

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

MDL No. 2724
Case No. 2:16-MD-2724

THIS DOCUMENT RELATES TO:

Direct Purchaser Plaintiffs' Actions

HON. CYNTHIA M. RUFE

**DIRECT PURCHASER PLAINTIFFS' MOTION FOR FINAL APPROVAL OF
(1) DIRECT PURCHASER PLAINTIFFS' BRECKENRIDGE SETTLEMENT AND
(2) THE PLAN OF ALLOCATION**

Pursuant to Federal Rule of Civil Procedure 23 and this Court's Order Regarding DPPs' Breckenridge Settlement dated February 13, 2024 [MDL Doc No. 2842], Direct Purchaser Plaintiffs César Castillo, LLC, FWK Holdings, LLC, Rochester Drug Cooperative, Inc., and KPH Healthcare Services, Inc. a/k/a Kinney Drugs, Inc. respectfully move for entry of the proposed Orders submitted herewith which provide for Final Approval of (1) Direct Purchaser Plaintiffs' Breckenridge Settlement and (2) the Plan of Allocation.

In support of this motion, Direct Purchaser Plaintiffs rely upon the accompanying memorandum and exhibits thereto. Settling Defendant Breckenridge Pharmaceutical Inc. does not oppose this Motion.

Dated: August 12, 2024

Respectfully submitted,



Dianne M. Nast
NASTLAW LLC
1101 Market Street, Suite 2801
Philadelphia, Pennsylvania 19107
(215) 923-9300
dnast@nastlaw.com

*Lead and Liaison Counsel
for Direct Purchaser Plaintiffs*

David F. Sorensen
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, Pennsylvania 19103
(215) 875-3000
dsorensen@bm.net

Thomas M. Sobol
HAGENS BERMAN SOBOL SHAPIRO LLP
1 Faneuil Hall Square, 5th Floor
Boston, Massachusetts 02109
(617) 482-3700
tom@hbsslaw.com

Robert N. Kaplan
KAPLAN FOX & KILSHEIMER LLP
800 Third Avenue, 38th Floor
New York, New York 10022
(212) 687-1980
rkaplan@kaplanfox.com

Linda P. Nussbaum
NUSSBAUM LAW GROUP, PC
1133 Avenue of the Americas, 31st Floor
New York, New York 10036
(917) 438-9189
lnussbaum@nussbaumpc.com

Michael L. Roberts
ROBERTS LAW FIRM P.A.
1920 McKinney Ave., Suite 700
Dallas, Texas 75201
(501) 821-5575
mikeroberts@robertslawfirm.us

Direct Purchaser Plaintiffs' Steering Committee

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

MDL No. 2724
Case No. 2:16-MD-2724

THIS DOCUMENT RELATES TO:
Direct Purchaser Plaintiffs' Actions

HON. CYNTHIA M. RUFE

**DIRECT PURCHASER PLAINTIFFS' MOTION FOR FINAL APPROVAL OF
(1) DIRECT PURCHASER PLAINTIFFS' BRECKENRIDGE SETTLEMENT AND
(2) THE PLAN OF ALLOCATION**

Pursuant to Federal Rule of Civil Procedure 23 and this Court's Order Regarding DPPs' Breckenridge Settlement dated February 13, 2024 [MDL Doc No. 2842], Direct Purchaser Plaintiffs César Castillo, LLC, FWK Holdings, LLC, Rochester Drug Cooperative, Inc., and KPH Healthcare Services, Inc. a/k/a Kinney Drugs, Inc. respectfully move for entry of the proposed Orders submitted herewith which provide for Final Approval of (1) Direct Purchaser Plaintiffs' Breckenridge Settlement and (2) the Plan of Allocation.

In support of this motion, Direct Purchaser Plaintiffs rely upon the accompanying memorandum and exhibit thereto. Settling Defendant Breckenridge Pharmaceutical Inc. does not oppose this Motion.

