

EXHIBIT 3

**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

**CERTIFICATE OF COMPLIANCE WITH PROVISIONS
OF THE ANTITRUST PROCEDURES AND PENALTIES ACT**

The United States of America hereby certifies that it has complied with the Antitrust Procedures and Penalties Act (“APPA”), 15 U.S.C. § 16 and states:

1. On July 25, 2022, the United States filed the Complaint, Stipulations and Orders, and proposed Final Judgments between the United States and Defendants Cargill Meat Solutions Corporation and Cargill, Inc. (together, “Cargill”), Wayne Farms, LLC (“Wayne”), and Sanderson Farms, Inc. (“Sanderson”), and between the United States and Defendants Webber, Meng, Sahl and Co., Inc., d/b/a WMS & Company, Inc. (“WMS”) and WMS President G. Jonathan Meng (“Meng”) (collectively, the “proposed Final Judgments”) (ECF 2-2 and 3-2). The United States filed the Competitive Impact Statement with respect to these proposed Final Judgments on September 12, 2022 (ECF 37).

2. Pursuant to 15 U.S.C. § 16(b), the proposed Final Judgments and the Competitive Impact Statement were published in the *Federal Register* on September 16, 2022 (87 Fed. Reg. 57028 (2022)), and copies of the proposed Final Judgments and Competitive Impact Statement

were furnished to all persons requesting them and made available on the Department of Justice Antitrust Division's website.

3. Pursuant to 15 U.S.C. § 16(c), a summary of the terms of the proposed Final Judgments and Competitive Impact Statement were published in *The Washington Post*, a newspaper of general circulation in the District of Columbia, for seven days, beginning on September 15, 2022 and ending on September 21, 2022.

4. No determinative materials or documents within the meaning of 15 U.S.C. § 16(b) were considered by the United States in formulating the proposed Final Judgments, so none were furnished to any person pursuant to 15 U.S.C. § 16(b) or listed pursuant to 15 U.S.C. § 16(c).

5. As required by 15 U.S.C. § 16(g), Defendants filed with the Court descriptions of any written or oral communications made by or on behalf of Defendants with any officer or employee of the United States concerning the proposed Final Judgments.

6. The 60-day comment period specified in 15 U.S.C. § 16(b) has ended.

7. The United States received and responded to five comments from members of the public concerning the proposed Final Judgments. The comments and the United States' response were filed with the Court on May 23, 2023 (ECF 54). Pursuant to 15 U.S.C. § 16(d), and with the Court's authorization (see the Court's Order of Jan. 30, 2023 (ECF 43)), the United States posted on the Antitrust Division's website all comments and the United States' response. The response and the location at which the comments can be found were published in the *Federal Register* on May 30, 2023, *see* 88 Fed. Reg. 34518 (2023).

8. The parties have, therefore, satisfied all of the requirements of the APPA that were conditions for entering the proposed Final Judgments. Pursuant to the Stipulations and Orders filed

on July 25, 2022 and 15 U.S.C. § 16(e), the Court may enter the Final Judgments after it determines that the proposed Final Judgments serve the public interest.

9. The United States's Competitive Impact Statement and Response to Public Comments demonstrate that the proposed Final Judgments satisfy the public interest standard of 15 U.S.C. § 16(e).

10. Pursuant to the Stipulations and Orders, Defendants Cargill, Wayne, and Sanderson and WMS and Meng stipulated that the Final Judgments could be filed with and entered by the Court, upon the motion of the United States or upon the Court's own motion, at any time after compliance with the requirements of the APPA, and without further notice to any party or other proceeding.

10. The United States requests that this Court enter the Final Judgments without further proceedings or hearings.

Dated: June 2, 2023

Respectfully submitted,

FOR PLAINTIFF
UNITED STATES OF AMERICA

/s/ Kathleen Simpson Kiernan
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