

**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

**NOTICE OF FILING OF OPT-OUT REPORT FOR DPPS'
APOTEX, BRECKENRIDGE, AND HERITAGE SETTLEMENTS**

Pursuant to Paragraph 20 of each of this Court's February 13, 2024 Orders granting preliminary approval to Direct Purchaser Plaintiffs' ("DPPs") Apotex, Breckenridge, and Heritage Settlements [MDL Doc. Nos. 2841, 2842, and 2843], DPPs hereby provide notice of filing the attached Declaration of Eric J. Miller Regarding (A) Dissemination of the Notice and (B) Report on Request for Exclusion and Objections, If Any, Received to Date for DPPs' Apotex, Breckenridge, and Heritage Settlements.

Dated: July 18, 2024

Respectfully submitted,



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**IN THE UNITED STATES DISTRICT COURT
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MDL No. 2724
Case No. 2:16-MD-2724

THIS DOCUMENT RELATES TO:

HON. CYNTHIA M. RUFÉ

Direct Purchaser Plaintiffs' Actions

**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. I am submitting this declaration to advise the Court of A.B. Data's activities concerning distribution of notice and the results.

Direct Mail Notice

3. A.B. Data obtained from Settlement Class Counsel a listing of 757 potential Settlement Class members developed from a number of sources, including transactional data produced by the defendants in discovery. By definition, the Settlement Class for each Settlement

Class (*i.e.*, Apotex, Breckenridge, and Heritage) is composed of the same 757 potential Settlement Class members and, accordingly, I understand that the Court accepted DPPs' proposal to send one combined notice for all three settlements. *See* MDL Doc. No. 2891 (granting DPPs' Unopposed Motion to Amend the Form of Notice for the DPPs' Apotex, Breckenridge, and Heritage Settlements).

4. Settlement Class Counsel performed research to locate mailing addresses for these potential Settlement Class members. Where a potential Settlement Class member had multiple locations, each of the addresses was captured and included in the mailing database. In addition, A.B. Data supplemented the list with additional mailing addresses through review of A.B. Data's own records from other direct purchaser pharmaceutical appointments and further independent research.

5. As a result of these efforts, A.B. Data obtained the identity and office addresses of 745 potential Settlement Class members and a total of 1,348 mailing addresses for the 745 entities. A.B. Data and Settlement Class Counsel were not able to locate a mailing address for the remaining 12 potential Settlement Class members because the potential Settlement Class members were no longer in business or the name of the entity was incomplete so the actual entity could not be located.

6. On March 29, 2024, A.B. Data arranged for the mailing of the Long Form Notice (the "Notice") to all 745 potential Settlement Class members. The Notice was also mailed to the additional addresses for certain Settlement Class members. On the same day, A.B. Data posted the Notice on www.GenericDrugsDirectPurchaserSettlement.com, the website created for this litigation. A copy of the Notice is attached hereto as **Exhibit A**.

7. In sum, A.B. Data caused 1,348 Notices to be mailed to potential Settlement Class members. If all mailings to a potential Settlement Class member were returned as undeliverable as addressed by the United States Postal Service, A.B. Data performed additional research to locate an updated address or determine if the potential Settlement Class member was no longer in existence. When A.B. Data was able to locate an updated address, A.B. Data promptly remailed the Notice to the updated address.

Media Notice

8. To supplement direct notice efforts, beginning on March 29, 2024, A.B. Data caused digital banner ads to appear on The Pink Sheet website for a period of 30 days. The Pink Sheet reaches over 3,000 of the world's leading pharmaceutical, contract research organizations (CROs), medical technology, biotechnology and healthcare service providers, including the top 50 global pharma and top 10 CROs. These ads appeared on both desktop and mobile formats. 60,000 impressions have been delivered through the conclusion of the media notice on April 28, 2024. A sample of the digital banner and newsfeed ads are attached as **Exhibit B**.

9. A.B. Data also caused the Short Form Notice to be published in *The Wall Street Journal* on March 29, 2024. A copy is attached hereto as **Exhibit C**.

News Media

10. On March 29, 2024, A.B. Data disseminated a news release via Business Wire to announce the Settlements. This news release distributed via Business Wire went to the news desks of approximately 10,000 newsrooms, including those of print, broadcast, and digital websites across the United States. A copy of the news release is attached as **Exhibit D**.

Website and Telephone

11. To assist potential Settlement Class members in understanding the terms of the Settlements and their rights, and consistent with the earlier Sun and Taro Settlements, A.B. Data utilized a case-specific toll-free telephone number (877-315-0583), email address (info@GenericDrugsDirectPurchaserSettlement.com), and a case-specific website (www.GenericDrugsDirectPurchaserSettlement.com).

12. On March 29, 2024, A.B. Data updated the case-specific toll-free telephone number to include an interactive voice response (“IVR”) system which provided summary information to frequently asked questions specific to the Apotex, Breckenridge, and Heritage Settlements. This also provided callers the opportunity to speak with a live customer support representative. In addition, A.B. Data has received emails to the email address established for this matter.

13. On March 29, 2024, A.B. Data updated the case-specific website, www.GenericDrugsDirectPurchaserSettlement.com to include information about the Apotex, Breckenridge, and Heritage Settlements. The website address appeared on the Notice and the newswire. The website includes case-specific information, including relevant deadlines and downloadable versions of the Notice, Settlement Agreements, Preliminary Approval Order, and other relevant documents. To date, the website has had 27,276 visitors.

14. On May 13, 2024, Settlement Class Counsel filed Direct Purchaser Plaintiffs’ Motion for an Order Granting: (1) Reimbursement of Expenses; (2) Payment of Service Awards; and (3) a One-Third Set Aside of Each of the Apotex, Breckenridge, and Heritage Settlement Funds (MDL Doc. No. 2957). Thereafter, A.B. Data posted this filing to the case-specific

website, including the subsequent notices that DPPs filed on May 21, 2024 and May 22, 2024 (MDL Doc. Nos. 2963 and 2965).

Requests for Exclusion and Objections

15. The Court's Preliminary Approval Orders required any Settlement Class member requesting exclusion from the Apotex, Breckenridge, or Heritage Settlement Classes to postmark such a request on or before June 27, 2024.

16. As of the date of this Declaration, A.B. Data has received copies of six (6) timely requests for exclusion from all three Settlements on behalf of 349 entities. Annexed hereto as **Exhibit E** is a list of the entities which have submitted timely requests for exclusion from the Settlements.

17. As of the date of this Declaration, A.B. Data has received copies of one (1) untimely request for exclusion from all three Settlements on behalf of two (2) entities. Annexed hereto as **Exhibit F** is a list of the entities which have submitted untimely requests for exclusion from the Settlements.

18. All of the requests for exclusion have come from counsel for certain Direct Action Plaintiffs. Each requests the exclusion of certain Direct Action Plaintiffs, entities that appear to be subsidiaries or affiliates of certain Direct Action Plaintiffs, and the assigned purchases of those entities (if any).

19. Many of the entities identified in these letters, however, do not appear to be direct purchasers based on Defendants' transactional data (only 32 of the 351 cumulative entities seeking exclusion were identified as potential Settlement Class Members based on Defendants' transactional data). Therefore, based on Defendants' transactional data, it appears that 725 of 757 potential members of the Settlement Classes have not requested exclusion, and all of that have

requested exclusion are represented by counsel for Direct Action Plaintiffs that I understand have brought individual claims.

20. Under the Court's Preliminary Approval Orders, the postmark deadline for a Settlement Class member to object to the Apotex, Breckenridge, or Heritage Settlements was also June 27, 2024. The Notice directs members of the Settlement Class to mail their objection to Clerk of the United States District Court for the Eastern District of Pennsylvania with copies to Settlement Class Counsel and Settling Defendants' Counsel. As of the date of this Declaration, A.B. Data has not been notified of any objections.

