

**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. RUFE

Direct Purchaser Plaintiffs' Actions

**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 THE GLENMARK SETTLEMENT FUND AND
OF THE GREENSTONE AND PFIZER SETTLEMENT FUND**

Pursuant to paragraph 26 of this Court's August 28, 2025 Order Regarding Preliminary Approval of DPPs' Greenstone and Pfizer Settlement [MDL Doc. No. 3620] and paragraph 26 of this Court's August 29, 2025 Order Regarding Preliminary Approval of DPPs' Glenmark Settlement [MDL Doc. No. 3623] ("Preliminary Approval Orders"), DPPs respectfully move for entry of the proposed Order submitted herewith which provides for DPPs with permission to effectuate the following transactions:

1. Withdrawal of \$6,000,000 from the Settlement Funds to reimburse DPPs' current and future expenses, with half (\$3,000,000) to be withdrawn from the Glenmark Settlement Fund and the other half (\$3,000,000) to be withdrawn from the Greenstone and Pfizer Settlement Fund.

2. Withdrawal of \$80,000 from the Settlement Funds to provide Service Awards to each of DPPs' four Class representatives, with half (\$40,000) to be withdrawn from the

Glenmark Settlement fund and the other half (\$40,000) to be withdrawn from the Greenstone and Pfizer Settlement Fund.

3. Withdrawal of one third of each of the net Settlement Funds to be set aside in escrow in anticipation of DPPs' submission of an application for attorneys' fees at a later date.

In support of this Motion, DPPs rely upon the accompanying Memorandum of Law and Declaration of Dianne M. Nast attached thereto, which are incorporated in full as if set forth herein.

Dated: November 21, 2025

Respectfully submitted,



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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
16-MD-2724**

THIS DOCUMENT RELATES TO:

HON. CYNTHIA M. RUFÉ

Direct Purchaser Plaintiffs' Actions

**MEMORANDUM OF LAW IN SUPPORT OF
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 THE GLENMARK SETTLEMENT FUND AND
OF THE GREENSTONE AND PFIZER SETTLEMENT FUND**

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I. INTRODUCTION

Pursuant to paragraph 26 of this Court’s August 28, 2025 Order Regarding Preliminary Approval of DPPs’ Greenstone and Pfizer Settlement [MDL Doc. No. 3620] and paragraph 26 of this Court’s August 29, 2025 Order Regarding Preliminary Approval of DPPs’ Glenmark Settlement [MDL Doc. No. 3623] (“Preliminary Approval Orders”), DPPs seek (1) reimbursement of current and future expenses not to exceed \$6,000,000 divided evenly between the two settlements, (2) \$20,000 service awards for each of the four DPP Class Representatives divided evenly between the two Settlement Funds, and (3) permission to set aside up to one-third of each of the Settlement Funds for attorneys’ fees, net of expenses and service awards, plus accrued interest.

DPPs’ requests here are similar to prior requests that this Court granted in connection with certain earlier DPP settlements. *See* Order Granting Motion by Direct Purchaser Class Plaintiffs for an Order Pursuant to Paragraph 26 of this Court’s May 11, 2022 Order [MDL Doc. No. 2387] (“Sun/Taro Order”); Order Granting Motion by Direct Purchaser Class Plaintiffs 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. 3133] (“A/B/H Order”).

DPPs’ settlements with Glenmark and Greenstone and Pfizer have created common Settlement Funds of \$70,750,000¹ that will benefit the preliminarily certified Settlement Classes of over 700 direct purchasers of various generic drugs. *See* Preliminary Approval Orders at ¶¶ 3-

¹ To date, Glenmark and Greenstone and Pfizer have collectively deposited \$44,100,000 into the Settlement Funds. On or before April 1, 2026, Glenmark will deposit an additional \$26,650,000, bringing the settlement funds collectively to \$70,750,000 before the inclusion of interest. If certain circumstances occur, the value of these Settlement Funds may adjust downward to \$62,260,000 or upward to \$88,405,662.50.

12 (preliminarily certifying settlement class for notice and subject to further consideration at the Final Fairness Hearing).

To date, DPPs have advanced payment of reasonable expenses required to achieve these settlements, have determined appropriate allocations to Settlement Class members of the Net Settlement Funds, and must continue the litigation against the remaining Defendants.

