

**If you purchased Canned or Pouched Tuna directly from Bumble Bee, Chicken of the Sea, StarKist, or Thai Union Group between June 1, 2011 and July 31, 2015, you may be affected by an ongoing litigation.**

*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](http://WWW.TUNADIRECTPURCHASERCASE.COM), TO RECEIVE UPDATES.**

The United States District Court for the Southern District of California (the "Court") has certified a class in an ongoing litigation between Direct Purchaser Plaintiffs (referred to as the "DPPs") and StarKist Co. ("StarKist"), Dongwon Industries Co. Ltd. ("DWI"), Lion Capital LLP ("Lion Capital"), Big Catch Cayman LP ("Big Catch"), and Lion Capital (Americas), Inc. ("Lion (Americas)"), (collectively, "Non-Settling Defendants"). Bumble Bee Foods LLC ("Bumble Bee") declared bankruptcy. A settlement was reached with Tri-Union Seafoods LLC d/b/a Chicken of the Sea and Thai Union Group PCL (collectively, "Settling Defendants", and together with Non-Settling Defendants, "Defendants"). The claims deadline for that settlement has passed and payments will be distributed at an appropriate time in the future.

The certified DPP litigation class consists of 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 ("Litigation Class").

There has been no determination yet of whether or not Defendants engaged in the wrongdoing alleged by the DPPs, or, even assuming the DPPs' allegations are true, whether the alleged wrongdoing harmed the DPPs. The Court has indicated that it intends to set dates for the trial in the near future. If the DPPs can prove their claims at trial, then the Court will treble any damages awarded by the trier-of-fact and award attorneys' fees and costs in an amount determined by the Court. DPPs may also seek a discretionary amount of pre-judgment interest.

You or your company have been identified as a member of the Litigation Class. This notice informs you of YOUR RIGHTS AND OPTIONS—AND THE DEADLINES TO EXERCISE THEM. Class Counsel is available to discuss your options with you or your counsel if you have any questions or uncertainty about how you should proceed. **IF YOU ARE UNCERTAIN ABOUT YOUR LEGAL RIGHTS, YOU MAY WANT TO CONTACT CLASS COUNSEL BEFORE DETERMINING HOW YOU PROCEED.**

<b>YOUR LEGAL RIGHTS AND OPTIONS</b>		
<b>You May</b>	<b>Explanation</b>	<b>Deadline</b>
<b>DO NOTHING</b>	Remain a member of the Litigation Class for purposes of trial or other judgments and be bound by any outcome. Give up your right to sue, or to continue to sue, the Non-Settling Defendants on your own for your claims in the case.	<b>None</b>

<p style="text-align: center;"><b>ASK TO BE EXCLUDED FROM THE LITIGATION CLASS (“OPT OUT”)</b></p>	<p>Remove yourself from the Litigation Class. You will not be bound by the outcome of any trial or judgment. You will keep your right to sue, or to continue to sue, the Non-Settling Defendants on your own for the claims in this case. Class Counsel will no longer represent your interests in this litigation.</p> <p>You will not receive payment from the litigation with the Non-Settling Defendants.</p> <p>Each of the Non-Settling Defendants may be held jointly and severally liable for the conduct of every other Non-Settling Defendant, Bumble Bee, and Settling Defendants, if each or any of the Non-Settling Defendants is found liable for the alleged claims.</p>	<p style="text-align: center;">Postmarked by <b>June 12, 2023</b></p>
<p style="text-align: center;"><b>NOTIFY THE NOTICE ADMINISTRATOR OF CLAIMS YOU HAVE RELEASED</b></p>	<p>You may stay in the Litigation Class even if you have resolved your claims with any of the Non-Settling Defendants and released them from liability. However, you must advise the Notice Administrator of the entities with which you have released your claims, or you may be in breach of your settlement agreement. To the extent that any of the Non-Settling Defendants that you have not released from liability are found to have participated in the collusive conduct described below, those entities are jointly and severally liable for any damages proven at trial. If you stay in the Litigation Class, but believe that you have released one or more of the Non-Settling Defendants your claims, you must notify the Notice Administrator of the Non-Settling Defendants that you have released in a writing postmarked by the Exclusion deadline. If you want advice about your options, please contact the Notice Administrator or Class Counsel.</p> <p>To learn more about how to file an exclusion request, or how to notify the Notice Administrator of Non-Settling Defendants against whom you have released claims, go to <a href="http://www.TunaDirectPurchaserCase.com">www.TunaDirectPurchaserCase.com</a>.</p>	<p style="text-align: center;">Postmarked by <b>June 12, 2023</b></p>