Dated: August 12, 2024

Respectfully submitted,



Dianne M. Nast
NASTLAW LLC
1101 Market Street, Suite 2801
Philadelphia, Pennsylvania 19107
(215) 923-9300
dnast@nastlaw.com

*Lead and Liaison Counsel
for Direct Purchaser Plaintiffs*

David F. Sorensen
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, Pennsylvania 19103
(215) 875-3000
dsorensen@bm.net

Thomas M. Sobol
HAGENS BERMAN SOBOL SHAPIRO LLP
1 Faneuil Hall Square, 5th Floor
Boston, Massachusetts 02109
(617) 482-3700
tom@hbsslaw.com

Robert N. Kaplan
KAPLAN FOX & KILSHEIMER LLP
800 Third Avenue, 38th Floor
New York, New York 10022
(212) 687-1980
rkaplan@kaplanfox.com

Linda P. Nussbaum
NUSSBAUM LAW GROUP, PC
1133 Avenue of the Americas, 31st Floor
New York, New York 10036
(917) 438-9189
lnussbaum@nussbaumpc.com

Michael L. Roberts
ROBERTS LAW FIRM P.A.
1920 McKinney Ave., Suite 700
Dallas, Texas 75201
(501) 821-5575
mikeroberts@robertslawfirm.us

Direct Purchaser Plaintiffs' Steering Committee

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS PRICING ANTITRUST LITIGATION	MDL No. 2724 Case No. 2:16-MD-2724
THIS DOCUMENT RELATES TO: <i>Direct Purchaser Plaintiffs' Actions</i>	HON. CYNTHIA M. RUFÉ

**SUPPLEMENTAL DECLARATION OF ERIC J. MILLER REGARDING
(A) DISSEMINATION OF THE NOTICE AND (B) REPORT ON REQUESTS FOR
EXCLUSION AND OBJECTIONS, IF ANY, RECEIVED TO DATE FOR
DPPS' APOTEX, BRECKENRIDGE, AND HERITAGE SETTLEMENTS**

I, Eric J. Miller, hereby declare and state as follows:

1. I am a Senior Vice President with A.B. Data, Ltd. ("A.B. Data"). I am fully familiar with the facts contained herein based upon my personal knowledge, and if called as a witness, could and would testify competently thereto. I submit this declaration at the request of Settlement Class Counsel in connection with the above-captioned action (the "Action").

2. A.B. Data was appointed by the Court in its Apotex, Breckenridge, and Heritage Preliminary Approval Orders dated February 13, 2024 to serve as the claims administrator for the direct purchaser class settlements in this case. MDL Doc. Nos. 2841, 2842, and 2843 ("Preliminary Approval Orders"). A.B. Data's duties in this case include administering the distribution of notice of the settlement to class members.

3. I understand that Settlement Class Counsel submitted to the Court my July 18, 2024 Declaration of Eric J. Miller Regarding (A) Dissemination of Notice and (B) Report on Requests for Exclusion and Objections, if Any, Received to Date for DPPs' Apotex, Breckenridge, and Heritage Settlements. MDL Doc. No. 3053-1.

4. I am submitting this supplemental declaration to advise the Court of a request for exclusion that I subsequently received after execution of my July 18, 2024 Declaration.

Additional Request for Exclusion

5. As explained in my prior declaration, the Court's Preliminary Approval Orders set a postmark deadline of June 27, 2024 for requests for exclusion and, as of July 18, 2024, I had received certain six (6) timely requests and one (1) untimely request. MDL Doc. No. 3053-1 at ¶ 15-17.

6. After July 18, 2024, I received an additional untimely request for exclusion from all three settlements, post-marked July 24, 2024, on behalf of The Cigna Group and "all of its subsidiaries and affiliated entities as identified in Cigna's Amended Complaint dated December 15, 2020."

7. Attached hereto as Exhibit A are copies of the untimely requests for exclusion that were sent to A.B. Data or Settlement Class Counsel and post-marked July 11, 2024 or July 24, 2024.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 12, 2024



Eric J. Miller

EXHIBIT A

Generic Drugs Direct -
54543

192347494



JUL 18 2024



ATTORNEYS AT LAW / A PROFESSIONAL CORPORATION

2805 Old Post Road
Suite 100
Harrisburg, PA 17110
717.364.1020/facsimile

www.hanglely.com

Eric L. Bloom
Direct Dial: 717.364.1003
E-mail: ebloom@hanglely.com

PHILADELPHIA, PA
CHERRY HILL, NJ
HARRISBURG, PA
PLYMOUTH MEETING, PA

July 11, 2024

Via Email and Certified First-Class Mail

Claims Administrator
Direct Purchasers
c/o A.B. Data, Ltd.
P.O. Box 173095
Milwaukee, WI 53217
info@GenericDrugsDirectPurchaserSettlement.com

Re: Request for Exclusion from DPP Settlement Class and Direct Purchaser Lawsuit in MDL No. 2724, *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, Case No. 2:16-MD-02724 (E.D. Pa.)