Additionally, the present Settlement Funds were facilitated by the active participation of DPPs' Class Representatives in the litigation. Finally, because the Settlement Funds are a product of the significant efforts of DPP attorneys, DPPs request that one-third of the net of each Settlement Fund be held in escrow so that DPPs may apply for fees at a later date.

DPPs seek entry of the attached proposed Order permitting reimbursement for DPPs' expenses, service awards for DPPs' Class Representatives, and permission to set aside one-third of each of the Glenmark Settlement and the Greenstone and Pfizer Settlement Fund net of expenses and service awards, and plus accrued interest, for a future fee petition.

II. REQUEST FOR REIMBURSEMENT OF DPPS' EXPENSES

Through October 31, 2025, DPPs have incurred \$2,235,242.22 in shared expenses (*i.e.*, expenses paid or incurred by the DPP Litigation Fund, excluding held expenses paid or incurred by DPP law firms) that have not been reimbursed through prior settlements. DPPs seek reimbursement for \$2,235,242.22 in current expenses and \$3,764,757.78 in future expenses, for a total reimbursement of \$6,000,000.

The Notice disseminated to Settlement Class members states that "Settlement Class Counsel will apply to the Court from the two Settlements no later than November 27, 2025 for reimbursement of past unreimbursed expenses and for future expenses not to exceed a total of \$6,000,000." The deadline for Settlement Class members to object to this reimbursement request

is January 12, 2026, but, to date, DPPs are not aware of any objection to the \$6,000,000 in expenses which was included in the Notice.

Early in this MDL, this Court entered Pretrial Order No. 8, specifying appropriate categories of common benefit expenses. *See* Pretrial Order No. 8 (“PTO 8”) at p. 3-6. Consistent with Third Circuit precedent, reasonable expenses under PTO 8 include: assessments; deposition and court reporter costs; costs for the electronic storage, retrieval and searches of ESI; Court, filing, and service costs; expert witness and consultant fees and expenses; data and materials provided by outside third-party vendors, consultants and attorneys; and bank or financial institution charges. *Cf.* PTO 8; *In re CertainTeed Fiber Cement Siding Litig.*, 303 F.R.D. 199, 226 (E.D. Pa. 2014) (finding reasonable expenses to include “mediation costs, court filing fees, hearing transcripts, expert fees, [and] online research”); *Mehring v. New York Life Ins. Co.*, 248 F.R.D. 455, 467 (E.D. Pa. 2008) (finding the following types of out-of-pocket expenses compensable: “(1) travel and lodging, (2) local meetings and transportation, (3) depositions, (4) photocopies, (5) messengers and express services, (6) telephone and fax, (7) Lexis/Westlaw legal research, (8) filing, court and witness fees, (9) overtime and temp work, (10) postage, [and] (11) the cost of hiring a mediator”). The shared expenses DPPs have incurred in compliance with PTO 8 through October 31, 2025, net of the expenses previously reimbursed, are listed in Exhibit A to the Nast Declaration.

Courts regularly reimburse class counsel for reasonable litigation expenses accrued to the benefit of a class. Fed. R. Civ. P. 23 (h) (“In a certified class action, the court may award reasonable attorney’s fees and nontaxable costs that are authorized by law or by the parties’ agreement.”); *CertainTeed*, 303 F.R.D. at 226 (“[C]ounsel in common fund cases is entitled to reimbursement of expenses that were adequately documented and reasonably and appropriately

incurred in the prosecution of the case.”) (quoting *In re Cendant Corp., Derivative Action Litig.*, 232 F. Supp. 2d 327, 343 (D.N.J. 2002)). Awarding such reasonable expenses allows a court to ensure that absent class members are not unjustly enriched by avoiding a share of the expenses that were reasonably necessary. *Mills v. Elec. Auto-Lite Co.*, 396 U.S. 375, 392 (1970) (“To allow the others to obtain full benefit from the plaintiff’s efforts without contributing equally to the litigation expenses would be to enrich the others unjustly at the plaintiff’s expense.”).