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

Executed on July 18, 2024

A handwritten signature in blue ink, appearing to read 'Eric J. Miller', is written above a horizontal line.

Eric J. Miller

EXHIBIT A

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

If you purchased one or more of the Named Generic Drugs listed in Appendix A to this Notice directly from any of the pharmaceutical manufacturer Defendants or former Defendants (listed in Appendix B to this Notice) at any time from May 1, 2009 until December 31, 2019, you could get a payment from class action settlements.

A federal court authorized this notice. This is not a solicitation from a lawyer.

You were previously sent a notice about settlements with Sun Pharmaceuticals Industries, Inc (“Sun”) and Taro Pharmaceuticals U.S.A. Inc. (“Taro”). The purpose of this notice is to alert you of three proposed additional settlements in a Lawsuit brought by Direct Purchasers (“Settling Direct Purchaser Plaintiffs” or “DPPs”) of certain generic drugs (the “Named Generic Drugs”). The Lawsuit is a group of direct purchaser class actions coordinated under the civil docket *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, Case No. 2:16-MD-02724 (E.D. Pa.). The Lawsuit claims that generic drug manufacturers violated antitrust laws, harming competition and causing Settlement Class Members to overpay for the Named Generic Drugs. The Settling Defendants deny liability as alleged in the Lawsuit. The Court has not decided who is right. No trial has been held.

- Three additional settlements have been reached between the DPPs and the Settling Defendants: (1) a proposed settlement with Breckenridge Corp.; (2) a proposed settlement with Apotex Corp.; and (3) a proposed settlement with Heritage Pharmaceuticals Inc. (Heritage), Emcure Pharmaceuticals Ltd., (Emcure), and Satish Mehta (Mehta) (together, the “Settlements”). Settling Defendants, other than Emcure and Mehta, are alleged to have violated the antitrust laws relating to the sale of the Named Generic Drugs. The proposed settlements do not resolve any of the claims of the Settlement Class against the remaining Defendants. The Lawsuit against the remaining Defendants is ongoing. The Named Generic Drugs are listed in Appendix A, and the Current and Former defendants are listed in Appendix B.
- The Court has certified three Settlement Classes, one for each proposed Settlement: (1) the Breckenridge Settlement Class; (2) the Apotex Settlement Class; and (3) the Heritage Settlement Class. The three Settlement Classes are each comprised of:

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.

- The Court has preliminarily approved the three proposed Settlements between the Settling Direct Purchaser Plaintiffs and Settling Defendants. To resolve the DPPs' claims against Settling Defendants, the proposed Settlements will provide for the following payments by Settling Defendants: (1) \$5,000,000.00 payment by Breckenridge Corp.; (2) \$30,000,000.00 payment by Apotex Corp; and (3) \$10,000,000.00 payment by Emcure Pharmaceuticals Ltd., on behalf of Heritage and Mehta. These payments, collectively \$45,000,000.00, will comprise the "Settlement Fund." The Settlement Fund may be reduced by up to \$4,245,000.00 or increased to a maximum of \$55,735,294.10 under certain circumstances as explained in the Settlement Agreements. As discussed below, expenses and service awards, as well as a set-aside for a future request for attorneys' fees, may be deducted from these amounts, with Court approval.
- The Court has scheduled a hearing to decide whether to approve each of the three Settlements, the plan for allocating the Settlement Fund to Settlement Class Members, any requests by the DPPs' attorneys for reimbursement of expenses out of the Settlement Fund and for the payment of service awards to the Settling Plaintiffs, and any request by the DPPs' attorneys for a set-aside of up to one-third of the Settlement Fund for a future request for attorneys' fees (the "Final Fairness Hearing"). The Final Fairness Hearing is scheduled for September 23rd, 2024, at 11:00 a.m. EST, before Judge Cynthia M. Rufe at the United States District Court for the Eastern District of Pennsylvania, Courtroom 12-A, 601 Market Street, Philadelphia, PA 19106.

**YOUR LEGAL RIGHTS ARE AFFECTED WHETHER YOU ACT OR DO NOT ACT,
SO PLEASE READ THIS NOTICE CAREFULLY.**

YOUR LEGAL RIGHTS AND OPTIONS IN THESE SETTLEMENTS	
WHEN YOU RECEIVE A CLAIM FORM, PROMPTLY COMPLETE AND RETURN IT	<p>You do not need to do anything now to retain your right to stay in the Settlement Classes and/or seek a share of the proposed Settlements. If the Court decides to give the proposed Settlements Final Approval and you are a Settlement Class Member in any of the Settlement Classes, then you will need to complete, sign, and return a Claim Form to obtain a share of the proposed Settlement(s).</p> <p>If you received a Notice in the mail, a Claim Form will be mailed to you at a later date. You may be asked to provide data showing your eligible purchases.</p> <p>If you <u>did not</u> receive a Notice in the mail and you think you are a potential Settlement Class Member, please identify yourself by letter or email to the following address: <i>In re: Generic Pharmaceuticals Pricing Antitrust Litigation</i> – Direct Purchasers, c/o A.B. Data, Ltd., P.O. Box 173095, Milwaukee, WI 53217.</p> <p>Email: info@GenericDrugsDirectPurchaserSettlement.com.</p> <p>You will be asked to provide information or data proving that you are a member of a Settlement Class. You also may be asked to provide data showing your eligible purchases.</p>
EXCLUDE YOURSELF FROM THE SETTLEMENT CLASS	<p>You may choose to exclude yourself, or “opt out,” from any of the three Settlement Classes. If you decide to exclude yourself from a Settlement, you will not be bound by any decision in this Lawsuit relating to that Settling Defendant. If you choose to exclude yourself from all three Settlements, you will not be bound by any decision in this lawsuit relating to any of the Settling Defendants. This is the only option that allows you to ever be part of any lawsuit (other than this Lawsuit) against the Settling Defendants relating to the legal claims against the Settling Defendants in this case.</p>
STAY IN THE LAWSUIT BUT OBJECT TO THE SETTLEMENTS	<p>If you object to all or any part of the proposed Settlements, you may write to the Court about why you do not like the proposed Settlements.</p>
GET MORE INFORMATION	<p>If you would like to obtain more information about the Lawsuit or the Settlements, you can send questions to the lawyers or Claims Administrator identified in this notice and/or ask to attend the hearing at which the Court will evaluate the proposed Settlements.</p>

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BASIC INFORMATION

1. WHY DID I GET THIS NOTICE?

You received this notice because, according to available data and documents, you may have purchased one or more Named Generic Drugs directly from one or more generic manufacturer Defendants at some time from May 1, 2009 until December 31, 2019, and therefore you may be a member of the Settlement Classes that were certified by the Court for purposes of the proposed Settlements. You may have received this Notice in error and so you should confirm from your own records that you purchased one or more Named Generic Drugs directly from one or more generic manufacturer Defendants at some time from May 1, 2009 to December 31, 2019.

2. WHAT IS THIS LAWSUIT ABOUT?

The Lawsuit is a group of proposed class actions coordinated under the docket *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, Case No. 2:16-MD-02724. DPPs' class action complaints are available at www.GenericDrugsDirectPurchaserSettlement.com. Judge Cynthia M. Rufe, of the United States District Court for the Eastern District of Pennsylvania (the "Court"), is overseeing the Lawsuit and the Settlements.

The Settling Direct Purchaser Plaintiffs allege that Defendants engaged in an unlawful scheme or schemes to fix, maintain, and stabilize prices, rig bids, and engage in market and customer allocation of the Named Generic Drugs in violation of federal antitrust laws. DPPs allege that this harmed competition and caused Settlement Class Members to overpay for the Named Generic Drugs.