Dear Claims Administrator:

We are writing to advise you that Rite Aid Corporation and Rite Aid Hdqtrs. Corp. (collectively, "Rite Aid"), request exclusion from, and opt out of, the Direct Purchaser Plaintiffs' Settlement Class ("DPP Settlement Class") and the Direct Purchaser Lawsuit ("Direct Purchaser Lawsuit") with Defendants Breckenridge Pharmaceutical Inc., Apotex Corp., and Heritage Pharmaceuticals Inc., Emcure Pharmaceuticals Ltd., and Satish Mehta (collectively, "Settling Defendants") in *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, Case No. 2:16-MD-02724 (E.D. Pa.) (the "Action"). This request for exclusion covers all purchases of the relevant products made by Rite Aid during the damages period relevant to the Action, including those purchases made by Rite Aid's current and former predecessors, successors, subsidiaries, and/or affiliates.

Additionally, Rite Aid has assignments from its wholesaler, McKesson Corporation, with respect to generic drugs sold to Rite Aid or its affiliates, and Rite Aid requests exclusions for all its purchases subject to these assignments. The assignments of claims under which Rite Aid brings its assigned claims have been provided to Settlement Class Counsel and Settling Defendants' Counsel through discovery in this Action and can be viewed at Bates numbers RAD-RXGEN-0000011 and RAD-RXGEN-0000017.

Finally, we recognize that this letter is postmarked after the June 27, 2024 opt-out deadline in the notice of settlement. As you know, Rite Aid has filed its own lawsuit

July 11, 2024
Page 2

against Apotex Corp., Heritage Pharmaceuticals, Inc., Emcure Pharmaceuticals, Ltd., and Breckenridge Pharmaceutical, Inc. In our opt-out letter dated November 2, 2022, we previously requested that Rite Aid be removed from any settlement class list that you have compiled or will compile in the future regarding the Direct Purchaser Lawsuit. We believe that Rite Aid should be excluded from this settlement pursuant to that request. However, to the extent that there is any question about the effect of that request, we ask that you accept this additional notice. We do not believe this request will result in prejudice to any party given the short period of time that has passed since the opt-out deadline and Rite Aid's prior indication of its intent to opt out of the DPP Settlement Class and Direct Purchaser Lawsuits, including filing its own lawsuit, submitting a prior opt-out notice, and engaging in separate settlement communications with several of the Settling Defendants.

As stated in our prior opt-out notice, this notice is not intended for any purpose other than to effect the intention of Rite Aid to opt out of and be excluded from the Direct Purchaser Lawsuit. We reiterate once again our prior request that you please remove Rite Aid from any settlement class list you have compiled or will compile in the future regarding the Direct Purchaser Lawsuit.

The address and phone number for Rite Aid is as follows:

1200 Intrepid Avenue, 2nd Floor
Philadelphia, PA 19112
Phone: (717) 761-2633

Please note that Rite Aid has authorized us to provide our firm's address and phone number its contact address and to provide our signature as authorization to opt out on their behalf. Please direct any future correspondence related to Rite Aid to our firm.

If you have any questions or need additional information, please feel free to contact me.

Regards,



Eric L. Bloom

ELB/jhb

July 11, 2024

Page 3

cc via email to:

Dianne M. Nast, Esq. (DNast@NastLaw.com)

Joseph N. Roda, Esq. (JNRoda@NastLaw.com)

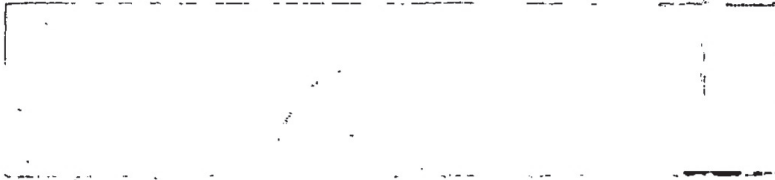
David Sorensen, Esq. (dsorensen@bm.net)

Robert Kaplan, Esq. (rkaplan@kaplanfox.com)

Thomas Sobol, Esq. (tom@hbsslw.com)

Linda Nussbaum, Esq. (lnussbaum@nussbaumpc.com)

Michael Roberts, Esq. (mikeroberts@robertslawfirm.us)