In addition to reimbursing class counsel for expenses already incurred “[c]ourts routinely approve setting aside a portion of a partial settlement for counsel’s future litigation expenses to be incurred as they prosecute non-settling defendants.” *In re Pool Prod. Distribution Mkt. Antitrust Litig.*, 2016 WL 235781, at *12 (E.D. La. Jan. 20, 2016) (collecting cases); *In re Linerboard Antitrust Litig.*, 292 F. Supp. 2d 631, 643 (E.D. Pa. 2003) (DuBois, J.) (finding \$7.2 million settlement “provides class plaintiffs with an immediate financial recovery that ensures funding to pursue the litigation against the non-settling defendants.”); Order Granting Indirect Reseller Plaintiffs’ Motion for Reimbursement of Litigation Expenses and Allocation for Future Litigation Expenses from the Apotex Settlement, MDL Doc. 3418 (permitting IRPs to withdraw \$333,290 for future expenses); Order Regarding End-Payer Class Counsel’s Motion for Attorneys’ Fees and Expenses as to Heritage and Apotex Settlement, MDL Doc. 3818 at ¶ 6 (approving EPPs’ request to reserve \$2,000,000 for ongoing litigation expenses); *In re Auto. Refinishing Paint Antitrust Litig.*, No. 2:10-md-1426, ECF No. 136 (Surrick, J.) (E.D. Pa. Oct. 13, 2004) (approving establishing a fund to pay future expenses); Ann. Manual Complex Lit. § 13.21 (4th ed.) (“[P]artial settlements may provide funds needed to pursue litigation.”).

As explained in the attached Declaration of Dianne M. Nast, DPPs have incurred and continue to incur reasonably appropriate expenses that are consistent with the framework

outlined in PTO 8. *See* Declaration of Dianne M. Nast (“Nast Decl.”) ¶¶ 8-12. Many of the complaints in this litigation have been pending since 2016 and collectively involve over one hundred generic drugs and dozens of Defendants. *See id.* ¶ 3. DPPs have dedicated significant time and resources dedicated to this MDL and to the preparation of their *Clobetasol* and *Clomipramine* bellwether trials that have yet to occur. *See id.* ¶¶ 3-7.

Only two of DPPs’ 20 complaints (*Clobetasol* and *Clomipramine*) have proceeded through expert discovery and class certification briefing. *See id.* ¶ 6. Expert expenses make up a significant amount of DPPs’ expenses and are closely linked with class certification and expert discovery. *See id.* ¶¶ 13-14. To date, DPPs have only briefed class certification and conducted expert discovery in two of their 20 cases covering only two of the 159 drugs at issue in DPPs’ cases, meaning most of DPPs’ claims have not yet proceeded through class certification or expert discovery. *Id.* The litigation has been hard-fought and may continue for several years. *See id.* ¶ 7.

In DPPs’ Motions for Preliminary Approval of the Glenmark and Greenstone and Pfizer Settlements, DPPs requested approval to seek expenses not to exceed \$3,000,000 from each settlement or \$6,000,000 collectively. As set forth above and in the Nast Declaration, through October 31, 2025, DPPs have incurred shared costs of \$2,235,242.22 that were reasonably necessary to litigate DPPs’ claims in this MDL, obtain the Settlements with Glenmark and Greenstone and Pfizer and to effectuate a plan of allocation and notice of those settlements. *See* Nast Decl. ¶¶ 8-12. These expenses have been for the common benefit of the class, are reasonable in amount, and are adequately supported by documentation in DPPs’ possession. *See id.*

DPPs respectfully request reimbursement of \$2,235,242.22 for current expenses but also \$3,764,757.78 for future expenses, which is the balance of \$6,000,000 ceiling for expenses provided in DPPs’ Court approved Notice to the Settlement Classes less DPPs’ current expenses.

The litigation is continuing against most Defendants and no trials have commenced. *Id.* ¶¶ 4-5. The majority of DPPs' claims have not proceeded through class certification and expert discovery, *id.* ¶ 6, class and expert proceedings are closely linked to the accumulation of additional expert expenses, *id.* ¶ 13, and DPPs reasonably expect to incur \$3,764,757.78 or more in additional expenses as their remaining 18 cases and 157 drugs proceed through class certification and expert discovery. *Id.* ¶ 14. DPPs would reserve any funds granted for future expenses in escrow, withdrawing them only as needed, and would maintain a detailed accounting of the amount and purpose of those expenses, and will make those details available to the Court upon request or in a future fee petition.

In total, DPPs respectfully request permission to withdraw \$6,000,000 in total, divided evenly between the two Settlement Funds.

