

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RICHARD DENNIS and PORT 22, LLC, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

THE ANDERSONS, INC., and CARGILL,
INC., and JOHN/JANE DOES NOS. 1-50
Defendants.

Case No.: 1:20-cv-4090

Honorable Robert W. Gettleman
Magistrate Judge Keri L. Holleb Hotaling

[Proposed] Notice Plan

Plaintiffs Richard Dennis and Port 22, LLC (“Plaintiffs”), by and through their undersigned attorneys, respectfully submit this proposed Notice Plan in response to the Court’s May 7 and June 10, 2025 Orders, *see* ECF Nos. 237 and 246, and incorporating the Court’s directions from the September 11, 2025 hearing. *See* ECF No. 264.

I. Background

On May 7, 2025, the Court certified the following class:

All persons or entities who purchased—(a) a long position in Chicago Board of Trade (“CBOT”) soft red winter (“SRW”) wheat December 2017 or March 2018 futures contracts; (b) a long position in CBOT call options on CBOT soft red winter wheat March 2018 futures contracts; or (c) a short position in CBOT put options on CBOT soft red winter wheat March 2018 futures contracts—and subsequently liquidated the position through an offsetting market transaction at any point during the period of November 30 through December 14, 2017, inclusive (the “Class Period”), except that sales of CBOT March 2018 futures contracts made after December 14, 2017 qualify for inclusion in the Class only to the extent they were made in liquidation of a long position in the CBOT March 2018 contract which was initiated prior to December 14, 2017. Excluded from the Class are Defendants and any parent, subsidiary, affiliate, or agent of any Defendant.

ECF 237. Following the class certification order, the Court ordered the Parties to submit draft notice documents. *See* ECF Nos. 237 and 246.

II. Legal Standard

For classes certified under Fed. R. Civ. P. 23(b)(3),

the court must direct to class members the best notice that is practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort. The notice may be by one or more of the following: United States mail, electronic means, or other appropriate means.

Fed. R. Civ. P. 23(c)(2)(B). In the Seventh Circuit, notice may be effectively given to class members by publication when class members cannot be identified through reasonable effort. *See, e.g., Mullins v. Direct Digital, LLC*, 795 F.3d 654, 665 (7th Cir. 2015) (“courts may use alternative means such as notice through third parties, paid advertising, and/or posting in places frequented by class members, all without offending due process.”); *Hughes v. Kore of Indiana Enterprise, Inc.*, 731 F.3d 672, 676–77 (7th Cir. 2013) (holding that when reasonable efforts would not suffice to identify class members, notice by publication may be substituted); *Mirfasihi v. Fleet Mortg. Corp.*, 356 F.3d 781, 786 (7th Cir. 2004) (holding that publication notice in a newspaper of national circulation and the creation and maintenance of a website on the internet satisfied Rule 23(c)(2) when mail notice to all class members was not practicable).

Rule 23 further provides that the “notice must clearly and concisely state in plain, easily understood language:

- (i) the nature of the action;
- (ii) the definition of the class certified;
- (iii) the class claims, issues, or defenses;
- (iv) that a class member may enter an appearance through an attorney if the member so desires;
- (v) that the court will exclude from the class any member who requests exclusion;
- (vi) the time and manner for requesting exclusion; and

(vii) the binding effect of a class judgment on members under Rule 23(c)(3).”

Fed. R. Civ. P. 23(c)(2)(B).

III. The Notice Plan

A. Mail Notice

First, Plaintiffs, through A.B. Data, Ltd. (the “Notice Administrator”) will mail the attached Postcard Notice (Exhibit C) to the addresses, excluding duplicates and those belonging to TAI and Cargill, previously identified by a subpoena to the CME Group, Inc. of “large traders” of CBOT SRW futures and options during the Class Period. *See* ECF No. 149, Declaration of Raymond P. Girnys in Support of Plaintiffs’ Motion for Class Certification and Motion to Exclude the Testimony of Professor Justin McCrary, Exhibit 38. Large traders are market participants who hold commodity futures contract positions that equal or exceed the mandated reporting levels set by the Commodity Futures Trading Commission (“CFTC”) or the exchange. In 2017, the threshold level of reporting for the CBOT SRW futures and options contracts was 150 contracts. *See* 17 CFR §15.03.