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT



50



US POSTAGE IMPRESSE POSTNET BOWES
ZIP 19103 \$ 008.93⁰
02 4W
0000389179 JUL 11. 2024

CERTIFIED MAIL



MILWAUKEE, WI 53217
12 JUL 2024 PM 10 L

7022 2410 0001 8139 2374

In re Generic Pharmaceuticals Pricing/Antitrust
Litigation – Direct Purchasers, c/o A.B. Data, Ltd.
P.O. Box 173095
Milwaukee, WI 53217



Generic Drugs Direct -

54543

192347496



JUL 30 2024

RULE
GARZA
HOWLEY

901 7th Street NW, Suite 600
Washington, D.C. 20001
Phone: 202-843-9280
Fax: 202-843-5661
www.RuleGarza.com

July 23, 2024

Via First-Class Mail

In re: Generic Pharmaceuticals Pricing Antitrust Litigation – Direct Purchasers
c/o A.B. Data, Ltd.
P.O. Box 173095
Milwaukee, WI 53217.

Re: *In re: Generic Pharmaceuticals Pricing Antitrust Litigation*, Case No. 2:16-MD-02724
(E.D. Pa.)

To Whom It May Concern,

This letter expresses The Cigna Group's (Cigna) desire to be excluded, along with all of its subsidiaries and affiliated entities as identified in Cigna's Amended Complaint dated December 15, 2020, from the Apotex, Breckenridge, and Heritage Settlement Classes in the Direct Purchaser Lawsuit in *In re: Generic Pharmaceuticals Pricing Antitrust Litigation*, Case No. 2:16-MD-02724 (E.D. Pa.).

Please do not hesitate to contact me with any questions.

Best regards,

/s/ Margot Campbell

Margot Campbell
Campbell@RuleGarza.com
(202) 843-5674

CC: Daniel J. Howley
Charles F. ("Rick") Rule
Dianne M. Nast, Esq.
Joseph N. Roda, Esq.

RULE
GARZA
HOWLEY

Rule Garza Howley LLP
901 7th Street NW, Suite 600
Washington, DC 20001

PLACE THIS LABEL TO THE LEFT OF THE POSTAGE

USPS CERTIFIED MAIL®



9514 8066 3196 4206 5274 39

RETURN RECEIPT

U.S. POSTAGE INT. \$8.97
RDC 99 FCM
20790
Date of sale 07/24/24
02 8N06
2000392012



FOLD HERE

In re: Generic Pharmaceuticals Pricing
Antitrust Litigation – Direct Purchasers c/o
A.B. Data, Ltd.
P.O. Box 173095
Milwaukee, WI 53217

POSTNET barcode

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION**

**MDL No. 2724
Case No. 2:16-MD-2724**

THIS DOCUMENT RELATES TO:

Direct Purchaser Plaintiffs' Actions

HON. CYNTHIA M. RUFE

**[PROPOSED]
FINAL ORDER AND JUDGMENT REGARDING
DPPS' BRECKENRIDGE SETTLEMENT**

AND NOW, this ___ day of _____ 2024, upon consideration of Direct Purchaser Plaintiffs' Motion for Final Approval of (1) Direct Purchaser Plaintiffs' Breckenridge Settlement and (2) the Plan of Allocation [MDL Doc. No. ___], and Direct Purchaser Plaintiffs César Castillo, LLC, FWK Holdings, LLC, Rochester Drug Cooperative, Inc., and KPH Healthcare Services, Inc. a/k/a Kinney Drugs, Inc. ("DPPs") and Defendant Breckenridge Pharmaceutical Inc. ("Settling Defendant") having entered into a Settlement Agreement to fully and finally resolve the Settlement Class's claims against Settling Defendant,¹ and the Court's having held a hearing in open court on September 23, 2024, it is hereby **ORDERED, ADJUDGED and DECREED** that the Motion is **GRANTED** and:

1. The Preliminary Approval Order dated February 13, 2024 [MDL Doc. No. 2842] certified the following Settlement Class pursuant to Federal Rule of Civil Procedure 23(a) and (b)(3):

¹ Unless otherwise noted, the capitalized terms used in this Memorandum of Law have the same meanings as defined in the Settlement Agreement. *See* MDL Doc. No. 2782-3, Ex. A thereto.

All persons or entities, and their successors and assigns, that directly purchased one or more of the Named Generic Drugs from one or more Current or Former Defendants in the United States and its territories and possessions, at any time during the period from May 1, 2009 until December 31, 2019.

Excluded from the Settlement Class are Current and Former Defendants and their present and former officers, directors, management, employees, subsidiaries, or affiliates, judicial officers and their personnel, and all governmental entities.

