IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 22-cv-02946-PAB-STV

RON BROWN, *et al.*,

Plaintiffs,

v.

JBS USA FOOD COMPANY, *et al.*,

Defendants.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on non-party United States of America's Statement of Interest Expressing Objection to the Proposed Settlements Awaiting Final Approval [Docket No. 509]. Plaintiffs filed a response. Docket No. 514.

The United States argues that the proposed settlements are inadequate because they include no injunctive relief against future misconduct. *See* Docket No. 509 at 1-2, 11. It asks to participate in the November 13, 2026 final fairness hearing, where it would "propose and discuss with the Court injunctive provisions that could effectively address the types of anticompetitive conduct in question." Docket No. 509 at 2-3. Plaintiffs respond that injunctive relief against the processor defendants is unnecessary because the challenged conduct ended in 2019, and that the United States lacks standing to object. *See* Docket No. 514 at 5-6, 12-15.

The Class Action Fairness Act requires settling defendants to notify the Attorney General of a proposed settlement within 10 days of filing it, and bars final approval until 90 days after that notice. 28 U.S.C. § 1715(b), (d). But CAFA does not "expand the authority of" federal officials. *Id.* § 1715(f). Only class members may object to a proposed class settlement. *Heller v. Quovadx, Inc.*, 245 F. App'x 839, 842 (10th Cir. 2007) (unpublished) ("non-class members have no standing to object" citation omitted)); *see also Shields L. Grp., LLC v. Stueve Siegel Hanson LLP*, 95 F.4th 1251, 1289 (10th Cir. 2024) ("non-settling parties have no standing to challenge a settlement" (quoting *New Mexico ex rel. State Eng'r v. Carson*, 908 F.3d 659, 665 (10th Cir. 2018))); *accord* 4 William B. Rubenstein, *Newberg and Rubenstein on Class Actions* § 13:24 (6th ed. Updated 2026). That rule applies to objections in the district court as well as to challenges on appeal. *See Sweet v. Cardona*, 121 F.4th 32, 41 (9th Cir. 2024). A non-

party may object if the settlement causes it "plain legal prejudice," but a settlement that "does not prevent the later assertion of a non-settling party's claims" causes no such prejudice, even if "it may force a second lawsuit." *In re Integra Realty Res., Inc.*, 262 F.3d 1089, 1102-03 (10th Cir. 2001) (citation omitted); *see also* Docket No. 514 at 10 ("If the DOJ believes injunctive relief is necessary to the federal government's interests in enforcing the Sherman Act, it can pursue such relief independently of this action.").

The Court will therefore deny the United States' request to participate in the fairness hearing. The Court will, however, consider the concerns raised in the United States' statement in deciding whether the settlements are fair, reasonable, and adequate under Rule 23(e)(2).

Therefore, it is

ORDERED that the relief requested in non-party United States of America's Statement of Interest Expressing Objection to the Proposed Settlements Awaiting Final Approval [Docket No. 509] is **DENIED**.

DATED November 5, 2026.