Second, Plaintiffs will mail the Long Form Notice (Exhibit A) to each clearing firm member who cleared SRW Wheat contracts during the class period previously identified by a subpoena to the CME Group, Inc. *See* Sealed Exhibit E. A clearing firm member is an entity through which futures contracts are cleared and settled. Every market participant who transacted in CBOT SRW futures or options contracts is required to clear their trades through a CBOT clearing member. The Long Form Notice requests clearing firm members to mail or e-mail the Notice to their customers who transacted in December 2017 or March 2018 CBOT SRW futures or options contracts during the Class Period, or provide the names and addresses of their customers to the Notice Administrator, who will mail Postcard Notice.

Third, Plaintiffs will mail the Long Form Notice to each of the futures commission merchants (“FCMs”) registered with the CFTC as of December 31, 2017.¹ A futures commission merchant is an entity that solicits or accepts orders for the purchase or sale of commodity futures contracts. The Notices request that FCMs mail or e-mail the Notice to their customers who transacted in December 2017 or March 2018 CBOT SRW futures or options contracts during the Class Period, or provide the names and addresses of their customers to the Notice Administrator who will mail the Notices.

Fourth, Plaintiffs will mail Postcard Notice to each of the “regular for delivery” grain elevators certified by the CBOT during the Class Period. A regular for delivery elevator is an entity authorized by the CBOT to issue shipping certificates, which is the mechanism used to make a physical delivery in satisfaction of a CBOT SRW futures contract. *See* CBOT Rule 7, Facilities Related to CBOT Products Table.

B. Notice Website

Plaintiffs propose to establish and maintain a website specific to the case that is searchable on the internet. The Notice Administrator will maintain the website and post the Long Form Notice and Class Counsel’s contact information, as well as key case documents including the operative complaint, the class certification briefing and order, the Rule 23(f) briefing and order, and the order approving notice and opt-out procedures. The website address will be displayed prominently on all Notice documents. The Notice Administrator’s resume is attached as Exhibit F.

¹ *See* Financial Data for FCMs, CFTC (Nov. 30, 2017), <https://www.cftc.gov/MarketReports/financialfcmdata/index.htm>.

C. Publication Notice

Finally, publication notice will appear in *Stocks & Commodities Magazine*, including a full-page ad in print, a 30-day banner campaign, an email blast to 150,000 subscribers, and a one-week e-newsletter banner.

IV. Exclusion Procedure and Deadline

The proposed Notices each clearly explain the procedure and deadline for Class members to request exclusion from the Class (*i.e.*, “opt out”). The Notices provide that any Class member who wishes to opt out of the Class must mail a signed, written statement indicating that they are a member of the Class and that they request to be excluded from the Class. *See* Exhibits A-D. Plaintiffs propose that Class members be allowed 120 days from the date the Mail Notice is sent to consider whether they wish to remain in the Class or opt out. A proposed sample opt out form is attached as Exhibit D. The sample opt out form requests Class members who wish to opt out of the Class provide account identifying information, such as the FCM and account number(s) with that FCM.

V. Conclusion

Plaintiffs respectfully request that the Court approve the proposed Notice Plan and the form and substance of the Postcard, Long Form, and Short Form Publication Notice attached as Exhibits A-C hereto. Plaintiffs propose to begin issuing notice no later than fourteen (14) days after the Court’s approval of the Notice Plan and notice forms.

Dated: September 12, 2025

LOWEY DANNENBERG, P.C.

/s/ Raymond P. Girnys

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Co-Lead Counsel

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2025, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to all CM/ECF parties of interest.

/s/ James A. Isacks

James A. Isacks

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
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RICHARD DENNIS and PORT 22, LLC, on
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Plaintiffs,

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THE ANDERSONS, INC., CARGILL, INC.,
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Defendants.

Case No.: 1:20-cv-04090

Honorable Robert W. Gettleman
Honorable Keri L. Holleb Hotaling

NOTICE OF PENDENCY OF CLASS ACTION

TO: All persons and entities who purchased a Chicago Board of Trade (“CBOT”) soft red winter (“SRW”) wheat December 2017 or March 2018 futures contract after November 29, 2017, or a CBOT call option on CBOT soft red winter wheat March 2018 futures contracts, or a CBOT put option on CBOT soft red winter wheat March 2018 futures contracts after November 29, 2017. The precise definition of the certified class appears below.

PLEASE READ THIS ENTIRE NOTICE CAREFULLY. A UNITED STATES FEDERAL COURT AUTHORIZED THIS NOTICE. YOUR RIGHTS MAY BE AFFECTED BY THE PROCEEDINGS IN THIS CLASS ACTION LAWSUIT.