All Defendants, including the Settling Defendants, deny that any Settlement Class Member is entitled to damages or other relief. All Defendants, including the Settling Defendants, deny liability as to DPPs' claims. The Settlements between Settling Direct Purchaser Plaintiffs and the Settling Defendants is not an admission of wrongdoing by any Defendant, including the Settling Defendants.

Following investigation of relevant facts, substantial fact discovery, and following arms' length negotiations with the Settling Defendants, the Settling Direct Purchaser Plaintiffs, on behalf of the Settlement Classes, entered into the Settlements with the Settling Defendants.

There has been no determination by the Court or a jury that the allegations against the Defendants or Settling Defendants have been proven or that, if proven, the conduct caused harm to any Settlement Class Members. No trial has been held or scheduled.

3. WHAT IS A CLASS ACTION?

In a class action, one or more people called "Class Representatives" (in this case, César Castillo, LLC, FWK Holdings, LLC, Rochester Drug Cooperative, Inc., and KPH Healthcare Services, Inc.) sue on behalf of others who have similar claims (collectively, the "DPPs" or the "Settling Direct Purchaser Plaintiffs").

The DPPs and the entities on whose behalf they have sued together constitute the "Settlement Classes" or "Settlement Class Members." Their attorneys are called "Settlement Class Counsel."

The companies that have been sued are called the "Defendants." In this case the Current and Former Defendants are the 58 companies listed at the end of this Notice.

In a class action lawsuit, one court resolves the issues for all Class Members, except for those who exclude themselves (*i.e.*, “opt out”) from the Class. The Court, by orders dated February 13, 2024, has determined that the lawsuit between DPPs and the Settling Defendants can proceed as a class action for purposes of settlement. A copy of the Court’s orders may be found at www.GenericDrugsDirectPurchaserSettlement.com.

Specifically, the Court has found that:

- The number of Settlement Class Members is so numerous that joining them all into one suit is impracticable.
- Members of the Settlement Classes share common legal or factual issues relating to the claims in this case.
- The claims of the DPPs are typical of the claims of the rest of the Settlement Classes.
- The DPPs and Settlement Class Counsel will fairly and adequately protect the interests of the Settlement Classes.
- The common legal questions and facts predominate over questions affecting only individual members of the Settlement Classes, and this Lawsuit will be more efficient than individual lawsuits.

4. WHY ARE THERE SETTLEMENTS?

The Court has not decided in favor of the Settling Direct Purchaser Plaintiffs or Settling Defendants. Instead, both sides have agreed to the Settlements. Settling Direct Purchaser Plaintiffs and the Settling Defendants were preparing to proceed with the litigation and eventually go to trial, but they have now agreed to the three proposed Settlements. By agreeing to these Settlements, the parties avoid the costs and uncertainty of additional discovery, motion practice, and an eventual trial, and if the Settlements are approved by the Court, Settlement Class Members will be eligible to receive a payment from these three Settlements. The Settlements do not mean that any law was broken or that the Settling Defendants did anything wrong. The DPPs and Settlement Class Counsel believe that the proposed Settlements are fair, reasonable, and adequate and in the best interests of the Settlement Classes.

WHO IS IN THE SETTLEMENT CLASS AND SETTLEMENTS

5. AM I PART OF THE SETTLEMENT CLASSES AND THE SETTLEMENTS?

You are part of the Settlement Class if you are a person or entity in the United States and its territories that purchased one or more Named Generic Drugs directly from one or more Current or Former Defendants at any time from May 1, 2009 until December 31, 2019.

More specifically, on February 13, 2024, the Court certified three Settlement Classes: (1) the Breckenridge Settlement Class; (2) the Apotex Settlement Class; and (3) the Heritage Settlement Class. The class definition for each of these Settlement Classes is the same:

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.

The Named Generic Drugs and Current and Former Defendants are listed at the end of this Notice.

If you are not sure whether you are included in these Settlement Classes, you may call or write to the lawyers in this case at the telephone numbers or addresses listed in Question 11 below. If you wish to exclude yourself from one or more of these Settlement Classes, please refer to Question 6.

6. CAN I REQUEST TO BE EXCLUDED FROM THE SETTLEMENT CLASSES?

Yes, the Court has set a deadline for requests for exclusion for June 27, 2024. To exclude yourself, you must send a letter via first-class U.S. mail saying you want to exclude yourself from the Direct Purchaser Lawsuit in *In re: Generic Pharmaceuticals Pricing Antitrust Litigation*, Case No. 2:16-MD-02724 (E.D. Pa.). **You must identify which Settlement Class you wish to be excluded from. You may exclude yourself from one, two, or all three Settlement Classes.**

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

Be sure to include your name, address, email address, telephone number, and your signature. Your letter requesting exclusion must be postmarked no later than June 27, 2024.

If you exclude yourself from a Settlement Class, you will not be legally bound by anything that happens in the lawsuit between DPPs and that Settling Defendant. This means that you may be able to sue (or continue to sue) that Settling Defendant in the future about the legal issues in this case. If you exclude yourself from all three Settlement Classes, you will not be legally bound by anything that happens in the lawsuit between DPPs and any of the Settling Defendants. If you exclude yourself from one or more of the Settlement Classes so that you can start or continue your own lawsuit against one or more of the Settling Defendants, you should talk to your own lawyer immediately because your claims will be subject to a statute of limitations, which means that your claims will expire if you do not take timely action. You need to contact your own lawyer about this issue.

If you do not exclude yourself from one or more of the Settlement Classes, and you have a valid claim, you can share in the Settlements, but you will not be able to start a lawsuit, continue a lawsuit, or be part of any other lawsuit against the Settling Defendants arising from the claims released as part of these Settlements, including claims brought in the case between DPPs and the Settling Defendants. All of the Court's orders in the case between DPPs and the Settling Defendants will apply to you and legally bind you. You will also be bound by the proposed Settlements between DPPs and the Settling Defendants if the Court grants Final Approval to the proposed Settlements and enters final judgment in the case between the DPPs and the Settling Defendants.

7. WHAT HAPPENS IF I DO NOTHING?

If you are a Settlement Class Member and you do nothing, you will remain in the Settlement Classes and be eligible to participate in the Settlements as described in this notice, if the Settlements are approved. However, you will need to complete, sign, and return the claim forms (once they are sent to you) in order to obtain a payment. We do not know when the claim forms

will be mailed. You should check www.GenericDrugsDirectPurchaserSettlement.com for information regarding timing. The website will also have a blank claim form for downloading.

THE SETTLEMENTS' BENEFITS

8. WHAT DO THE SETTLEMENTS PROVIDE?

The Settling Defendants have agreed to pay a total of \$45,000,000.00 in cash (which may be reduced to \$40,755,000.00 or increased to as much as \$55,735,294.10 under certain circumstances as explained in the Settlements) to an interest-bearing escrow account ("Settlement Fund") for the benefit of the Settlement Classes. This will come in the form of a \$5,000,000.00 payment from Breckenridge Corp., a \$30,000,000.00 payment from Apotex Corp., and a \$10,000,000.00 payment from Emcure, Heritage, and Mehta. The Settlement Fund shall be held in escrow pending finality of the Settlement Agreements. The Settling Defendants have also agreed to provide substantial cooperation to the DPPs in the continued litigation against the remaining Defendants.

Settlement Class Counsel will apply to the Court from the three Settlements no later than May 13, 2024 for reimbursement of past unreimbursed expenses and for future expenses not to exceed a total of \$4.5 million, and service awards to the four Settling Plaintiffs of \$20,000 each for their services to the Settlement Classes. The Settlements also provide for payment of up to \$450,000 in total for the costs of administering the Settlements and making distributions from the fund. In addition, Settlement Class Counsel will ask the Court to set aside one-third of the Settlement Fund plus a proportionate amount of interest into an escrow account for future requests for payment of attorneys' fees. For purposes of the objection and opt-out deadline of June 27, 2024, all motions for expenses, service awards, and a set-aside for a future request for attorneys' fees shall be posted on the settlement website: www.GenericDrugsDirectPurchaserSettlement.com.

