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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
PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
FINAL APPROVAL OF
SETTLEMENT WITH CHICKEN
OF THE SEA AND THAI UNION
GROUP**

DATE: October 7, 2022
TIME: 1:30 p.m.
JUDGE: Hon. Dana M. Sabraw
CTRM: 13A

TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on October 7, 2022, at 1:30 p.m., pursuant to Federal Rule of Civil Procedure 23, Plaintiffs 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., Trepcos Imports and Distribution Ltd., and Benjamin Foods LLC (collectively, the “Direct Purchaser Plaintiffs” or “DPPs”) will move the Court for an order granting final approval of the class action settlement between DPPs and Defendants Tri Union Seafoods LLC d/b/a Chicken of the Sea (“COSI”) and Thai Union Group PCL (“TUG”) (collectively with the DPPs, the “Parties”), which is memorialized in the Settlement Agreement Between Direct Purchaser Plaintiffs and Tri-Union Seafoods LLC d/b/a Chicken of the Sea and Thai Union Group, PCL (“Settlement Agreement”), and for related relief. Specifically, DPPs request that the Court:

1. Grant final approval of the Settlement under Rule 23(e) of the Federal Rules of Civil Procedure;
2. Grant final certification of the following Settlement Class consistent with the Preliminary Approval Order (at 19):

All persons and entities that 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. Excluded from the class are all governmental entities, Defendants, any parent, subsidiary or affiliate thereof, and Defendants’ officers, directors, employees, and immediate families, as well as any federal judges or their staffs.

3. Direct entry of final judgment under Rule 54(b) of the Federal Rules of Civil Procedure dismissing the Action with prejudice as to the Direct Purchaser

1 Class’s claims against COSI and TUG in accordance with the Settlement because
2 “there is no just reason for delay.” Fed. R. Civ. P. 54(b);

3 4. Order COSI and TUG to deposit an additional amount of \$12,926, 961.86 into
4 the Escrow Account established pursuant to the Settlement Agreement;

5 5. Award each Class Representative \$5,000 in Service Awards; and

6 6. Award from COSI/TUG to Class Counsel \$1,539,363.29 in attorney’s fees, and
7 \$4,410,636.71 in litigation expenses.

8 This Motion is based on the accompanying Memorandum of Points and
9 Authorities, the supporting declarations, the record and any further briefing in this
10 matter, and the arguments at the hearing of this Motion, if any.

11
12 Dated: September 6, 2022

Respectfully submitted,

13 By: s/ Christopher L. Lebsock

14 Michael P. Lehmann

15 Christopher L. Lebsock

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*Class Counsel for the Direct Purchaser
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CERTIFICATE OF SERVICE

I certify that on September 6, 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