YOU ARE *NOT* BEING SUED.

You could be affected by a class action lawsuit concerning claims against The Andersons, Inc. (“TAI”) and Cargill, Incorporated (“Cargill,” and together with TAI, “Defendants”) alleging manipulation of the CBOT SRW December 2017 futures contract (“CBOT December 2017 Contract”) and the CBOT SRW March 2018 futures contract (“CBOT March 2018 Contract”) and options on the CBOT SRW March 2018 Contract.

If you are a clearing firm, futures commission merchant, brokerage firm or trustee through which customers purchased a CBOT SRW December 2017 or a March 2018 futures contract, a long position in CBOT call options on CBOT soft red winter wheat March 2018 futures contracts, or a short position in CBOT put options on CBOT soft red winter wheat March 2018 futures contracts, please provide the name(s) and last known address(es) of such customers to the Notice Administrator, A.B. Data, Ltd. at the address listed below within one week of receiving this Notice, which will send Postcard Notice to these customers. Alternatively, you may mail or email copies

**DO NOT CALL OR CONTACT THE COURT OR THE CLERK’S OFFICE
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of this Notice to such persons or entities that are members of the Class within two weeks of receiving this Notice. Please preserve your clients' transaction records in CBOT SRW December 2017 or March 2018 futures contracts, long positions in CBOT call options on CBOT soft red winter wheat March 2018 futures contracts, and short positions in CBOT put options on CBOT soft red winter wheat March 2018 futures contracts and instruct your clients of their preservation obligations detailed below in this notice.

WHAT IS A CLASS ACTION LAWSUIT?

A class action is a lawsuit in which one or more representative plaintiffs (in this case, Plaintiffs Richard Dennis and Port 22, LLC) bring a lawsuit on behalf of themselves and other similarly situated persons (*i.e.*, a class) who have similar claims against the defendant(s) (in this case, TAI and Cargill). The representative plaintiffs, the Court, and counsel appointed by the Court to represent the class have a responsibility to make sure that the interests of class members are adequately represented.

Importantly, class members are NOT individually responsible for attorneys' fees or litigation expenses. In a class action, attorneys' fees and litigation expenses are paid from any judgment award or any settlement fund that may be created for the benefit of the Class and any such fees or expenses must be approved by the Court. If there is no judgment award or settlement fund, the attorneys do not get paid.

WHAT IS THE NAME OF THE LAWSUIT?

The lawsuit is styled *Dennis, et al. v. The Andersons, Inc., et al.*, Case No. 1:20-cv-04090, and is pending in the United States District Court for the Northern District of Illinois in Chicago before the Honorable Robert W. Gettleman. On May 7, 2025, the Court issued a decision finding that this lawsuit could proceed as a class action on behalf of a group of people and entities (the "Class," defined below) that might include you. A copy of the Court's May 7, 2025 decision certifying the Class (and other important documents such as the complaint and prior decisions issued by the Court) are available for review on the website listed below that has been created for this case. If you are included, you have a right to know about your rights and options before the Court holds a trial to decide whether the claims being made against Defendants are correct.

WHAT IS THIS CASE ABOUT?

This lawsuit alleges that TAI and Cargill operated multiple grain storage warehouses in Toledo, Ohio and collaborated to manipulate prices of SRW futures and options contracts on the CBOT.

Plaintiffs allege that Defendants sold SRW wheat to the major purchasers in October and November 2017 to suppress demand for physical SRW wheat. Plaintiffs further allege that on November 29, 2017, TAI registered for delivery 2,000 certificates of CBOT December 2017 SRW

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wheat for the purpose of influencing prices, rather than because of any legitimate need to sell that quantity of wheat. Specifically, the Plaintiffs, who filed this lawsuit on behalf of themselves and the Class, allege that TAI registered 2,000 December 2017 SRW wheat shipping certificates to falsely signal to the market that it planned to sell wheat from the futures market using the CBOT delivery process in December 2017. The price of the CBOT December 2017 Contract decreased and the spread between the CBOT December 2017 Contract and the CBOT March 2018 Contract widened. Defendants subsequently repurchased the majority of the shipping certificates that TAI had delivered at the decreased prices.

Plaintiffs assert claims against Defendants under the Commodity Exchange Act, 7 U.S.C. §1 *et seq.* (“CEA”), the Sherman Antitrust Act, 15 U.S.C. §§ 1 and 2, *et seq.* (“Sherman Act”) and the common law regarding unjust enrichment.

