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 15 *and Interim Lead Counsel for the Proposed Direct Purchaser Class*
 16 [Additional Counsel Listed on Signature Page]

17 **UNITED STATES DISTRICT COURT**
 18 **SOUTHERN DISTRICT OF CALIFORNIA**

19 IN RE: PACKAGED SEAFOOD
 20 PRODUCTS ANTITRUST
 21 LITIGATION

22 Case No. 15-MD-2670 JLS (MDD)
 23 MDL No. 2670

24 **DIRECT PURCHASER CLASS**
 25 **PLAINTIFFS' NOTICE OF MOTION**
 26 **AND MOTION FOR CLASS**
 27 **CERTIFICATION**

28 This document relates to:
 DIRECT PURCHASER CLASS
 PLAINTIFFS TRACK

DATE: Dec. 20, 2018
 TIME: 9:00 a.m.
 JUDGE: Janis L. Sammartino
 CTRM: 4D

1 PLEASE TAKE NOTICE THAT pursuant to Federal Rules of Civil Procedure
2 23(a), (b)(3), and (g), as well as Civil Local Rules 7.1, the Direct Purchaser Class
3 Plaintiffs will and hereby do move the Court to certify a class of similarly situated direct
4 purchasers to collectively seek relief from the conspiracy by the three largest domestic
5 producers of packaged tuna products—Bumble Bee Foods LLC, Tri-Union Seafoods LLC
6 d/b/a Chicken of the Sea, and StarKist Company, and their parent companies¹
7 (collectively, “Defendants”)—to fix, raise, maintain, and stabilize prices for packaged
8 tuna products in the United States, in violation of Sections 1 and 3 of the Sherman
9 Antitrust Act (15 U.S.C. §§ 1, 3). Specifically, they seek certification of a proposed class
10 that includes:

11 All persons and entities that directly purchased packaged tuna products within
12 the United States, its territories and the District of Columbia from any
13 Defendant at any time between June 1, 2011 and July 1, 2015. Excluded from
14 the class are all governmental entities; Defendants and any parent, subsidiary
15 or affiliate thereof; Defendants’ officers, directors, employees, and immediate
16 families; any federal judges or their staffs; purchases of tuna salad kits or cups;
and salvage purchases.

17 The Motion is based upon this Notice and Motion, the accompanying Memorandum
18 of Points and Authorities (“MP&A”) in support of this Motion, the supporting
19 declarations of Samantha J. Stein and Russell Mangum, Ph.D. and related exhibits, any
20 Reply filed in support of this Motion, and upon other such evidence and oral argument as
21 may be received by the Court. As outlined in the contemporaneously filed MP&A,
22 Plaintiffs satisfy all of the elements of Rule 23(a) and 23(b)(3), and thus class certification
23 is appropriate. *See Sali v. Corona Reg’l Med. Ctr.*, 889 F.3d 623, (9th Cir. 2018) (9th Cir.
24 May 3, 2018).

25 //

26 _____
27 ¹ Dongwon Industries Co. Ltd. owns StarKist. Thai Union Group Co. Ltd. owns Chicken
28 of the Sea. Lion Capital LLP, Lion Capital (Americas) Inc., and Lion/Big Catch Cayman
LP own Bumble Bee.

1 Accordingly, Plaintiffs respectfully request that the Court grant their Motion for
2 Class Certification, appoint Hausfeld LLP as Class Counsel, appoint the named Direct
3 Purchaser Plaintiffs as Class Representatives, and direct the parties to establish a notice
4 procedure for members of the Class.

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7 Dated: May 29, 2018

Respectfully submitted,

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9 By: /s/ *Bonny E. Sweeney*

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CERTIFICATE OF SERVICE

I certify that on May 29, 2018, 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, and also served counsel of record via this Court's CM/ECF system.

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