If approved by the Court, the Settlement Fund, minus any court-awarded expenses to Settlement Class Counsel, set-aside for a future request for attorneys' fees, costs of settlement notice and administration, and service awards to Settling Plaintiffs ("Net Settlement Fund") will be distributed to the Settlement Class Members who return valid and timely Claim Forms. The distribution will be made on a *pro rata* basis, consistent with each Settlement Class Member's aggregate weighted share of total Settlement Classes' purchases of the Named Generic Drugs from Defendants. In the event that data from Defendants is not available to calculate a Settlement Class Member's *pro rata* share, such Settlement Class Member will be required to submit data showing its relevant direct purchases as requested by the Claims Administrator. As a general matter, a claimant's *pro rata* share will be based on data from Defendants, and claimants will not be permitted to submit their own purchase data to contest these figures. This is because of the time and expense that would be involved in analyzing such additional data (expenses that would be paid out of the Settlement Fund itself), and because transaction data from Defendants is considered reliable. More information about how Settlement Class Members' shares will be calculated is available in the Plan of Allocation, on the settlement website: www.GenericDrugsDirectPurchaserSettlement.com.

In exchange, the litigation between the DPPs and the Settling Defendants will be dismissed with prejudice and Settling Defendants will be released by Settlement Class Members from all claims that have been brought or could have been brought concerning the subject matter of or acts, omissions, or other conduct alleged in Settling Direct Purchaser Plaintiffs' class action complaints available at www.GenericDrugsDirectPurchaserSettlement.com.

Non-Settling Defendants are **not** part of the proposed Settlements between the DPPs and the Settling Defendants. DPPs' Lawsuit against the Non-Settling Defendants is continuing.

The Settlement Agreements provide that they may be terminated if, for example, the Court does not approve the Settlements or if Settlement Class Members with aggregate purchases above a certain amount opt out. If the Settlement Agreements are terminated, the Lawsuit will proceed against the Settling Defendants as if settlements had not been reached.

The full text of the Settlement Agreements, including the releases, are available at www.GenericDrugsDirectPurchaserSettlement.com. This notice is not meant to, and does not, alter the terms of the actual Settlement Agreements and associated releases.

9. HOW CAN I GET A PAYMENT FROM THE SETTLEMENTS?

If the Court grants Final Approval to the Settlements (*see* "The Court's Fairness Hearing" below) and any resulting appeals are resolved, the Court will approve a Plan of Allocation to distribute the Settlement Fund.

If you do not exclude yourself from all three Settlement Classes, you will need to submit a Claim Form to request your share of the Net Settlement Fund.

- If you received this Notice in the mail, a Claim Form will be sent to you automatically and you do not need to do anything at this time to be eligible to receive a payment from the Settlements. However, you will be required to submit data showing your eligible purchases if such data is not available from Defendants.
- If you did not receive this Notice in the mail, and you think you are a potential Settlement Class Member, please identify yourself or your company by letter or email to the following address: *In re: Generic Pharmaceuticals Pricing Antitrust Litigation* – Direct Purchasers, c/o A.B. Data, Ltd., P.O. Box 173095, Milwaukee, WI 53217. Email: info@GenericDrugsDirectPurchaserSettlement.com. You must also include proof that you purchased at least one of the Named Generic Drugs during the period May 1, 2009 to December 31, 2019 directly from a Current or Former Defendant. You may also be required to submit your purchase data showing all your eligible purchases. A copy of the Claim Form will also be available at www.GenericDrugsDirectPurchaserSettlement.com.

10. WHEN WOULD I GET MY PAYMENT AND HOW MUCH WOULD IT BE?

When you get your payment depends on several matters, including whether and when the Court grants Final Approval of the Settlements. The Net Settlement Fund will be allocated to Settlement Class Members as soon as possible after the Court grants Final Approval of the Settlements.

You will not be responsible for calculating the amount you may be entitled to receive. The Plan of Allocation provides that you will be paid on a *pro rata* basis in proportion to how much of the Named Generic Drugs you purchased directly from Current or Former Defendants from May 1, 2009 through December 31, 2019. Generally, those with more purchases will get a higher recovery. If less than 100% of the Settlement Classes send in claim forms, you could get a larger *pro rata* share. All Claimants who would receive less than a *pro rata* share of \$25 total from the three Settlements will receive \$25 total from the three Settlements.

If the proposed Settlements are given Final Approval, but there is an appeal of the Final Approval, the appeal could take several years to resolve. Any accrued interest on the Settlement Fund will be included, *pro rata*, in the amount paid to Settlement Class Members.

If you do decide to exclude yourself from one or more of the Settlement Classes, which means that you are choosing not to be a part of one or more of the Settlement Classes, then you will not receive a share of that Settlement Class's portion of the Settlement Fund.

THE LAWYERS REPRESENTING THE CLASS

11. DO I HAVE A LAWYER IN THIS CASE?

The Court appointed the counsel listed below as Settlement Class Counsel:

Dianne M. Nast, Esq. Joseph N. Roda, Esq. NASTLAW LLC 1101 Market Street, Suite 2801 Philadelphia, PA 19107 (215) 923-9300 dnast@nastlaw.com jnroda@nastlaw.com	David F. Sorensen, Esq. BERGER MONTAGUE PC 1818 Market Street, Suite 3600 Philadelphia, PA 19103 (215) 875-3000 dsorensen@bm.net
Robert N. Kaplan KAPLAN FOX & KILSHEIMER LLP 800 Third Avenue, 38 th Floor New York, NY 10022 (212) 687-1980 rkaplan@kaplanfox.com	Thomas M. Sobol, Esq. HAGENS BERMAN SOBOL SHAPIRO LLP 1 Faneuil Hall Square, 5 th Floor Boston, MA 02109 (617) 482-3700 tom@hbsslaw.com
Linda P. Nussbaum NUSSBAUM LAW GROUP, PC 1133 Avenue of the Americas, 31st Floor New York, NY 10036 (917) 438-9189 lnussbaum@nussbaumpc.com	Michael L. Roberts ROBERTS LAW FIRM P.A. 1920 McKinney Ave., Suite 700 Dallas, TX 75201 (501) 821-5575 mikeroberts@robertslawfirm.us

12. HOW WILL THE LAWYERS BE PAID?

The attorneys are asking the Court to set aside up to one-third of the Settlement Fund plus a proportionate amount of interest from these three settlements for future requests for attorneys' fees. Settlement Class Counsel will also ask now, as part of the Final Approval of these settlements, for an amount not to exceed a total of \$4.5 million for reimbursement of past and future expenses, including costs of administering these settlements, plus service awards in the amount of \$20,000 for each of the four named plaintiffs. If you decide not to exclude yourself from the Settlement Class, you will not have to pay these fees, costs, and expenses out of your own pocket. If the Court grants Settlement Class Counsel's requests, these amounts would be deducted from the Settlement Fund.

Any application by Settlement Class Counsel for reimbursement of expenses, service awards, and a set-aside for a future request for attorneys' fees will be filed with the Court and made available for download and/or viewing on or before August 12, 2024, on www.GenericDrugsDirectPurchaserSettlement.com, as well as at the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Philadelphia, PA 19106-1797, during normal business hours.

OBJECTING TO THE SETTLEMENTS

13. HOW DO I TELL THE COURT THAT I DON'T LIKE THE SETTLEMENTS?

If you are a Settlement Class Member (and have not excluded yourself), you can object to all or any part of the proposed Settlements and/or the application for a set-aside for a future request for attorneys' fees, reimbursement of costs and expenses, and/or service awards to the Class Representatives. You can give reasons why you think the Court should not approve it. The Court will consider your views.