Defendants deny that they did anything wrong and assert that Plaintiffs’ claims have no merit. Among other things, Defendants assert that the registration of shipping certificates was economical, not for any improper purpose, and lawful. By late November 2017, there was no demand in the cash marketplace for SRW wheat in the Toledo, Ohio area. Moreover, Defendants needed to sell SRW that was aging and to make space for other seasonal and more economical crops like beans and corn. In these circumstances, there is nothing improper about registering shipping certificates for delivery. After the registration, it became more economical to hold grain for storage and Defendants repurchased some (but not all) of the shipping certificates. Plaintiffs dispute Defendants’ assertions.

The Court has not yet decided whether the Plaintiffs or Defendants are correct. If the case goes to trial, the lawyers for the Class will have to prove their claims.

HISTORY OF THE LITIGATION

The Plaintiffs initially filed this lawsuit on July 10, 2020. On September 14, 2020, TAI filed a motion to have the case transferred to the Northern District of Ohio (“MTT”). Plaintiffs filed an amended complaint on October 9, 2020 (the “FAC”). On December 23, 2020, Defendants moved to dismiss the FAC, arguing that Plaintiffs failed to adequately state their claims. On July 9, 2021, the Court issued a Memorandum Opinion and Order (the “July 9 Order”) that denied Defendants’ motion to dismiss Plaintiffs’ CEA claims and granted Defendants’ motion to dismiss Plaintiffs’ Sherman Act claims and common law unjust enrichment claims. In the July 9 Order, the Court denied Defendants’ MTT and granted Plaintiff leave to refile a second amended complaint, which Plaintiffs filed on August 9, 2021 (the “SAC”). On August 30, 2021, Defendants filed a motion to dismiss Plaintiffs’ Sherman Act claims alleged in the SAC, arguing that Plaintiffs failed to allege essential elements for the claims. On May 3, 2022, the Court issued a Memorandum Opinion and Order (the “May 3 Order”) that denied Defendants’ motion to dismiss Plaintiffs’ Sherman Act claims alleged in the SAC. A copy of the Court’s May 3 Order and July 9 Order are available for

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review on the case website listed below. On June 15, 2022, Defendants filed answers to Plaintiffs' SAC. On February 9, 2023, Plaintiffs filed a third amended complaint (the "TAC") to add Plaintiff Michael Glass. Defendants filed answers to Plaintiffs' TAC on March 10, 2023. In January 2022, the parties began to engage in discovery relating to Plaintiffs' claims and Defendants' defenses when Plaintiffs served their first set of requests for the production of documents and electronically stored information to Defendants on January 14, 2022. Fact discovery was completed on September 26, 2024. On March 27, 2024, Plaintiffs moved to certify this lawsuit as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure. On October 7, 2024, the Court issued an order that largely denied Defendants motion to exclude the testimony of Plaintiffs' class certification expert, Dr. Craig Pirrong ("October 7 Order"). After Defendants filed an objection to the October 7 Order, on December 17, 2024, the Court denied Defendants' objection, stating that Dr. Pirrong's opinions related to requirements for class certification and classwide injury and damages were sufficiently reliable and that there was no clear error made in the October 7 Order. On May 7, 2025, the Court granted Plaintiffs' motion and certified the Class.

WHO IS A MEMBER OF THE CLASS?

The Class certified by the Court is defined as all persons or entities who purchased:

- a. a long position in Chicago Board of Trade ("CBOT") soft red winter ("SRW") wheat December 2017 or March 2018 futures contracts;
- b. a long position in CBOT call options on CBOT soft red winter wheat March 2018 futures contracts; or
- c. a short position in CBOT put options on CBOT soft red winter wheat March 2018 futures contracts—and subsequently liquidated the position through an offsetting market transaction at any point during the period of November 30 through December 14, 2017, inclusive (the "Class Period"), except that sales of CBOT March 2018 futures contracts made after December 14, 2017 qualify for inclusion in the Class only to the extent they were made in liquidation of a long position in the CBOT March 2018 contract which was initiated prior to December 14, 2017.

Excluded from the Class are Defendants and any parent, subsidiary, affiliate, or agent of any Defendant or anyone that excludes themselves.

WHO REPRESENTS THE CLASS?