2. Pursuant to Federal Rule of Civil Procedure 23, the Court finds that the Settlement Agreement between DPPs and Settling Defendant is fair, reasonable and adequate and approves the Settlement Agreement in its entirety.

3. The Court finds that the dissemination of the Notice via first-class mail, publication, and the establishment and maintenance of a dedicated website were implemented in accordance with the Order granting preliminary approval (MDL Doc No. 2843), and satisfies the requirements of Federal Rules of Civil Procedure 23(c)(2)(B) and 23(e), the United States Constitution and other applicable laws and rules, and constituted the best notice practicable under the circumstances.

4. The persons and entities identified in Exhibit A, which is attached hereto and incorporated by reference herein, have timely and validly requested exclusion from the Settlement Class, or have otherwise been permitted to seek exclusion by this Court, and are hereby excluded from the Settlement Class, are not bound by this Final Judgment, and may not make any claim or receive any benefit from the Settlement, whether monetary or otherwise. Said excluded persons and entities may not pursue any claims released under the Settlement Agreement on behalf of those who are bound by this Final Judgment. Each Settlement Class Member not appearing in Exhibit A is bound by this Final Judgment and will remain forever bound.

5. DPPs' claims against Settling Defendant are dismissed, with prejudice and in their entirety, and except as provided for in the Settlement Agreement, without costs, as to Settling Defendant. This dismissal shall not affect, in any way, the rights of DPPs or members of the Settlement Class to pursue claims not released by the Settlement Agreement.

6. DPPs and all members of the Settlement Class (on behalf of themselves and their respective past and present parents, subsidiaries, and affiliates, as well as their past and present general and limited partners, officers, directors, employees, agents, attorneys, servants, predecessors, successors, heirs, executors, administrators, and representatives) ("Releasers") agree to dismiss Settling Defendant (and its past and present parents, subsidiaries, divisions, affiliates, stockholders, and general or limited partners, as well as their past and present respective officers, directors, employees, trustees, insurers, agents, attorneys, and any other representatives thereof) (the "Releasees"), except that this release shall not apply to any present or former officer, director, employee, trustee, insurer, agent, attorney, or other representative of the Settling Defendant who does not cooperate with DPPs pursuant to the Cooperation Agreement and Paragraph 10 of the Settlement Agreement. And as further provided under Settlement Class Counsel's reservation of rights in Paragraph 14 of the Settlement Agreement, this Final Order and Judgment does not release any non-settling defendant's liability in the Action, nor does it absolve Settling Defendant's present or former officers, directors, employees, trustees, insurers, agents, attorneys, or other representatives from their duty to cooperate in discovery in their capacity as a current or former officer, director, employee, trustee, insurer, agent, attorney, or other representative for other, non-settling defendants. Subject to these exceptions and reservation of rights, the Releasees shall be completely released, acquitted, and forever discharged from any and all claims, demands, actions, suits, causes of action, whether

class, individual, or otherwise in nature (whether or not any Settlement Class member has objected to the Settlement or makes a claim upon or participates in the Settlement Fund, whether directly, representatively, derivatively or in any other capacity) that DPPs and the Settlement Class, or each of them, ever had, now has, or hereafter can, shall, or may have on account of, or in any way arising out of, any and all known and unknown, foreseen and unforeseen, suspected or unsuspected, actual, contingent, or joint and several, liquidated or unliquidated claims, injuries, damages, and the consequences thereof in any way arising out of, or relating in any way to, any of the claims in the Action, whether actual or alleged, from the beginning of the world up to the date of execution of the Settlement Agreement, including any conduct alleged, and causes of action asserted or that could have been alleged or asserted, based upon the allegations in the Action, relating to the Named Generic Drugs or other generic drugs that could have been named based on the facts alleged in the Action, including but not limited to those arising under any federal or state antitrust, unfair competition, unfair practices, price discrimination, unitary pricing, or trade practice law (the “Released Claims”). The release of Released Claims shall not preclude DPPs from pursuing any and all claims against other defendants for the sale of the Named Generic Drugs or other generic drugs sold by those defendants or their alleged co-conspirators. Nothing herein, and nothing in Paragraph 13 of the Settlement Agreement, shall release any claims (a) arising in the ordinary course of business between Releasors and the Releasees arising under Article 2 of the Uniform Commercial Code (pertaining to sales), other than claims based in whole or in part on any of the Released Claims; (b) for the indirect purchase of any of the Named Generic Drugs or any other generic drugs; (c) for negligence, breach of contract, bailment, failure to deliver, lost goods, damaged or delayed goods, breach of warranty, or product liability claims between any of the Releasees and any of the Releasors relating to any