**Questions? Visit [www.TunaDirectPurchaserCase.com](http://www.TunaDirectPurchaserCase.com) or call toll-free at 1-866-615-0970  
Please register at [www.TunaDirectPurchaserCase.com/register](http://www.TunaDirectPurchaserCase.com/register) to receive updates.**

## 1. Why did I receive this notice?

You received this notice because you or your company may have purchased Packaged Tuna (canned or pouched tuna) directly from Bumble Bee, Chicken of the Sea, StarKist, or Thai Union Group from June 1, 2011 through July 31, 2015. You have the right to know about your rights or options with the ongoing litigation with the Non-Settling Defendants.<sup>1</sup>

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.

The ongoing litigation is between the DPPs and StarKist, DWI, Lion Capital, Big Catch, and Lion (Americas). Bumble Bee declared bankruptcy. A settlement was reached between the DPPs and the Settling Defendants. The claims deadline for that settlement has since passed and payments will be distributed at an appropriate time in the future.

The Court has not yet decided whether Defendants engaged in the wrongdoing alleged by the DPPs, or, even assuming the DPPs’ allegations are true, whether the alleged wrongdoing harmed the DPPs. The Court has indicated that it intends to set dates for the trial in the near future. If the DPPs can prove their claims at trial and can demonstrate that Defendants’ conduct harmed the DPPs, then the Court will treble the damages awarded by the jury and award attorneys’ fees and costs in an amount determined by the Court. If DPPs prevail, DPPs may also seek a discretionary amount of pre-judgment interest.

This notice explains that:

- ✓ The Court has allowed or “certified” a class of packaged tuna purchasers on whose behalf a class action will be prosecuted. This class action litigation may affect you.
- ✓ You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the Litigation Class, through Class Counsel, can prove the claims they have made against the Non-Settling Defendants on your behalf.

## 2. What is this lawsuit about?

DPPs allege that Non-Settling Defendants, Bumble Bee, and Settling Defendants conspired to fix, raise, and maintain the prices that direct purchasers paid for Packaged Tuna and that, as a result, members of the Litigation Class paid more than they otherwise would have. Non-Settling Defendants, Bumble Bee, and Settling Defendants have denied all liability for the alleged 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. There has been no determination yet of whether or not Defendants engaged in the wrongdoing alleged by the DPPs, or, even assuming the DPPs’ allegations are true, whether the alleged wrongdoing harmed the DPPs. DPPs reached a settlement with Settling Defendants.

Please register at the case website, [www.TunaDirectPurchaserCase.com](http://www.TunaDirectPurchaserCase.com), to receive updates regarding the progress of the litigation. The case website will be updated as circumstances change, so check back regularly for updates.

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<sup>1</sup> 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.

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### **3. Am I part of the Litigation Class?**

You are a Litigation 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 Bumble Bee, Chicken of the Sea, StarKist, or Thai Union Group 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 Litigation Class are all governmental entities; Non-Settling Defendants, Bumble Bee, and Settling Defendants and any parent, subsidiary, or affiliate thereof; Non-Settling Defendants', Bumble Bee's, and Settling Defendants' officers, directors, employees, and immediate families; and any federal judges or their staffs.

### **4. I am still not sure if I am included.**

If you are still not sure if you are included in the Litigation Class, please review the detailed case information, available at [www.TunaDirectPurchaserCase.com](http://www.TunaDirectPurchaserCase.com). You may also call toll-free at 1-866-615-0970.

### **5. Do I have a lawyer in this case?**

Yes. The Court has appointed Hausfeld LLP as Class Counsel. Their contact information is provided below. If you wish to remain a Litigation Class Member, you do not need to hire your own lawyer because Class Counsel is working on your behalf.