The Court appointed Lowey Dannenberg, P.C., 44 South Broadway, Suite 1100, White Plains, New York 10601, and Kirby McInerney LLP, 211 West Wacker Drive, Suite 550, Chicago, Illinois 60606, as "Class Counsel" to represent the Class. To participate in the class action, you do not have to pay Class Counsel or anyone else. Instead, if Class Counsel recovers money or benefits

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for the Class, they will ask the Court for an award of attorneys' fees and costs to be paid from any such recovery whether by judgment award or settlement fund. You may hire your own lawyer to appear in Court for you, but if you do, you are responsible for paying that lawyer.

WHAT ARE THE PLAINTIFFS ASKING FOR?

Plaintiffs are asking for money and other benefits for Class members.

IS THERE ANY MONEY AVAILABLE NOW?

No money or benefits are available now because the Court and/or jury has not yet decided whether Defendants did anything wrong, and the case is ongoing. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified how to proceed.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

This notice summarizes your rights and options at this time. More information is available on the website listed below. If you are a member of the Class, you will need to decide whether to: (a) remain in the Class; or (b) request to be excluded from the Class.

REMAINING IN THE CLASS

To remain in the Class, you do not need to do anything. If you do not opt out pursuant to the procedures set forth below, you will remain in the Class. If you remain in the Class, you will give up the right to file (or continue) your own lawsuit or seek any other form of resolution of claims you might have against Defendants concerning the claims in this lawsuit, and you will be legally bound by all court orders, judgments, or settlements approved by the Court. If money or benefits are obtained for the Class as a result of judgment or settlement, you may be entitled to share in a portion of such money or benefits. If money or benefits are obtained in this class action, the Class will be separately notified as to how to make a claim to participate and request a share of any money or benefits recovered for the Class.

Class members may be required to produce trading records for all accounts in which they have a financial interest, showing all trades in the CBOT December 2017 Contract and/or CBOT March 2018 Contract. In addition, class members may be required to produce documents, communications, and other information regarding their awareness and any analysis of the registration of shipping certificates around November 29, 2017. Class members should also preserve records of their (1) transactions in the CBOT December 2017 Contract and CBOT March 2018 Contract (and options on such futures contracts), (2) purchases and/or sales of physical wheat in the cash market between November 1, 2017 and March 31, 2018, and (3) documents, communications, and other information around November 29, 2017 related to the registration of shipping certificates.

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OPTING OUT

You have the legal right to opt out of this class action. If you choose to exercise your right to opt out of the Class, you will not be bound by any court orders, judgments, jury verdicts, or settlements approved by the Court, but you keep your right to sue or otherwise resolve your potential claims against Defendants on your own. If you opt out, you cannot make a claim against any money or benefits that might be recovered by the Class from Defendants as a result of a judgment or settlement, if any.

To opt out of the Class, you must mail, e-mail or submit through the case website a written statement to A.B. Data (mailing address, e-mail address and case website address referenced below) no later than February 3, 2026 stating: (1) you are a member of the Class in *Dennis, et al. v. The Andersons, Inc., et al.*; and (2) you request to be excluded from the Class. Your written request for exclusion must also include your full name, address, telephone number, email address (if any), account identifying information during the class period, and signature. A sample opt-out form is available on the case website address referenced below. The Court will exclude from the Class any member who submits a valid and timely request for exclusion.

2017 CBOT Wheat Futures Class Action
Exclusions
c/o A.B. Data, Ltd.
P.O. Box 173001
Milwaukee, WI 53217
866-588-5528
info@2017CBOTwheatfuturesclassaction.com

HOW AND WHEN WILL THE COURT DECIDE WHO IS RIGHT?

If the case is not dismissed or settled, the Plaintiffs will have to prove their claims at a trial. During the trial, a jury and/or judge will hear evidence and decide whether the Plaintiffs or Defendants are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win any money or benefits for Class members.

WILL I GET MONEY AFTER THE TRIAL?

If the Plaintiffs obtain money or benefits as a result of a trial or settlement, you will be notified about how to get a payment or benefits and your other options at that time. These things are not known right now. Important information about the case will be posted on the website, www.2017CBOTwheatfuturesclassaction.com, as it becomes available.

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HOW CAN I GET MORE INFORMATION?