of the Named Generic Drugs or any other generic drugs, other than claims based in whole or in part on any of the Released Claims; (d) as to any generic drug, including any of the Named Generic Drugs, that is currently the subject of any unrelated pending litigation against Settling Defendant that is not part of the Action; (e) as to any generic drug, including any of the Named Generic Drugs, that is, after the date of the Settlement Agreement, the subject of any unrelated litigation brought against Settling Defendant under federal or state antitrust laws or under RICO where the allegation is that generic competition was delayed (e.g., reverse payment, sham litigation, sham citizen petition, or “Walker Process” fraud cases) or otherwise reduced or impaired by alleged conduct other than that pled or based on the facts alleged in the DPPs’ complaints in the Action; (f) for any claims of any type relating to any drugs other than the Named Generic Drugs, other than those pled or based on the facts alleged in the DPPs’ complaints in the Action. DPPs and the Settlement Class shall not seek to establish liability against any Releasee based, in whole or in part, upon any of the Released Claims or conduct at issue in the Released Claims.

7. DPPs and each member of the Settlement Class hereby expressly waives and releases any and all provisions, rights, and benefits conferred by § 1542 of the California Civil Code, which reads:

SECTION 1542. GENERAL RELEASE—CLAIMS EXTINGUISHED.
A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY.

DPPs and each member of the Settlement Class also hereby expressly waives and releases any and all provisions, rights, and benefits conferred by any law of any state or territory of the United

States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code. DPPs and each member of the Settlement Class may hereafter discover facts other than or different from those that it knows or believes to be true with respect to the claims that are the subject of this Paragraph, but DPPs and each member of the Settlement Class have agreed that as of the January 2, 2024, they expressly waive and fully, finally, and forever settle and release as to the Releasees all known or unknown, suspected or unsuspected, accrued or unaccrued, contingent or non-contingent claim that would otherwise fall within the definition of Released Claims, whether or not concealed or hidden, without regard to the subsequent discovery or existence of such different or additional facts. For the avoidance of doubt, DPPs and each member of the Settlement Class also hereby agrees that, they expressly waive and fully, finally, and forever settle and release any and all claims that would otherwise fall within the definition of Released Claims it may have against any of the Releasees under § 17200, et seq., of the California Business and Professions Code or any similar, comparable, or equivalent provision of the law of any other state or territory of the United States or other jurisdiction, which claims are hereby expressly incorporated into the definition of Released Claims.

8. This Final Judgment does not settle or compromise any claims by DPPs or the Settlement Class against any person or entities other than the Released Parties, and all rights against any other Defendant or other person or entity are specifically reserved.

9. Without affecting the finality of this Final Judgment, the Court retains exclusive jurisdiction over the Action and the Settlement Agreement, including the administration, interpretation, consummation, and enforcement of the Settlement Agreement.

10. Pursuant to Federal Rule of Civil Procedure 54(b), the court finds that there is no just reason for delay and hereby direct the entry of this Final Judgment of dismissal forthwith as to the Released Parties.

BY THE COURT:

CYNTHIA M. RUFÉ, J.

EXHIBIT A

[Insert list of Court approved opt-outs here]

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION**

**MDL No. 2724
Case No. 2:16-MD-2724**

THIS DOCUMENT RELATES TO:

Direct Purchaser Plaintiffs' Actions

HON. CYNTHIA M. RUFÉ

**[PROPOSED] ORDER APPROVING PLAN OF ALLOCATION FOR
DPPS' BRECKENRIDGE SETTLEMENT**

AND NOW, this ___ day of _____, 2024, upon consideration of Direct Purchaser Plaintiffs' Motion for Final Approval of (1) Direct Purchaser Plaintiffs' Breckenridge Settlement and (2) the Plan of Allocation [MDL Doc. No. ___], Direct Purchaser Plaintiffs' Plan of Allocation for the Settlement Class [MDL Doc. No. 2782-7] ("DPPs' Plan of Allocation"), and after a hearing held on September 23, 2024, in open court, and the settlement having been approved by separate Order, it is hereby **ORDERED** that DPPs' Plan of Allocation is **APPROVED**.

It is so **ORDERED**.

BY THE COURT:

CYNTHIA M. RUFÉ, J.