To object to the Settlements, you must send a letter via first-class U.S. mail saying that you object to the Settlements in the Direct Purchaser Lawsuit in *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, No. 2:16-MD-02724 (E.D. Pa.) with the following information:

- Your name, address, and phone number and the name, address, and phone number of your attorney, if you have one.
- Your signature.
- Case name and number:

In re Generic Pharmaceuticals Pricing Antitrust Litigation
Case No. 2:16-MD-02724

United States District Court for the Eastern District of Pennsylvania

- The specific reasons why you object to the settlement or any part of it.
- All documents or writings that you want the Court to consider.

Mail the objection to the Clerk of the United States District Court for the Eastern District of Pennsylvania (address below) with copies to the individuals and addresses listed below:

CLERK OF THE COURT	SETTLEMENT CLASS COUNSEL	SETTLING DEFENDANTS' COUNSEL
<p>Clerk of Court, EDPA 601 Market Street Philadelphia, PA 19106</p>	<p>Dianne M. Nast Joseph N. Roda NastLaw LLC 1101 Market Street, Ste. 2801 Philadelphia, PA 19107</p>	<p>Heather Lamberg Jeffrey Kessler Freshfields Bruckhaus Deringer US LLP 700 13th Street, NW 10th Floor Washington, D.C. 20005</p> <p>Steven F. Cherry April N. Williams WilmerHale 2100 Pennsylvania Avenue NW Washington, D.C. 20037</p> <p>James W. Matthews Foley & Lardner LLP 111 Huntington Avenue Suite 2500 Boston, MA 02199</p> <p>Elizabeth A. N. Haas Foley & Lardner LLP 777 E. Wisconsin Avenue Milwaukee, WI 53202</p> <p>Edward B. Schwartz Reed Smith LLP 1301 K Street, N.W. Suite 1000, East Tower Washington, D.C. 20005- 3373</p>

Your objection must be postmarked on or before June 27, 2024.

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to grant Final Approval to the Settlements and any requests for reimbursement of expenses, service awards, and a set-aside for a future request for attorneys' fees ("Fairness Hearing"). You may attend and, if you have not excluded yourself from one or more the Settlement Classes, you may ask to speak, but you do not have to.

14. WHEN WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENTS?

The Court has scheduled a Fairness Hearing on September 23rd, 2024, at the United States District Court for the Eastern District of Pennsylvania, Courtroom 12-A, 601 Market Street, Philadelphia, PA 19106.

The time and date of the Fairness Hearing may change without additional mailed notice. For updated information on the hearing, you may check www.GenericDrugsDirectPurchaserSettlement.com, or the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://pcl.uscourts.gov>.

At the Fairness Hearing, the Court will consider whether the Settlements are fair, reasonable, and adequate. The Court may also consider the requests by Settlement Class Counsel for a set-aside for a future request for attorneys' fees, as well as requests for reimbursement of expenses, and payment of service awards. If there are objections, the Court will consider them at that time. After the hearing, the Court will decide whether to give Final Approval to the Settlements and the other requests. It is unknown how long these decisions will take.

Any judgment issued by the Court will be binding on the Settlement Classes. The Settlements, if approved by the Court and once appeals, if any, are resolved, will release all claims in the class action against the Settling Defendants.

15. DO I HAVE TO ATTEND THE HEARING?

No. Settlement Class Counsel will answer any questions the Court may have. However, you are welcome to attend the hearing at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, to the proper addresses, and it complies with the other requirements provided above, the Court will consider it. You also may pay your own lawyer to attend the hearing, but this is not necessary. Attendance is not necessary to receive your share of the Net Settlement Fund.

16. MAY I SPEAK AT THE HEARING?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter via first-class U.S. mail saying that it is your "Notice of Intention to Appear in *In re: Generic Pharmaceuticals Pricing Antitrust Litigation*, No. 2:16-MD-02724 (E.D. Pa.)." Be sure to include your name, address, email address, telephone number, and your signature. Your Notice of Intention to Appear must be postmarked no later than June 27, 2024, and must be sent to the Clerk of the Court, to Settlement Class Counsel, and to Settling Defendants' Counsel at the addresses listed in Question 13 above.

You may not speak at the hearing if you excluded yourself as a Settlement Class Member or do not send a notice of intention to appear.

GETTING MORE INFORMATION

17. HOW DO I GET MORE INFORMATION?

If you have questions about this case or want additional information, you may call or write to the lawyers listed in the answer to Question 11 above, call 877-315-0583, or visit www.GenericDrugsDirectPurchaserSettlement.com. This notice is only a summary of the proposed Settlements and is qualified in its entirety by the terms of the Settlement Agreements. Copies of the Settlement Agreements are on public file with the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Philadelphia, PA 19106. The Settlement

Agreements are also available on the settlement website: www.GenericDrugsDirectPurchaserSettlement.com. You may also call the Claims Administrator at 877-315-0583 with questions.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THE SETTLEMENTS OR THE CLAIMS PROCESS.

EXHIBIT B



Did You Purchase Certain Named
**GENERIC
PHARMACEUTICAL DRUGS
DIRECTLY**
from Certain Pharmaceutical
Manufacturers?

YOUR RIGHTS MAY BE
AFFECTED BY A PROPOSED
CLASS ACTION SETTLEMENT

[LEARN MORE →](#)

GenericDrugsDirectPurchaserSettlement.com



Did You Purchase Certain Named
**GENERIC
PHARMACEUTICAL
DRUGS
DIRECTLY**
from Certain
Pharmaceutical
Manufacturers?

YOUR RIGHTS MAY BE
AFFECTED BY A
PROPOSED CLASS
ACTION SETTLEMENT

[LEARN MORE →](#)

GenericDrugsDirectPurchaserSettlement.com

EXHIBIT C

**If You Purchased Certain Named Generic Pharmaceutical Drugs
Directly from Certain Pharmaceutical Manufacturers
from May 1, 2009 through December 31, 2019,
Your Rights May Be Affected by Proposed Class Action Settlements.**

A federal court authorized this notice. This is not a solicitation from a lawyer.

What is the lawsuit about? Three proposed settlements have been reached in a class action lawsuit (“the Lawsuit”), which alleges that Breckenridge Corp., Apotex Corp., and Heritage Pharmaceuticals Inc., (collectively “Settling Defendants”) and other generic drug manufacturers violated the federal antitrust laws by conspiring to fix, maintain, and stabilize prices, rig bids, and engage in market and customer allocations of certain generic drugs (the “Named Generic Drugs”), causing direct purchasers of the Named Generic Drugs to pay more than they should have. The Settling Defendants, who are defined to also include Emcure Pharmaceutical Ltd., the owner of Heritage Pharmaceuticals Inc. and Satish Mehta, one of its owners, deny liability as alleged in the Lawsuit. The Court has not decided who is right. The proposed Settlements do not resolve any of the claims of the Settlement Class against the remaining Defendants. The Lawsuit against the remaining Defendants is ongoing.

Who is included? The Court has certified three Settlement Classes, one Settlement Class for each proposed Settlement: (1) the Breckenridge Settlement Class, (2) the Apotex Settlement Class, and (3) the Heritage Settlement Class. Each Settlement Class includes 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 through December 31, 2019. Excluded from the Settlement Classes 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. The Settlement Agreements listing the Named Generic Drugs and Current and Former Defendants are available on the settlement website: GenericDrugsDirectPurchaserSettlement.com. The Settlement Agreements also are on public file with the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Philadelphia, PA 19106 in the case *In re: Generic Pharmaceuticals Pricing Antitrust Litigation*, Case No. 2:16-MD-02724.