If you have questions related to this lawsuit, your rights or wish to review other documents related to this lawsuit, you may visit www.2017CBOTwheatfuturesclassaction.com or call 866-588-5528. You may also contact Class Counsel with any questions:

Class Counsel

Raymond P. Girnys
LOWEY DANNENBERG, P.C.
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White Plains, New York 10601
Telephone: (914) 997-0500

Anthony F. Fata
KIRBY McINERNEY LLP
211 West Wacker Drive, Suite 550
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Telephone.: (312) 767-5180

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DATED: September 12, 2025

BY ORDER OF THE COURT
Clerk of the United States District Court
for the Northern District of Illinois

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EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
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SUMMARY NOTICE OF PENDENCY OF CLASS ACTION

TO: All persons and entities who purchased a Chicago Board of Trade (“CBOT”) soft red winter (“SRW”) wheat December 2017 or March 2018 futures contract after November 29, 2017, or a CBOT call option on CBOT soft red winter wheat March 2018 futures contracts, or a CBOT put option on CBOT soft red winter wheat March 2018 futures contracts after November 29, 2017. The precise definition of the certified class appears below.

If you are a clearing firm, futures commission merchant, brokerage firm or trustee through which CBOT SRW December 2017 or March 2018 futures contracts were traded after November 29, 2017, or through which a long position in CBOT call options on CBOT soft red winter wheat March 2018 futures contracts, or a short position in CBOT put options on CBOT soft red winter wheat March 2018 futures contracts, please provide the name(s) and last known address(es) of such customers to the Notice Administrator, A.B. Data, Ltd. at the address listed below within one week of receiving this Notice, which will send Postcard Notice to those customers. Alternatively, you may mail or email copies of this Notice to such persons or entities that are members of the Class within two weeks of receiving this Notice. Please preserve your clients’ transaction records in CBOT SRW December 2017 or March 2018 futures contracts (and options on such futures contracts) traded after November 29, 2017 and instruct your clients of their preservation obligations detailed below in this notice.

This Summary Notice seeks to alert you to a certified class action lawsuit styled *Dennis, et al. v. The Andersons, Inc., et al.*, Case No. 1:20-cv-04090, pending in the United States District Court

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for the Northern District of Illinois in Chicago before the Honorable Robert W. Gettleman. The Court decided that this lawsuit should be a class action on behalf of a “class,” or group of people and entities, that could include you. Representative Plaintiffs Richard Dennis and Port 22, LLC along with Michael Glass (collectively, “Plaintiffs”) brought a lawsuit on behalf of themselves and other similarly situated persons against The Andersons, Inc. (“TAI”) and Cargill, Incorporated (“Cargill,” and together with TAI, “Defendants”). There is no money available now and no guarantee there will be.

The lawsuit alleges that Defendants manipulated the CBOT SRW December 2017 futures contract (“CBOT December 2017 Contract”) and the CBOT SRW March 2018 futures Contract (“CBOT March 2018 Contract”) and options on the CBOT SRW March 2018 Contract. Plaintiffs allege that Defendants manipulated these contracts (and options on the CBOT SRW March 2018 Contract) by registering 2,000 December 2017 SRW wheat shipping certificates for the purpose of influencing prices rather than because of any legitimate need to sell that quantity of wheat. Plaintiffs assert claims against Defendants under the Commodity Exchange Act, 7 U.S.C. §1 *et seq.*, the Sherman Antitrust Act, 15 U.S.C. §§ 1 and 2, *et seq.*, and the common law regarding unjust enrichment.

Defendants deny that they did anything wrong and assert that Plaintiffs’ claims have no merit. Among other things, Defendants assert that the registration of shipping certificates was economical, not for any improper purpose, and lawful. By late November 2017, there was no demand in the cash marketplace for SRW wheat in the Toledo, Ohio area. Moreover, Defendants needed to sell SRW that was aging and to make space for other seasonal crops like beans and corn. In these circumstances, there is nothing improper about registering shipping certificates for delivery. After the registration, it became more economical to hold grain for storage and Defendants repurchased some (but not all) of the shipping certificates. Plaintiffs dispute Defendants’ assertions.

The Court has not yet decided whether the Plaintiffs or Defendants are correct. If the case goes to trial, the lawyers for the Class will have to prove the certified Class’s claims.

The Court has appointed the lawyers listed below to represent the Class in this lawsuit (“Class Counsel”). You don’t have to pay Class Counsel or anyone else to participate. Instead, if Class Counsel get money or benefits for Class members, they will ask the Court for attorneys’ fees and costs. Any fees and costs would be deducted from any money obtained or paid separately by Defendants. You may hire your own lawyer to appear in Court for you, but if you do, you are responsible for paying that lawyer.

