settlement. Whether
27 the settlement was fair, reasonable, and adequate is distinct from whether class
28 members choose to make a claim and whether they have an additional opportunity to
do so.

1 2) During the supplemental notice period, JND shall make a reasonable
2 effort to reach eligible class members with commerce in excess of \$10 million dollars
3 by telephone to encourage them to file a claim.

4 3) Once the supplemental notice has been issued, eligible class members
5 shall have 45 days to file a claim.

6 4) Within 75 days of the issuance of the proposed order, JND shall file a
7 declaration verifying that notice issued in conformity with the Court’s order and
8 further describing the results of the additional notice campaign.

9 Finally, as noted by DPP counsel during the final approval hearing, there was a
10 typographical error in paragraph 5 of the previously submitted proposed order
11 granting final approval. The DPPs will submit a corrected proposed order granting
12 final approval of the COSI/TUG settlement contemporaneously with this brief.

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Dated: October 28, 2022

Respectfully submitted,

s/ Christopher L. Lebsock
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CERTIFICATE OF SERVICE

I certify that on October 28, 2022, I filed the foregoing document and supporting papers with the Clerk of the Court for the United States District Court, Southern District of California, by using the Court’s CM/ECF system. I also served counsel of record via this Court’s CM/ECF system.

/s/ Christopher L. Lebsock
Christopher L. Lebsock