

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

CARGILL MEAT SOLUTIONS  
CORPORATION, *et al.*,

*Defendants.*

Civil Action No.: 1:22-cv-1821

**PLAINTIFF UNITED STATES' MEMORANDUM IN SUPPORT OF  
MOTION FOR ENTRY OF FINAL JUDGMENT**

The United States respectfully moves this Court to enter the proposed Final Judgment between the United States and Defendants George's, Inc. and George's Foods, LLC (collectively, "Settling Defendants") (ECF 45-2) (attached as Exhibit 1).

The proposed Final Judgment may be entered at this time without further proceedings if the Court determines that entry is in the public interest. 15 U.S.C. § 16(e). The Competitive Impact Statement ("CIS") filed in this matter on May 17, 2023 (ECF 45-3), explains why entry of the proposed Final Judgment is in the public interest.

The United States is also filing a Certificate of Compliance (attached as Exhibit 2) showing that the parties have complied with all applicable provisions of the APPA and certifying that the 60-day statutory public comment period has expired.

**I. BACKGROUND**

On May 17, 2023, the United States filed a civil antitrust Complaint against Settling Defendants seeking to enjoin them from collaborating on decisions about poultry plant worker

compensation, including through the exchange of compensation information, which suppressed competition in the nationwide and local labor markets for poultry processing plant workers in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

Contemporaneously, the United States filed the proposed Final Judgment as to the Settling Defendants, as well as a Stipulation and Order signed by these parties and a Competitive Impact Statement describing the proposed Final Judgment. (ECF 45-1 and 45-3.) The Stipulation and Order, which was agreed to by the parties and which was entered by the Court on May 17, 2023 (ECF 46), provides that the Court may enter the proposed Final Judgment once the requirements of the APPA have been met.

The proposed Final Judgment prevents the Settling Defendants from conspiring to (1) assist their competitors in making compensation decisions, (2) exchange current and future, disaggregated, and identifiable compensation information, and (3) facilitate this anticompetitive agreement. Entry of the proposed Final Judgment will terminate this action as to the Settling Defendants, except that the Court will retain jurisdiction to construe, modify, or enforce the provisions of the Final Judgment and to punish violations thereof.

## **II. COMPLIANCE WITH THE APPA**

The Certificate of Compliance filed with this Motion and Memorandum states that all the requirements of the APPA have been satisfied. In particular, the APPA requires a 60-day period for the submission of written comments relating to the proposed Final Judgment. 15 U.S.C. § 16(b). In compliance with the APPA, the United States filed the proposed Final Judgment and the CIS with the Court on May 17, 2023; published the proposed Final Judgment and CIS in the *Federal Register* on May 25, 2023 (*see* 88 Fed. Reg. 34030 (2023)); and caused a summary of the terms of

the proposed Final Judgment and the CIS, along with directions for the submission of written comments, to be published in *The Washington Post* for seven days from May 22, 2023.

The United States did not receive any comments from the public during the public comment period, which has now ended.

### **III. STANDARD OF JUDICIAL REVIEW**

Before entering the proposed Final Judgment, the APPA requires the Court to determine whether the proposed Final Judgment is “in the public interest.” 15 U.S.C. § 16(e)(1). In making that determination, the Court, in accordance with the statute as amended in 2004, “shall consider”:

- (A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and
- (B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. § 16(e)(1)(A), (B). Section 16(e)(2) of the APPA states that “[n]othing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.” 15 U.S.C. § 16(e)(2). In its CIS, the United States explained the meaning and the proper application of the public interest standard under the APPA to this case and now incorporates those statements by reference.

### **IV. ENTRY OF THE PROPOSED FINAL JUDGMENT IS IN THE PUBLIC INTEREST**

The United States alleged in its Complaint that the Settling Defendants and their co-conspirators collaborated on decisions about poultry plant worker compensation, exchanged

compensation information, and facilitated such conduct through data consultants, conduct that was anticompetitive and violated Section 1 of the Sherman Act, 15 U.S.C. § 1, because it suppressed competition in the nationwide and local labor markets for poultry processing plant workers. This conspiracy distorted the competitive process, disrupted the competitive mechanism for setting wages and benefits, and harmed a generation of poultry processing plant workers by unfairly suppressing their compensation. As explained in the CIS, the proposed Final Judgment is designed to eliminate the likely anticompetitive effects of this conduct by requiring the Settling Defendants to end this conduct. The public, including affected competitors and workers, has had the opportunity to comment on the proposed Final Judgment. The Division did not receive any such public comments. As explained in the CIS, entry of the proposed Final Judgment is in the public interest.

**V. CONCLUSION**

For the reasons set forth in this Motion and Memorandum and in the CIS, the United States respectfully requests that the Court find that the proposed Final Judgment is in the public interest and enter the proposed Final Judgment.

Dated: August 15, 2023

Respectfully submitted,

FOR PLAINTIFF  
UNITED STATES OF AMERICA

/s/ Kathleen Simpson Kiernan  
Kathleen Simpson Kiernan  
U.S. Department of Justice  
Antitrust Division, Civil Conduct Task Force  
450 Fifth Street NW, Suite 8600  
Washington, DC 20530  
Tel: 202-353-3100  
Fax: 202-616-2441  
Email: [Kathleen.Kiernan@usdoj.gov](mailto:Kathleen.Kiernan@usdoj.gov)

**CERTIFICATE OF SERVICE**

I, Kathleen Simpson Kiernan, hereby certify that on August 15, 2023, I caused true and correct copies of the Memorandum in Support of Motion for Entry of Final Judgment to be served via the Court's CM/ECF system.

Dated: August 15, 2023

Respectfully submitted,

FOR PLAINTIFF  
UNITED STATES OF AMERICA

/s/ Kathleen Simpson Kiernan  
Kathleen Simpson Kiernan  
U.S. Department of Justice  
Antitrust Division  
Civil Conduct Task Force  
450 Fifth Street NW, Suite 8600  
Washington, DC 20530  
Tel: 202-353-3100  
Fax: 202-616-2441  
Email: [Kathleen.Kiernan@usdoj.gov](mailto:Kathleen.Kiernan@usdoj.gov)