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Excluded from the Class are Defendants and any parent, subsidiary, affiliate, or agent of any Defendant and anyone that excludes themselves.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

If you are a member of the Class, you will need to decide whether to: (a) remain in the Class; or (b) request to be excluded from the Class. To remain in the Class, you do not need to do anything. If you do not opt out pursuant to the procedures set forth below, you will remain in the Class. If you remain in the Class, you will give up the right to file (or continue) your own lawsuit or seek any other form of resolution of claims you might have against Defendants concerning the claims in this lawsuit, and you will be legally bound by all court orders, judgments, or settlements approved by the Court. If money or benefits are obtained for the Class as a result of judgment or settlement, you may be entitled to share in a portion of such money or benefits. If money or benefits are obtained in this class action, the Class will be separately notified as to how to make a claim to participate and request a share of any money or benefits recovered for the Class.

DO NOT CALL OR CONTACT THE COURT OR THE CLERK’S OFFICE REGARDING THIS NOTICE OR FOR ADDITIONAL INFORMATION.

QUESTIONS? VISIT www.2017CBOTwheatfuturesclassaction.com or CALL 866-588-5528 TOLL FREE

Class members may be required to produce trading records for all accounts in which they have a financial interest, showing all trades in the CBOT December 2017 Contract and/or CBOT March 2018 Contract. In addition, class members may be required to produce documents, communications, and other information regarding their awareness and any analysis of the registration of shipping certificates around November 29, 2017. Class members should preserve records of their (1) transactions in the CBOT December 2017 Contract and CBOT March 2018 Contract (and options on such futures contracts), (2) purchases and/or sales of physical wheat in the cash market between November 1, 2017 and March 31, 2018, and (3) documents, communications, and other information around November 29, 2017 related to the registration of shipping certificates.

You have the legal right to opt out of this class action. If you choose to exercise your right to opt out of the Class, you will not be bound by any court orders, judgments, jury verdicts, or settlements approved by the Court, but you keep your right to sue or otherwise resolve your potential claims against Defendants on your own. If you opt out, you cannot make a claim against any money or benefits that might be recovered by the Class from Defendants as a result of a judgment or settlement, if any.

To opt out of the Class, you must mail, e-mail or submit through the case website a written statement to A.B. Data (mailing address, e-mail address and case website address referenced below) no later than February 3, 2026 stating: (1) you are a member of the Class in *Dennis, et al. v. The Andersons, Inc., et al.*; and (2) you request to be excluded from the Class. Your written request for exclusion must also include your full name, address, telephone number, email address (if any), account identifying information during the class period, and ink signature. A sample opt-out form is available on the case website address referenced below. The Court will exclude from the Class any member who submits a valid and timely request for exclusion.

2017 CBOT Wheat Futures Class Action
Exclusions
c/o A.B. Data, Ltd.
P.O. Box 173001
Milwaukee, WI 53217
866-588-5528
info@2017CBOTwheatfuturesclassaction.com

HOW CAN I GET MORE INFORMATION?

If you have questions related to this lawsuit, your rights or wish to review other documents related to this lawsuit, you may visit www.2017CBOTwheatfuturesclassaction.com or call 866-588-5528. You may also contact Class Counsel with any questions.

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TOLL FREE

EXHIBIT C

***COURT-ORDERED
LEGAL NOTICE***

**This Notice may affect your legal rights.
Please read it carefully.**

***Richard Dennis and Port 22, LLC on
behalf of themselves and all others
similarly situated,***

-against-

The Andersons, Inc., and Cargill, Inc.

Case No. 20-cv-4090 (N.D. Ill.)

**DO NOT CALL OR CONTACT THE COURT OR
THE CLERK'S OFFICE REGARDING THIS
NOTICE OR FOR ADDITIONAL INFORMATION.**

2017 CBOT Wheat Futures Class Action
c/o A.B. Data, Ltd.
P.O. Box 173107
Milwaukee, WI 53217
866-588-5528
info@2017CBOTwheatfuturesclassaction.com

PLEASE VISIT WWW.2017CBOTWHEATFUTURESCLASSACTION.COM FOR MORE INFORMATION.

TO: All persons and entities who purchased a long position in Chicago Board of Trade (“CBOT”) soft red winter (“SRW”) wheat December 2017 or March 2018 futures contracts, or a long position in CBOT call options on CBOT SRW wheat March 2018 futures contracts, or a short position in CBOT put options on CBOT SRW wheat March 2018 futures contracts.

