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Via E-mail

Re: Frozen Potato Product Antitrust Litigation Investigation Retainer Letter

Dear Direct Purchaser:

As you know, my firm has investigated possible violations of federal antitrust law by the major U.S. producers of Frozen Potato Products (*e.g.*, frozen French fries, hashbrowns, wedges, tater tots, frozen mashed, frozen skins, etc.), Lamb Weston, McCain Foods, J.R. Simplot, and Cavendish Farms, , as pertains to a potential action on behalf of a putative class of all persons and entities that purchased Frozen Potato Products directly from the Producing Defendants (as defined herein) in the United States during the period January 1, 2018, to the Present (the “Class Period”). I will forward a draft complaint bringing an action for violation of Section 1 of the Sherman Act under Section 4 of the Clayton Act. Together these Producing Defendants constitute approximately 98% of the market so almost all frozen potato products sold in the US originate from one of these companies.

Our research indicates that starting in 2018, the Producing Defendants all were announcing plans to expand their capacity. At that time, Lamb Weston’s CEO warned the industry during a stock earnings call of the effects of “unsustainably high levels of utilization” and suggesting Lamb Weston (and presumably the industry) needed to “maintain discipline in our business and maintain our pricing, maintain our discipline.” Despite the capacity expansion and COVID 19, the prices of Frozen Potato Products remained constant.

Moreover, all four Producing Defendants began to increase prices dramatically starting in 2022 with price increases increasing in frequency and in lockstep. At the same time, the input costs had gone down substantially leading to record margins.

We understand that you purchased Frozen Potato Products directly from at least one of the Producer Defendants during the proposed Class Period. Therefore, you likely have standing to bring a claim. Based on our investigation, we believe the matter has substantial merit.

Countersigning this letter will confirm that you have retained Grabar, LLC, d/b/a Grabar Law Office (the “Law Firm”), as your counsel to investigate, and if appropriate, bring an action alleging violations of federal law as previously described. The action will be brought as a class action on behalf of all persons and entities that we determine have been adversely affected by the violations alleged in the complaint. The Law Firm has agreed to bring this action on a contingency basis. **You will not be responsible for paying any of the Law Firm’s fees in connection with**

this litigation. Our attorneys' fees and reimbursement of our expenses will be paid as the Court may permit and approve out of any proceeds, by judgment or out-of-court settlement that may be obtained for the benefit of the plaintiffs and class members. The Law Firm will be working in coordination with, and may affiliate as co-counsel with, other law firms in litigating this matter. The Law Firm together with all other such attorneys will advance the costs of the case. **You will not be responsible for paying any of the attorneys' expenses in connection with this litigation.** The Law Firm together with all other such attorneys will also indemnify you for any direct costs associated with participation in the lawsuit, should there be any.

I am forwarding the present draft complaint for you to review, and I will send a final complaint for you to review and accept prior to filing on your behalf.

By countersigning this letter, you further confirm that I have advised you that you should not destroy or alter, and that you should retain and preserve, any and all papers or electronic files which relate in any way to your interactions and transactions with the Defendants in this action, and to the claims asserted in this action generally. This preservation confirmation includes not only preservation of hard copy paper but also of data generated by and/or stored on your electronic storage media (*e.g.*, hard drives, floppy disks, back-up tapes or other electronic media, if any).

Please countersign this letter and return it to me via DocuSign, e-mail at jgrabar@grabarlaw.com, or fax to 267-507-6048 to indicate your agreement and authorization to proceed with filing this case on your behalf. If you have any questions, please do not hesitate to call me at my office or my cellular phone. I will, of course, be pleased to answer any questions you may have.

I appreciate this opportunity to represent you in this matter and hope that it can be concluded to your satisfaction.

Agreed and Acknowledged:

Date _____

On behalf of

Date _____

Joshua H. Grabar, Esq.
Grabar Law Office