What do the Settlements provide? The proposed Settlements provide for the following payments: (1) a \$5,000,000.00 payment by the Settling Defendant Breckenridge Corp.; (2) a \$30,000,000.00 payment from Settling Defendant Apotex Corp.; and (3) a \$10,000,000.00 payment from Settling Defendants Heritage Pharmaceuticals Inc., Emcure Pharmaceuticals Ltd., and Satish Mehta. These payments will comprise the total \$45,000,000.00 “Settlement Fund”. The Settlement Fund may be reduced by up to \$4,245,000.00 or increased to a maximum of \$55,735,294.10 under certain circumstances as explained in the Settlement Agreements. In addition, the Direct Purchaser Plaintiff (“DPP”) attorneys who have worked on the Lawsuit for the Settlement Classes will seek Court approval to pay expenses, and service awards for the class representatives (or named plaintiffs) out of the Settlement Fund. DPP attorneys will also request that the Court set aside up to one third of the Settlement Fund plus a proportionate amount of interest for a future request for attorneys’ fees. Any motion for expenses and service awards or for a set aside for a future request for attorneys’ fees will be posted on the settlement website GenericDrugsDirectPurchaserSettlement.com no later than May 13, 2024. The calculations of the dollar amount that each Settlement Class Member will be paid from the Settlement Fund are set forth in the Plan of Allocation, which also is available on GenericDrugsDirectPurchaserSettlement.com.

What are your options? If you are a Settlement Class Member and you do nothing, you will remain in the Settlement Classes and are eligible to participate in the Settlements as described in this Notice, if the Settlements are approved. However, you will need to complete, sign, and return the claim forms (once they are sent to you) in order to obtain a payment. We do not know when the claim forms will be mailed. You should check GenericDrugsDirectPurchaserSettlement.com for information regarding timing. If you did not receive a Notice in the mail, and you think you are a potential Settlement Class Member, please identify yourself or your company by letter to the following address: *In re: Generic Pharmaceuticals Pricing Antitrust Litigation – Direct Purchasers*, c/o A.B. Data, Ltd., P.O. Box 173095, Milwaukee, WI 53217. Or send an email to info@GenericDrugsDirectPurchaserSettlement.com, or call 877-315-0583. You may be required to submit proof of a qualifying direct purchase to establish that you are a member of the Settlement Classes. Claimants may also be required to submit purchase data as part of the claims process. As a Settlement Class Member, unless you opt out of the Settlements, you will be bound by all orders and judgments of the Court.

In addition, if you are a Settlement Class Member you may request exclusion from (or opt out of) one or more of the Settlements and may object to the Settlements if you do not opt out. Instructions for opting-out or objecting can be found in the publicly available case file and website, as described above. You must mail your request to opt out or your objection by June 27, 2024. The Court will hold a Fairness Hearing on September 23, 2024, to decide whether to approve the Settlements and any requests for expenses and service awards for the class representatives and for a set-aside for a future request for attorneys’ fees. The Court will also consider a Plan of Allocation for distributing the Settlement Fund to Settlement Class Members. If there are objections, the Court will consider them at the hearing. You do not need to attend the hearing. If you wish to appear at the hearing, you must file a “Notice of Intention to Appear” with the Court and you may hire your own attorney to appear in Court for you at your own expense.

For more information: Go to the website: GenericDrugsDirectPurchaserSettlement.com or call 877-315-0583 for more information on the settlement, the lawsuit, and your potential rights and options related to the settlement. The website includes, for example, a list of the generic drugs that you would have had to purchase and a list of the generic manufacturers that you would have had to purchase *directly* from in order to be eligible for a payment.

EXHIBIT D

Direct Purchaser Plaintiffs Announce Additional Settlements in In Re Generic Pharmaceutical Pricing Antitrust Litigation

NEWS PROVIDED BY

NastLaw LLC →

Mar 29, 2024, 10:00 ET

PHILADELPHIA, March 29, 2024 /PRNewswire/ --

NastLaw LLC announces: If you purchased certain named generic pharmaceutical drugs directly from certain pharmaceutical manufacturers from May 1, 2009 through December 31, 2019 , your rights may be affected by proposed class action settlements.

A federal court authorized this notice. This is not a solicitation from a lawyer.

What is the lawsuit about? Three proposed settlements have been reached in a class action lawsuit ("the Lawsuit"), which alleges that Breckenridge Corp., Apotex Corp., and Heritage Pharmaceuticals Inc., (collectively "Settling Defendants") and other generic drug manufacturers violated the federal antitrust laws by conspiring to fix, maintain, and stabilize prices, rig bids, and engage in market and customer allocations of certain generic drugs (the "Named Generic Drugs"), causing direct purchasers of the Named Generic Drugs to pay more than they should have. The Settling Defendants, who are defined to also include Emcure Pharmaceutical Ltd., the owner of Heritage Pharmaceuticals Inc and Satish Mehta, one of its owners, deny liability as alleged in the Lawsuit. The Court has not decided who is right. The proposed Settlements do not resolve any of the claims of the Settlement Class against the remaining Defendants. The Lawsuit against the remaining Defendants is ongoing.

Who is included? The Court has certified three Settlement Classes, one Settlement Class for each proposed Settlement: (1) the Breckenridge Settlement Class, (2) the Apotex Settlement Class, and (3) the Heritage Settlement Class. Each Settlement Class includes 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 through December 31, 2019. Excluded from the Settlement Classes 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. The Settlement Agreements listing the Named Generic Drugs and Current and Former Defendants are available on the settlement website: GenericDrugsDirectPurchaserSettlement.com. The Settlement Agreements also are on public file with the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Philadelphia, PA 19106 in the case *In re: Generic Pharmaceuticals Pricing Antitrust Litigation*, Case No. 2:16-MD-02724.

What do the settlements provide? The proposed Settlements provide for the following payments: (1) a \$5,000,000.00 payment by the Settling Defendant Breckenridge Corp.; (2) a \$30,000,000.00 payment from Settling Defendant Apotex Corp.; and (3) a \$10,000,000.00 payment from Settling Defendants Heritage Pharmaceuticals Inc., Emcure Pharmaceuticals Ltd., and Satish Mehta. These payments will comprise the total \$45,000,000.00 "Settlement Fund." The Settlement Fund may be reduced by up to \$4,245,000.00 or increased to a maximum of \$55,735,294.10 under certain circumstances as explained in the Settlement Agreements. In addition, the Direct Purchaser Plaintiff ("DPP") attorneys who have worked on the Lawsuit for the Settlement Classes will seek Court approval to pay expenses, and service awards for the class representatives (or named plaintiffs) out of the Settlement Fund. DPP attorneys will also request that the Court set aside up to one third of the Settlement Fund plus a proportionate amount of interest for a future request for attorneys' fees. Any motion for expenses and service awards or for a set aside for a future request for attorneys' fees will be posted on the settlement website

GenericDrugsDirectPurchaserSettlement.com, no later than May 13, 2024. The calculations of the dollar amount that each Settlement Class Member will be paid from the Settlement Fund are set forth in the Plan of Allocation, which also is available on GenericDrugsDirectPurchaserSettlement.com.

What are your options? If you are a Settlement Class Member and you do nothing, you will remain in the Settlement Classes and are eligible to participate in the Settlements as described in this notice, if the Settlements are approved. However, you will need to complete, sign, and return the claim forms (once they are sent to you) in order to obtain a payment. We do not know when the claim forms will be mailed. You

should check GenericDrugsDirectPurchaserSettlement.com for information regarding timing. If you *did not* receive a Notice in the mail, and you think you are a potential Settlement Class Member, please identify yourself or your company by letter to the following address: *In re: Generic Pharmaceuticals Pricing Antitrust Litigation* – Direct Purchasers, c/o A.B. Data, Ltd., P.O. Box 173095, Milwaukee, WI 53217. Or send an email to info@genericdrugsdirectpurchasersettlement.com, or call 877-315-0583. You may be required to submit proof of a qualifying direct purchase to establish that you are a member of the Settlement Classes. Claimants may also be required to submit purchase data as part of the claims process. As a Settlement Class Member, unless you opt out of the Settlements, you will be bound by all orders and judgments of the Court.

