

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. REGISTER AT THE CASE WEBSITE, WWW.TUNADIRECTPURCHASERCASE.COM, TO RECEIVE UPDATES.

You or your company have been identified as a member of a proposed settlement class. This notice is to:

- Provide information regarding a proposed Settlement with Defendants Tri-Union Seafoods LLC d/b/a Chicken of the Sea (“Chicken of the Sea”) and Thai Union Group PCL (“Thai Union”); a process and deadline for excluding yourself from the Settlement; and a process and deadline for objecting to the Settlement.
- Recommend that you register at the case website, www.TunaDirectPurchaserCase.com, to receive updates – you may not receive further notices about this case unless you register. 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
OPTION 1		
STAY IN THE SETTLEMENT CLASS, AND DO NOTHING	<ul style="list-style-type: none"> • Give up your right to separately sue or continue to sue Settling Defendants for the claims in this case • Participate in any monetary distributions to qualified Settlement Class Members • Sign up for updates at the case website (optional) 	None
STAY IN THE SETTLEMENT CLASS, BUT OBJECT TO THE SETTLEMENT	<ul style="list-style-type: none"> • Stay in the Settlement Class, but tell the Court what you do not like about the proposed Settlement—you will still be bound by the proposed Settlement unless you opt out of the Settlement Class 	Postmarked by April 28, 2022
STAY IN THE SETTLEMENT CLASS, AND ATTEND THE HEARING	<ul style="list-style-type: none"> • Ask to speak in Court about the proposed Settlement by providing Notice of Intention to Appear • If you want your own attorney to represent you, you must pay for that attorney 	Postmarked by April 28, 2022
OPTION 2		
ASK TO BE EXCLUDED FROM THE SETTLEMENT CLASS (“OPT OUT”)	<ul style="list-style-type: none"> • Remove yourself from the Settlement Class and any of the benefits and releases pursuant to the Settlement • Keep your right to sue or continue to sue Settling Defendants for the claims in this case 	Postmarked by April 28, 2022

Questions? Visit www.TunaDirectPurchaserCase.com or call toll-free at 1-866-615-0970
Please register at <https://secure.TunaDirectPurchaserCase.com/register> to receive updates.

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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 or options in the proposed Settlement.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 (MDD), 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., Trepcu Imports and Distribution Ltd., and Benjamin Foods LLC—sued on behalf of a proposed class. The companies they sued are called the Defendants and include Chicken of the Sea and Thai Union, Bumble Bee Foods LLC, StarKist Co., Dongwon Industries Co. Ltd., and Lion Capital (Americas), Inc.

A proposed Settlement has been reached with Chicken of the Sea and Thai Union only (“Settling Defendants”). The Direct Purchaser Plaintiffs will continue their lawsuit against StarKist Co., Dongwon Industries Co. Ltd., and Lion Capital (Americas), Inc. (“non-settling Defendants”). Bumble Bee Foods LLC is in bankruptcy. A trial date has not yet been scheduled.

This notice explains that:

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

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 have reached a proposed Settlement with Chicken of the Sea and Thai Union. While these Settling Defendants deny all allegations, they have agreed to settle this action to avoid the uncertainties and risks of further litigation. The Direct Purchaser Plaintiffs’ lawsuit is proceeding against non-settling Defendants.

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 pending on behalf of indirect purchasers (i.e., persons who did not purchase directly from the Defendants), including consumers and commercial food preparers.

Please register at the case website, www.TunaDirectPurchaserCase.com, to receive updates regarding the progress of the Settlement and any resolution of claims against the non-settling Defendants. The case website will be updated as circumstances change, so check back regularly for updates.

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, except for those who exclude themselves from the class.

4. Why is there a proposed Settlement 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 Settlement requires Chicken of the Sea and Thai Union to pay money to members of the Settlement Class. Direct Purchaser Plaintiffs and their attorneys believe the Settlement is in the best interests of the Settlement Class. The lawsuit is proceeding against the non-settling Defendants.

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.

While the proposed Settlement is only with Chicken of the Sea and Thai Union, the Settlement Class includes persons (including businesses and companies) who purchased Packaged Tuna from *any* of the Defendants. If you are a Settlement Class Member and do not exclude yourself, you will be eligible to participate in any monetary distributions to qualified Settlement Class Members and you will be bound by the results of the proposed Settlement.

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, available 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. If you wish to remain a Settlement Class Member, you do not need to hire your own lawyer because Class Counsel is working on your behalf.

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If you wish to pursue your own case separate from this one, or if you exclude yourself from the Settlement Class, these lawyers will no longer represent you. You may need to hire your own lawyer if you wish to pursue your own lawsuit against the Defendants.

8. How will the lawyers be paid?

You will not have to pay any attorneys' fees or costs out-of-pocket. Under the Settlement, Attorneys' fees and litigation expenses have been determined by an arbitrator in the amount of \$4,410,636.71 in past out of pocket expenses and fees of \$1,539,363.29, for a total of \$5.95 million. This amount is subject to final approval by the Court and will be paid separately from the Settlement Fund. Class Counsel's motion for approval of their fees and costs will be posted on the case website prior to the deadline for objections.

