

**UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO**

Civil Action No. 1:22-cv-02946

RON BROWN, MINKA GARMON, and JESSIE CROFT, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

JBS USA FOOD COMPANY; TYSON FOODS, INC.; CARGILL, INC., CARGILL MEAT SOLUTIONS CORP.; HORMEL FOODS CORP.; AMERICAN FOODS GROUP, LLC; TRIUMPH FOODS, LLC; SEABOARD FOODS, LLC; NATIONAL BEEF PACKING CO., LLC; IOWA PREMIUM LLC; SMITHFIELD FOODS INC.; SMITHFIELD PACKAGED MEATS CORP.; AGRI BEEF CO.; WASHINGTON BEEF, LLC; PERDUE FARMS, INC.; AGRI STATS, INC.; and WEBBER, MENG, SAHL AND COMPANY, INC. d/b/a WMS & COMPANY, INC.,

Defendants.

ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR
APPOINTMENT OF INTERIM CO-LEAD CLASS COUNSEL

Now before the Court is Plaintiffs' Unopposed Motion for Appointment of Interim Co-Lead Class Counsel.

The Court hereby ORDERS:

1. Plaintiffs' motion to appoint Interim Co-Lead Class Counsel is GRANTED.
2. The Court appoints the following firms to serve as Interim Co-Lead Class Counsel

for the proposed Class:

- Handley Farah & Anderson PLLC
- Cohen Milstein Sellers & Toll PLLC
- Hagens Berman Sobol Shapiro LLP

3. In making this decision, the Court has reviewed the motion and its accompanying submissions, including declarations and attachments submitted on behalf of Handley Farah & Anderson PLLC, Cohen Milstein Sellers & Toll PLLC, and Hagens Berman Sobol Shapiro LLP, and has considered the factors outlined in Rule 23(g) of the Federal Rules of Civil Procedure. Plaintiffs' submissions demonstrate that the three firms have satisfied the requirements of Rule 23(g) for appointment as interim class counsel. This includes the work counsel has done in identifying or investigating potential claims in the action; counsel's experience in handling class actions, antitrust litigation, and the types of claims asserted in the action; counsel's knowledge of the applicable law; and the resources that counsel has available and will commit to representing the class.

4. Interim Co-Lead Class Counsel shall be solely responsible for coordinating and organizing the litigation on behalf of the proposed class and, in particular, shall have the following responsibilities:

- a) To brief and argue motions and file opposing briefs in proceedings initiated by other

parties;

- b) To initiate and conduct discovery proceedings;
- c) To act as spokespersons at pretrial conferences;
- d) To negotiate with defense counsel with respect to settlement and other matters;
- e) To appoint, if they deem necessary or desirable, a Plaintiffs' Executive Committee to perform tasks at the direction of Interim Co-Lead Class Counsel;
- f) To call meetings of plaintiffs' counsel when deemed appropriate;
- g) To make all work assignments to plaintiffs' counsel in such a manner as to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive efforts;
- h) To establish a time and expense reporting protocol for all plaintiffs' counsel;
- i) To conduct trial and post-trial proceedings;
- j) To consult with and employ experts;
- k) To allocate any Court-awarded fees and reimbursement of disbursements amongst plaintiffs' counsel after settlement or judgment;
- l) To perform such other duties and undertake such other responsibilities as they deem necessary or desirable for the litigation of Plaintiffs' claims; and
- m) To coordinate and communicate with defense counsel with respect to matters addressed in this paragraph.

5. No motion, request for discovery, or other pre-trial proceedings shall be initiated or filed by any plaintiff in this litigation except through Interim Co-Lead Class Counsel. All plaintiffs' counsel in this litigation, including those in any subsequently consolidated or coordinated cases, shall keep contemporaneous time records. In such manner as Interim Co-Lead Class Counsel shall require, all plaintiffs' counsel shall periodically submit summaries or other records of time and expenses to Interim Co-Lead Class Counsel. Failure to provide such documents and data on a timely basis may result in the Court's failure to consider non-compliant counsel's application for fees and expenses should this litigation be resolved successfully for Plaintiffs.

6. The appointments made in this Order shall continue until further order of the Court

IT IS SO ORDERED.

DATED: January 9, 2023

s/Scott T. Varholak
HON. SCOTT T. VARHOLAK
UNITED STATES MAGISTRATE JUDGE