If you wish to pursue your own case separate from this one, or if you exclude yourself from the Litigation 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 Non-Settling Defendants.

### **6. Should I get my own lawyer?**

If you stay in the Litigation Class, you do not need to hire your own lawyer because Class Counsel is working on your behalf. However, if you want to be represented by your own lawyer, you may hire one at your own expense and cost. Class Counsel is available to discuss your options with you or your counsel if you have any questions or uncertainty about how you should proceed.

### **7. What does it mean if I exclude myself from the Litigation Class?**

Excluding yourself or opting out of the Litigation Class means you remove yourself from the Litigation Class. You will not be bound by the outcome of any trial or judgment. You will keep your right to sue or continue to sue Defendants for the claims in this case on your own. Class Counsel will no longer represent your interests in this litigation. You will not receive payment from the litigation with the Non-Settling Defendants.

If you have a pending lawsuit against any of the Non-Settling Defendants involving the same legal issues in this case, speak to your lawyer in that case immediately.

Each of the Non-Settling Defendants may be held jointly and severally liable for the conduct of every Non-Settling Defendant, Bumble Bee, and the Settling Defendants, if each or any of the Non-Settling Defendants is found liable for the alleged claims.

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## **8. How do I exclude myself from the Litigation Class?**

To exclude yourself from the Litigation Class, 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) or company(ies) seeking exclusion; and (b) a signed statement that “I/we hereby request that I/we be excluded from the **Direct Purchaser Litigation Class** in the In re Packaged Seafood Products Antitrust Litigation.” You must specifically identify each entity that you wish to exclude from the Litigation Class in order for the exclusion to be effective. You must mail your Request for Exclusion, postmarked by **June 12, 2023**, to:

*Tuna Direct Purchaser Litigation – EXCLUSIONS*  
c/o JND Legal Administration  
PO Box 91457  
Seattle, WA 98111

## **9. What if I have resolved my claims with any Non-Settling Defendants?**

You may stay in the Litigation Class even if you have resolved your claims with any of the Non-Settling Defendants and released them from liability. However, you must advise the Notice Administrator of the entities with which you have released your claims, or you may be in breach of your settlement agreement. To the extent that any of the Non-Settling Defendants that you have not released from liability are found to have participated in the collusive conduct described above, those entities are jointly and severally liable for any damages proven at trial. If you stay in the Litigation Class, but believe that you have released one or more of the Non-Settling Defendants your claims, you must notify the Notice Administrator of the Non-Settling Defendants that you have released in a writing postmarked by the Exclusion deadline. If you want advice about your options, please contact the Notice Administrator or Class Counsel.

To learn more about how to file an exclusion request, or how to notify the Notice Administrator of Non-Settling Defendants against whom you have released claims, go to [www.TunaDirectPurchaserCase.com](http://www.TunaDirectPurchaserCase.com).

## **10. What happens if I do nothing?**

If you do nothing, you will remain a member of the Litigation Class. As a member of Litigation Class, you will be represented by the Class Counsel, and you will not be charged out-of-pocket fees or expenses for Class Counsel’s services. You will also be legally bound by all of the orders the Court issues and judgments the Court makes in this class action. You will give up your right to sue or continue to sue the Defendants on your own for your claims in this case.

## **11. When and where is the trial, and do I have to attend?**

The Court has indicated that it intends to set dates for trial in the near future. Go to the case website, [www.TunaDirectPurchaserCase.com](http://www.TunaDirectPurchaserCase.com), for updates regarding a trial date. You do not have to attend the trial if you remain in the Litigation Class and do not exclude yourself. Class Counsel will present the case for the Litigation Class. If the DPPs prove their claims at trial and demonstrate that the alleged wrongdoing harmed the DPPs, the Court will treble the damages awarded by the trier-of-fact and award attorneys’ fees and costs in an amount determined by the Court. If DPPs prevail, they may also seek a discretionary amount of pre-judgment interest.

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## **12. How do I get more information?**

Please register for updates at the case website, [www.TunaDirectPurchaserCase.com](http://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](mailto: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](mailto:PackagedTuna@Hausfeld.com)**

Dated: March 13, 2023

The Honorable Dana M. Sabraw

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