

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

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

MDL NO. 2724
16-MD-2724

THIS DOCUMENT RELATES TO:

HON. CYNTHIA M. RUFÉ

Direct Purchaser Plaintiffs' Actions

**DIRECT PURCHASER PLAINTIFFS' UNOPPOSED MOTION
TO EXTEND THE DEADLINE IN PARAGRAPH 26 OF THIS COURT'S
JUNE 26, 2024 ORDER REGARDING DPPS' SANDOZ SETTLEMENT**

Pursuant to Federal Rules of Civil Procedure 6(b)(1)(A) and 23(d)(2), 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"), by and through their undersigned counsel, respectfully move this Court to extend the deadline in Paragraph 26 of this Court's June 26, 2024 Order Regarding DPPs' Sandoz Settlement [MDL Doc. No. 3021] ("Sandoz Preliminary Approval Order" or "June 26, 2024 Order").

Specifically, DPPs move to extend the deadline for counsel to move for fees, expenses, and service awards provided for in Paragraph 26 of the Sandoz Preliminary Approval Order. As described in more detail below, extending the foregoing deadline will not require the Court to reschedule its March 17, 2025 Final Fairness Hearing or otherwise amend the June 26, 2024 Order. DPPs have conferred with Settling Defendants Sandoz Inc. and Fougera Pharmaceuticals Inc., who have affirmed that they do not oppose DPPs' requested relief.

I. ARGUMENT

This Court entered the Sandoz Preliminary Approval Order on June 26, 2024, thereby setting a schedule for proceedings that culminate with a Final Fairness Hearing on March 17, 2025. *See* Sandoz Preliminary Approval Order ¶ 23. In accordance with that Order, on July 10, 2024, DPPs caused Notice of the Sandoz Settlement to be disseminated to the Settlement Class. *Id.* at ¶¶ 16-18 (requiring Notice within 14 days of June 26, 2024). Under the Sandoz Preliminary Approval Order, DPPs currently must move for fees, expenses, and service awards by August 23, 2024. *Id.* at ¶ 26 (setting deadline as within 45 days of Notice). DPPs respectfully ask the Court to extend the August 23, 2024 deadline for a motion for fees, expenses, and service awards until September 23, 2024.

DPPs' requested relief will provide counsel with additional time to prepare what will likely be the first fee application that any party in this MDL presents to this Court. With the additional time requested, DPPs will be better able to prepare a more fulsome and detailed fee application that contains the information this Court will likely wish to consult when rendering possibly its first opinion on fees in this long-running and complicated MDL. All other deadlines related to the Sandoz Preliminary Approval Order would remain unchanged.

The limited, proposed change to the schedule will not infringe the rights of members of the Settlement Class. DPPs' motion will be filed and posted on the settlement website in advance of the October 8, 2024 deadline for class members to decide whether to opt-out or object to the terms of the Sandoz settlement. *See id.* at ¶¶ 19, 25. Moreover, per the form of Notice approved by the Court, each member of the Settlement Class already has notice that, "[f]or purposes of the objection and opt-out deadline of October 8, 2024, Settlement Class Members should assume that Settlement Class Counsel will seek attorney's fees of up to one-third of the net Settlement

Funds to date, after expenses and service awards have been deducted and including interest (and including the Settlement Funds from DPPs' prior Settlements)." Additionally, Members of the Settlement Class received Notice that DPPs' request for reimbursement of expenses shall not "exceed a total of \$2 million" and that service awards for the class representatives may be "up to \$20,000 each." Finally, the Notice also explained that "Settlement Class Members will have the opportunity to review, and object to, Settlement Class Counsel's motion for attorneys' fees after it is filed and before the Court rules." Therefore, Members of the Settlement Class will have the information they may need to render a decision by the October 8, 2024 deadlines.

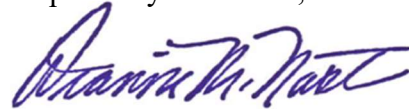
Accordingly, DPPs respectfully request the foregoing extension to ensure adequate time for DPPs to prepare a fee petition. Should the Court grant DPPs' requested relief, within five days of such Order, DPPs will post a conspicuous notice on the Settlement website alerting the Settlement Class of this scheduling change. *See* Exhibit A (showing highlighted notice to be published on homepage of settlement website).

II. CONCLUSION

For the foregoing reasons, DPPs respectfully request that this Court enter the attached Proposed Order granting this Unopposed Motion.

Dated: August 16, 2024

Respectfully submitted,



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Direct Purchaser Plaintiffs' Steering Committee

EXHIBIT A

Generic Drugs Direct Purchaser Settlement

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.

The information contained on this website is only a summary. You may download a copy of the full Notice for each settlement at the links below. Since this website is just a summary, you should review the Notice and Settlement Agreements for additional details. The Settlement Agreements are available at the links below.

- Information regarding the settlements with the Sun and Taro Defendants can be found on the **Sun/Taro Settlements** page of this website or by clicking [here](#).
- Information regarding the settlements with the Apotex, Breckenridge, and Heritage Defendants can be found on the **Apotex/Breckenridge/Heritage Settlements** page of this website or by clicking [here](#).
- Information regarding the settlement with Sandoz can be found on the **Sandoz Settlement** page of this website or by clicking [here](#). **On _____, the Court entered an Order amending the deadline for Settlement Counsel to request attorneys' fees, reimbursement of expenses, and service awards for the class representatives from August 23, 2024 to September 23, 2024. The Order can be found [here](#). Promptly after that Motion is filed on September 23, 2024, you will be able to review it [here](#).**

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HON. CYNTHIA M. RUFÉ

Direct Purchaser Plaintiffs' Actions

**[PROPOSED] ORDER GRANTING DIRECT PURCHASER PLAINTIFFS'
UNOPPOSED MOTION TO EXTEND THE DEADLINE IN PARAGRAPH 26 OF
THIS COURT'S JUNE 26, 2024 ORDER REGARDING DPPS' SANDOZ SETTLEMENT**

AND NOW, this _____ day of _____ 2024, upon review and consideration of Direct Purchaser Plaintiffs' ("DPPs") Unopposed Motion to Extend the Deadline in Paragraph 26 of This Court's June 26, 2024 Order Regarding DPPs' Sandoz Settlement ("June 26, 2024 Order") [MDL Doc. No. ____], it is hereby **ORDERED** that the Motion is **GRANTED** as follows:

1. By no later than **September 23, 2024** and as otherwise specified in Paragraph 26 of the June 26, 2024 Order [MDL Doc. No. 3021], DPPs may move for reimbursement of expenses, service awards, and an award of attorneys' fees.

2. The Court finds the proposed form of notice of the extension attached as Exhibit A to DPPs' Motion satisfies the requirements of Rule 23(e) and due process and is otherwise fair and reasonable, and therefore is approved.

3. Within **five (5) days** of the entry of this Order, DPPs shall cause notice of this Order and its terms to members of the Settlement Class by posting notice on the settlement

website (GenericDrugsDirectPurchaserSettlement.com) that is substantially in the form of Exhibit A to DPPs' Motion.

It is so **ORDERED**.

BY THE COURT:

CYNTHIA M. RUFÉ, J.