Class Counsel is compensated on a contingent fee basis and any further compensation will only occur if there are further class settlements or a class-wide judgment against any non-settling Defendants.

Your Options

9. What does the proposed Settlement provide?

If the proposed Settlement is approved, the Settling Defendants will pay a Settlement Amount calculated as 3.20% of the combined Chicken of the Sea and Thai Union sales of Packaged Tuna Products to Class Members between June 1, 2011 and July 31, 2015. When calculating the Settlement Amount, sales to individuals that opt out or exclude themselves from the Settlement Class will not be included. The Settling Defendants will also pay legal fees and costs in addition to and separate from the Settlement Amount as explained above.

10. What are the Settlement benefits being used for?

Settlement Class Members who make a claim will be entitled to receive cash, with the actual amount received depending on the number of claims and the volume of commerce represented in those claims. Using an online portal, Settlement Class Members will be able to check their claim volume, 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.

Additionally, a portion of the Settlement Amount 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. The Claims Administrator currently estimates its costs will be approximately \$100,000.00. Class Counsel intend to ask the Court to approve Service Awards in the amount of \$5,000.00 for each of the Class Representatives.

To the extent there are any undistributed funds following an initial 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 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.

11. When do I get my payment?

Class Counsel does not intend to distribute any proceeds from the Settlement to qualifying Settlement Class Members at this time. Instead, they intend to combine any distribution of the Settlement proceeds with

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proceeds from *future* settlements or other recoveries in the litigation with non-settling Defendants. In the event that Class Counsel determine that distribution should proceed at an earlier time, they will seek approval of the Court before doing so. Please register at the case website, www.TunaDirectPurchaserCase.com, for updates. The case website will be updated as circumstances change, so check back regularly.

12. What happens if I do nothing at all?

If you do nothing, you will remain a member of the Settlement Class, and you can participate in any recoveries pursuant to the proposed Settlement with the Settling Defendants, if approved by the Court. Please register at the case website, www.TunaDirectPurchaserCase.com, for updates.

13. What am I giving up by staying in the Settlement Class?

Unless you exclude yourself from the Settlement Class, you are staying in the Settlement Class. By staying in the Settlement Class, you can't sue, continue to sue, or be part of any other lawsuit against Settling Defendants that makes claims based on the same legal issues alleged or could have been alleged in this case. All Court orders will apply to you and legally bind you. The Released Claims are detailed in the Settlement Agreement, available at www.TunaDirectPurchaserCase.com.

14. What does it mean if I exclude myself from the Settlement Class?

Excluding yourself or opting out of the Settlement Class means you remove yourself from the Settlement and its benefits and releases. If you have a pending lawsuit against any of the Settling Defendants involving the same legal issues in this case, speak to your lawyer in that case immediately.

15. How do I exclude myself from the Settlement?

To exclude yourself from the Settlement your Request for Exclusion must include: (a) the name (including any formerly known names, doing business as names, etc.), address and telephone number of the person(s) seeking exclusion; and (b) a signed statement that "I/we hereby request that I/we be excluded from the **Proposed Settlement Direct Purchaser Class** in the In re Packaged Seafood Products Antitrust Litigation." You must mail your Request for Exclusion, postmarked by **April 28, 2022**, to:

Tuna Direct Purchaser Case – EXCLUSIONS
c/o JND Legal Administration
PO Box 91241
Seattle, WA 98111

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

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

To object to the Settlement, 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.

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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 **April 28, 2022**.

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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John Terzaken
SIMPSON THACHER &
BARTLETT LLP
900 G Street, NW
Washington DC 20001
202-636-5858
john.terzaken@stblaw.com

17. What is the difference between excluding myself and objecting?

Objecting is telling the Court that you do not like something about the Settlement. You can object only if you do not exclude yourself from the Settlement. If you exclude yourself from the Settlement, you have no standing to object because the Settlement no longer affects you.

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

The Court will hold a Fairness Hearing on the Settlement at 1:30 p.m. PT on **June 17, 2022** 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 Settlement 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 Chicken of the Sea and Thai Union 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 15, 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 Settlement. We do not know how long the Court will take to decide. The date of the hearing may change without further notice to the Settlement Class, so please register at the case website or check the case website for updates.

19. 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 Settlement, you do not have to come to the

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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.

20. May I speak at the hearing?

Yes. If you did not request exclusion from the Settlement, 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 **April 28, 2022**, and it must be sent to the Court, Class Counsel, and the Settling Defendants' counsel at the addresses provided in Question 16. You cannot ask to speak at the hearing if you exclude yourself from the Settlement Class.

Getting More Information

21. How do I get more information?

Please register for updates at the case website, www.TunaDirectPurchaserCase.com. For more detailed information about the case, visit the case website, call 1-866-615-0970, or speak with Class Counsel directly at:

Hausfeld LLP
600 Montgomery Street, Suite 3200
San Francisco, CA 94111
415-633-1908
PackagedTuna@Hausfeld.com

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: January 26, 2022

The Honorable Dana M. Sabraw

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