You could be affected by a class action lawsuit concerning claims against The Andersons, Inc. (“TAI”) and Cargill, Inc. (“Cargill,” and together with TAI, “Defendants”) alleging manipulation of the CBOT SRW December 2017 futures contract and the CBOT SRW March 2018 futures Contract and options on the CBOT SRW March 2018 Contract. The lawsuit is styled *Dennis, et al. v. The Andersons, Inc., et al.*, Case No. 1:20-cv-04090, and is pending in the United States District Court for the Northern District of Illinois in Chicago before the Honorable Robert W. Gettleman. On May 7, 2025, the Court certified the lawsuit as a class action on behalf of people and entities that transacted in CBOT SRW wheat futures and options that might include you.

Plaintiffs assert claims against Defendants under the Commodity Exchange Act, 7 U.S.C. §1 *et seq.*, the Sherman Antitrust Act, 15 U.S.C. §§ 1 and 2, *et seq.*, and Illinois common law regarding unjust enrichment. Defendants deny that they did anything wrong and assert that Plaintiffs’ claims have no merit. The Court has not yet decided whether the Plaintiffs or Defendants are correct. If the case goes to trial, the lawyers for the Class will have to prove the certified Class’s claims.

The Court has appointed a group of attorneys to represent the Class as “Class Counsel.” You don’t have to pay Class Counsel or anyone else to participate. Instead, if Class Counsel get money or benefits for Class members, they will ask the Court for attorneys’ fees and costs. Any fees and costs would be deducted from any money obtained or paid separately by Defendants. You may hire your own lawyer to appear in Court for you, but if you do, you have to pay that lawyer.

If you are a member of the Class, you will need to decide whether to: (a) remain in the Class; or (b) request exclusion from the Class. To stay in the Class, you do not have to do anything. If money or benefits are obtained, you will be notified how to proceed. If you want to keep your rights to sue Defendants on your own about the claims in this lawsuit, you need to exclude yourself. If you exclude yourself, you cannot get money or benefits from this lawsuit if any are awarded. You can find out how to exclude yourself at the website, www.2017CBOTwheatfuturesclassaction.com, or by calling the toll-free number 1-866-588-5528. The deadline to exclude yourself is **February 3, 2025.**

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RICHARD DENNIS and PORT 22, LLC, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

THE ANDERSONS, INC., CARGILL,
INCORPORATED, and JOHN/JANE DOES
NOS. 1-50

Defendants.

Case No.: 1:20-cv-04090

Honorable Robert W. Gettleman

Honorable Keri L. Holleb Hotaling

[SAMPLE] REQUEST TO BE EXCLUDED FROM THE CLASS

Name of Class member (if an entity, include all corporate names and subsidiaries; if an individual, include all names and aliases that may have been used): _____

Account information (include information that would identify the account associated with the class member, such as the FCM and account number(s) with that FCM): _____

Name of person submitting request: _____

Address: _____

Telephone number: _____

E-mail address: _____

_____ *[insert name of Class member]* is a member of the Class¹ in the above-captioned litigation, *Dennis, et al v. The Andersons, Inc., et al*, No. 20-cv-4090 (N.D. Ill.)

¹ The Class certified by the Court is defined as:

All persons or entities who purchased—(a) a long position in Chicago Board of Trade (“CBOT”) soft red winter (“SRW”) wheat December 2017 or March 2018 futures contracts; (b) a long position in CBOT call options on CBOT soft red winter wheat March 2018 futures contracts; or (c) a short position in CBOT put options on CBOT soft red winter wheat March 2018 futures contracts—and subsequently liquidated the position through an offsetting market transaction at any point during the period of November 30 through December 14, 2017, inclusive (the “Class Period”), except that sales of CBOT March 2018 futures contracts made after December 14, 2017 qualify for inclusion in the Class only to the extent they were made in liquidation of a long position in the CBOT March 2018 contract which was initiated prior to December 14, 2017. Excluded from the Class are Defendants and any parent, subsidiary, affiliate, or agent of any Defendant.

**DO NOT CALL OR CONTACT THE COURT OR THE CLERK’S OFFICE
REGARDING THIS NOTICE OR FOR ADDITIONAL INFORMATION.**

QUESTIONS? VISIT www.2017CBOTwheatfuturesclassaction.com OR CALL 866-588-5528
TOLL FREE

(Gettleman, J.), and hereby requests to be excluded from the Class.

Date: _____
[Signature of Class member or person submitting request]

To upload your completed Opt-Out form, please click here:

www.2017CBOTwheatfuturesclassaction.com.

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TOLL FREE