In addition, if you are a Settlement Class Member you may request exclusion from (or opt out of) one or more of the Settlements and may object to the Settlements if you do not opt out. Instructions for opting-out or objecting can be found in the publicly available case file and website, as described above. You must mail your request to opt out or your objection by June 27, 2024. The Court will hold a Fairness Hearing on September 23rd, 2024, to decide whether to approve the Settlements and any requests for expenses and service awards for the class representatives and for a set-aside for a future request for attorneys' fees. The Court will also consider a Plan of Allocation for distributing the Settlement Fund to Settlement Class Members. If there are objections, the Court will consider them at the hearing. You do not need to attend the hearing. If you wish to appear at the hearing, you must file a "Notice of Intention to Appear" with the Court and you may hire your own attorney to appear in Court for you at your own expense.

For more information: Go to the website: GenericDrugsDirectPurchaserSettlement.com or call 877-315-0583 for more information on the settlement, the lawsuit, and your potential rights and options related to the settlement. The website includes, for example, a list of the generic drugs that you would have had to purchase and a list of the generic manufacturers that you would have had to purchase **directly** from in order to be eligible for a payment.

SOURCE NastLaw LLC

EXHIBIT E

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

Timely Exclusion Requests – Apotex/Breckenridge/Heritage Settlements

1. Humana, Inc.
2. Humana Pharmacy, Inc.
3. United HealthCare Services, Inc.
4. OptumRx, Inc.
5. OptumRX Group Holdings, Inc.
6. OptumRx Holdings, LLC
7. Kroger
8. The Kroger Co.
9. Kroger Limited Partnership I
10. Kroger Limited Partnership II
11. KRGP, Inc.
12. Kroger Texas L.P.
13. The Kroger Co. of Michigan
14. Baker's
15. City Market
16. Copps Food Center
17. Dillon
18. Dillon Companies, Inc.
19. FMJ, Inc.
20. Food 4 Less
21. Food 4 Less Holdings, Inc.
22. Fred Meyer
23. Fred Meyer, Inc.
24. Fred Meyer Jewelers, Inc.
25. Fred Meyer Stores, Inc.
26. Fry's
27. Gerbes
28. Harris Teeter
29. Harris Teeter, Inc.
30. Harris Teeter, LLC
31. Healthy Option, Inc.
32. Home Chef
33. Jay C Food Stores
34. Junior Food Stores of West Florida, Inc.
35. Kessel
36. Kessel Food Markets, Inc.
37. King Soopers
38. Kiosk Medicine Kentucky, LLC
39. Mariano's Fresh Market
40. Matthews Property 1, LLC

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

Timely Exclusion Requests – Apotex/Breckenridge/Heritage Settlements

41. Metro Market
42. Owen's
43. Owen's Supermarket
44. Pick 'n Save
45. Pay Less Super Markets
46. Peyton's
47. Peyton's Fountain
48. Peyton's Mid-South Company
49. Peyton's Northern
50. Peyton's Phoenix
51. Peyton's-Southeastern, Inc.
52. Postal Prescription Services
53. QFC
54. Ralphs
55. Ralphs Grocery Company
56. Roundy's Inc.
57. Ruler Foods
58. Scott's Foods
59. Scott's Pharmacy
60. Shop-Rite, LLC
61. Sunrise R&D Holding, LLC
62. Sunrise Technology LLC
63. Smith's
64. Smith's Food & Drug Centers, Inc.
65. TLC Corporate Services LLC
66. Albertsons
67. Albertson's, Inc.
68. Albertsons LLC
69. Albertsons Companies LLC
70. Albertsons Companies, Inc.
71. Albertsons Market
72. Acme Markets
73. American Stores Company
74. American Drug Stores
75. Andronico's
76. Andronico's Community Markets
77. Balducci's Food Lover's Markets
78. Company Amigos United
79. Carr-Gottstein Foods Co.
80. Dominick's

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

Timely Exclusion Requests – Apotex/Breckenridge/Heritage Settlements

81. Dominick’s Finer Foods, LLC
82. Extreme Value
83. Extreme Value Centers
84. Foods Pavilion
85. Genuardi’s
86. Genuardi’s Family Markets LP
87. Haggen
88. Haggen Food & Pharmacy
89. Jerseymaid Milk Products
90. Jewel Foods
91. Jewel Foods, Inc.
92. Jewel Food Stores
93. Jewel-Osco Pharmacy
94. Kings Food Markets
95. Lawrence Brothers
96. Lawrence Brothers Co.
97. Lawrence Brothers Pharmacy
98. Lucerne Foods, Inc.
99. Lucky Stores (Utah locations)
100. Market Street
101. New Albertson’s Inc.
102. New Albertsons L.P.
103. Osco Drugs
104. Pak `N Sav
105. Paul’s Market
106. Pavilions Place Randall’s
107. Randall’s Food & Drugs LP
108. Raley’s of New Mexico
109. Safeway
110. Safeway Inc.
111. Safeway Food & Drug
112. Sav-On Drug
113. Shaw’s Supermarkets, Inc.
114. Simon David
115. Star Market
116. Super Saver Foods
117. The Vons Companies, Inc.
118. Tom Thumb Food & Drugs
119. United Express
120. United Supermarkets

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

Timely Exclusion Requests – Apotex/Breckenridge/Heritage Settlements

121. United Supermarkets, LLC
122. Vons
123. Vons Grocery Company
124. Walgreen Company
125. Walgreen
126. Walgreens
127. Walgreen Co.
128. Alliance
129. Alliance BMP
130. Alliance Boots
131. Alliance Healthcare
132. Alliance Rx Walgreens Prime Pharmacy
133. Alliance Santé
134. Alliance UniChem
135. Bowen Development
136. Burrells
137. Burrells Limited
138. Cystic Fibrosis Services
139. Cystic Fibrosis Services Inc.
140. Cystic Fibrosis Services LLC
141. Duane Reade
142. Duane Reade, Inc.
143. Globe Stores
144. Green Hills Insurance
145. Happy Harry's
146. Happy Harry's Inc.
147. Happy Harry's Discount Drug Stores, Inc.
148. Infinity Infusion
149. Kerr Drug
150. May's Drug Stores
151. May's Drug Stores, Inc.
152. Medicenter
153. Med-X
154. Med-X Corporation
155. Prime Therapeutics Specialty Pharmacy
156. Prime Therapeutics Specialty Pharmacy LLC
157. Riviera Brands
158. S&W Pharmacy
159. S & W Pharmacy, Inc.
160. Super D. Drugs Acquisition Co.

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

Timely Exclusion Requests – Apotex/Breckenridge/Heritage Settlements

161. Superior
162. Superior Holdings Limited
163. Superior Acquisitions Limited
164. Trinity Home Care
165. USA/Super D Franchising
166. USA Drug
167. J M Smith Corporation
168. J M Smith
169. Smith Drug Company
170. Smith Drug
171. Burlington Drug Company
172. Burlington Drug
173. H-E-B
174. H.E. Butt Grocery Company
175. H.E. Butt Grocery Company L.P.
176. Central Market
177. CVS Pharmacy, Inc.
178. CVS Health Corp.
179. Omnicare
180. Southeastern Grocers LLC
181. Southeastern Grocers Inc.
182. Winn-Dixie Stores, Inc.
183. Winn-Dixie Procurement, Inc.
184. Harveys
185. Sweet Bay
186. Fresco y Mas
187. Save-Rite
188. Bi-Lo
189. Bi-Lo Holding LLC
190. Bi-Lo LLC
191. Superbrand
192. J.H. Harvey Co., LLC
193. Bi-Lo Holding Finance LLC
194. Bi-Lo, LLC
195. Samson Merger Sub, LLC
196. Winn-Dixie Logistics, Inc.
197. Winn-Dixie Corporation
198. Bruno's Supermarkets Incorporated
199. Albany Area Primary Health Care, Inc.
200. Allina Health System

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

Timely Exclusion Requests – Apotex/Breckenridge/Heritage Settlements

201. Armstrong County Memorial Hospital, d/b/a ACMH Hospital
202. Astera Health, f/k/a Tri-County Health Care
203. Augusta Health Care, Inc., d/b/a/ Augusta Health
204. Avera Health
205. Baptist Health
206. Baxter County Hospital, Inc., d/b/a/ Baxter Regional Medical Center
207. Baystate Health, Inc.
208. Beaufort Jasper Hampton Comprehensive Health Services, Inc.
209. Berkshire Health Systems, Inc.
210. Billings Clinic
211. Broad Top Area Medical Centers, Inc.
212. Cape Cod Healthcare, Inc.
213. Care New England Health System, d/b/a Care New England
214. CaroMont Health, Inc.
215. CentraCare Health System
216. Central Texas Community Health Centers, d/b/a/ CommUnityCare
217. The Chautauqua Center, Inc.
218. The Children’s Hospital Corporation, d/b/a Boston Children’s Hospital
219. The Children’s Hospital of Philadelphia
220. Collier Health Services, Inc., d/b/a Healthcare Network
221. Community Health Center of Snohomish
222. Confluence Health
223. Conway Regional Health System
224. Cook County Hospital District, d/b/a North Shore Health
225. Cook Hospital
226. Crusaders Central Clinic Association
227. Dallas County Medical Center
228. The DCH Health Care Authority, d/b/a/ DCH Health System
229. Delta Memorial Hospital
230. Douglas County Hospital, d/b/a/ Alomere Health
231. Drew Memorial Hospital, Inc., d/b/a/ Drew Memorial Health System
232. Duval’s Pharmacy, Inc.
233. East Boston Neighborhood Health Center Corporation
234. Ely-Bloomerson Community Hospital
235. Erie Family Health Center, Inc.
236. Essentia Health
237. Evangelical Community Health
238. Fairview Health Services
239. Fulton County Medical Center
240. Gillette Children’s Specialty Healthcare

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Timely Exclusion Requests – Apotex/Breckenridge/Heritage Settlements

241. Glacial Ridge Health System
242. Granby Pharmacy, Inc., d/b/a Center Pharmacy
243. Great Lakes Bay Health Centers
244. Great Salt Plains Health Center, Inc.
245. Greater Lawrence Family Health Center
246. The Guthrie Clinic
247. Health Partners of Western Ohio
248. HealthPoint
249. Hennepin Healthcare System, Inc.
250. Independence Health System
251. Intermountain Health Care, Inc.
252. International Community Health Services
253. Jackson-Madison County General Hospital District, d/b/a/ West Tennessee Healthcare
254. Kittson Healthcare
255. Knight Health Holdings LLC, d/b/a ScionHealth
256. Kootenai Hospital District
257. Lake Region Healthcare Corporation
258. Lakewood Health System
259. Lehigh Valley Health Network, Inc.
260. LifeCare Medical Center
261. Lifepoint Corporate Services, General Partnership
262. Lifespan Corporation
263. Logan Health
264. Longview Wellness Center, Inc., d/b/a Wellness Pointe
265. Lutheran Charity Association, d/b/a Jamestown Regional Medical Center
266. Madelia Health
267. Madison Health, f/k/a Madison Memorial Hospital
268. Madison Healthcare Services, d/b/a/ Madison Hospital
269. Main Line Health, Inc.
270. Marana Health Center, Inc.
271. Mary Rutan Hospital d/b/a Mary Rutan Health
272. Mass General Brigham Incorporated
273. Mayo Clinic
274. MedCura Health, Inc.
275. Meeker Memorial Hospital and Clinics
276. Memorial Hospital of Laramie County, d/b/a Cheyenne Regional Medical Center
277. Memorial Hospital of Sweetwater County
278. Memorial Sloan Kettering Cancer Center
279. Middlesex Health System, Inc., d/b/a Middlesex Health
280. Millcreek Community Hospital

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Timely Exclusion Requests – Apotex/Breckenridge/Heritage Settlements

281. Mille Lacs Health System
282. Montefiore Medical Center
283. Mount Nittany Health System
284. Mount Sinai Hospitals Group, Inc.
285. Murray County Medical Center
286. MVMEDSHOP, Inc., d/b/a/ Vineyard Scripts
287. Nationwide Children’s Hospital
288. The New York and Presbyterian Hospital
289. North Big Horn Hospital District
290. North Canyon Medical Center
291. North Memorial Health Care, d/b/a/ North Memorial Health
292. North Olympic Healthcare Network
293. Northern Itasca Hospital District, d/b/a Bigfork Valley
294. Northfield Hospitals + Clinics
295. Novant Health, Inc.
296. Nuvance Health
297. NYU Langone Hospitals
298. Ochsner Clinic Foundation
299. Olmsted Medical Center
300. Ortonville Area Health Services
301. Overlake Hospital Medical Center
302. PeaceHealth
303. Peak Vista Community Health Centers
304. Penn Highlands Healthcare
305. Perham Hospital District, d/b/a/ Perham Health
306. Pikeville Medical Center, Inc.
307. Providence St. Joseph Health
308. Pueblo Community Health Center, Inc.
309. The Regents of the University of Michigan on behalf of University of
310. Regional Health Services, d/b/a/ Glencoe Regional Health
311. Ridgeview Medical Center, Inc., d/b/a Ridgeview
312. River’s Edge Hospital
313. Riverview Healthcare Association
314. Roanoke Chowan Community Health Center
315. Rutherford County Primary Care Clinics, Inc., d/b/a Primary Care & Hope Clinic
316. RWJBarnabas Health, Inc.
317. Salem Community Hospital, d/b/a/ Salem Regional Medical Center
318. Sanford
319. Select Medical Corporation
320. SGOH Acquisition, Inc., d/b/a/ Ozarks Community Hospital

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Timely Exclusion Requests – Apotex/Breckenridge/Heritage Settlements

321. Shands Jacksonville Medical Center, Inc.
322. Shands Teaching Hospital and Clinics, Inc.
323. Shasta Community Health Center
324. Shawnee Health Service and Development Corporation
325. Sleepy Eye Medical Center
326. St. Clair Health Corp., d/b/a St. Clair Health
327. St. Luke's Health Network, Inc., d/b/a St. Luke's University Health Network
328. St. Luke's Health System, Ltd.
329. St. Luke's Hospital of Duluth
330. St. Thomas Community Health Center
331. Stamford Health, Inc.
332. Stigler Health & Wellness Center, Inc.
333. Syringa Hospital Districts, d/b/a/ Syringa Hospital & Clinics
334. Thomas Jefferson University, d/b/a/ Jefferson Health
335. Tri-Area Community Health
336. UC Health, LLC, d/b/a UC Health
337. UHS of Delaware, Inc.
338. UMass Memorial Care, Inc.
339. United Hospital District
340. University Health Systems of Eastern Carolina, d/b/a ECU Health
341. Upham's Corner Health Committee, Inc., d/b/a Upham's Corner Health Center
342. UPMC
343. Valley Health System
344. Valor Health
345. WakeMed d/b/a WakeMed Health & Hospitals
346. Welia Health
347. Wellpath LLC
348. White River Health System, Inc., d/b/a White River Medical Center
349. Winona Health Services

EXHIBIT F

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Untimely Exclusion Requests – Apotex/Breckenridge/Heritage Settlements

1. Rite Aid Corporation
2. Rite Aid Hdqtrs. Corp.