III. REQUEST FOR SERVICE AWARDS OF \$20,000 FOR EACH OF THE FOUR CLASS REPRESENTATIVES

Consistent with this Court's Orders Granting Preliminary Approval of DPPs' earlier settlements, DPPs request approval of payment from the Settlement Funds of \$20,000 service awards to each of DPPs' four Class representatives, totaling \$80,000, with \$40,000 withdrawn from the Glenmark Settlement Fund and \$40,000 withdrawn from the Greenstone and Pfizer Settlement Fund. These proposed service awards were described to putative class members in the Notice. The Court awarded identical service awards earlier in this case in connection with the Sun and Taro settlements. *See, e.g.,* Sun/Taro Order at ¶ 2, MDL Doc. No. 2387; A/B/H Order at ¶ 2, MDL Doc. No. 3133.

Courts in the Third Circuit have regularly approved payment of service awards to class representatives in recognition of the time and effort they have invested in a class action to the

benefit of other absent class members.² *Cullen v. Whitman Med. Corp.*, 197 F.R.D. 136, 145 (E.D. Pa. 2000) (“Incentive awards are not uncommon in class action litigation and particularly where, as here, a common fund has been created for the benefit of the entire class.”) (internal quotation marks omitted). “The purpose of these payments is to compensate named plaintiffs for the services they provided and the risks they incurred during the course of class action litigation, and to reward the public service of contributing to the enforcement of mandatory laws.” *Sullivan v. D.B. Invs. Inc.*, 667 F.3d 273, 333, n. 65 (3d Cir. 2011) (internal quotation marks omitted).

This Court has previously approved service awards of \$20,000 for each of the named plaintiffs in this MDL. *See, e.g.*, Sun/Taro Order, MDL Doc. No. 2387. Moreover, Courts in this Circuit and elsewhere often compensate class representatives for their services in amounts comparable to or exceeding the \$20,000 that DPPs request here for each Class Representative. *See e.g.*, *In re Linerboard Antitrust Litig.*, 2004 WL 1221350, at *19 (E.D. Pa. June 2, 2004) (approving service awards of \$25,000 to each of five class representatives); *In re Flonase Antitrust Litig.*, 951 F. Supp 2d 739, 752 (E.D. Pa. 2013) (finding “an incentive award of \$50,000 and \$40,000 is within the range of payments awarded by courts within the Third Circuit in other direct purchaser antitrust litigation.”); *Bradburn Parent Tchr. Store, Inc. v. 3M (Minnesota Mining & Mfg. Co.)*, 513 F. Supp. 2d 322, 342 (E.D. Pa. 2007) (approving service award of \$75,000 to class representative); *In re Lorazepam & Clorazepate Antitrust Litig.*, 205 F.R.D. 369, 400 (D.D.C. 2002) (approving service awards representing an aggregate of “approximately 0.3% of each class’s recovery”); *In re Namenda Direct Purchaser Antitrust Litig.*, 2020 WL 3170586, at *2 (S.D.N.Y. June 15, 2020) (approving service awards of \$75,000

² Historically, Courts have used the term “incentive award.” These payments are more properly described as “service awards” for the efforts that class representatives put forth on behalf of the class.

to each class representative); *In re Solodyn Antitrust Litig.*, 2018 WL 7075881, at *2 (D. Mass. July 18, 2018) (approving service awards of \$90,000 to each class representative); *In re Remeron Direct Purchaser Antitrust Litig.*, 2005 WL 3008808, at *18 (D.N.J. Nov. 9, 2005) (approving service awards totaling \$60,000 for two class representatives from a \$75,000,000 settlement fund); *In re Pork Antitrust Litig.*, Civ. A. No. 18-1776, ECF No. 1424, ¶ 12 (D. Minn. July 22, 2022) (awarding service awards of \$25,000 each to four DPP class representatives).

DPPs' Class Representatives have devoted their time and efforts without the promise of any compensation. This lawsuit on behalf of all direct purchasers and these settlements were facilitated by Named Plaintiffs services as DPPs' Class Representatives. *See* Nast Decl. ¶¶ 18-21. Throughout this litigation, the Named Plaintiffs have advised Class Counsel, approved pleadings, reviewed and responded to written discovery, searched for, gathered, preserved, and produced documents, prepared for and sat for depositions, and kept up to date on the progress of the case. *See id.* at ¶19.

Additionally, unlike many other litigants in this MDL, some of the DPPs' Class Representatives have direct business relationships with the Defendants as direct purchasers. *See id.* at ¶18. Accordingly, DPPs' Class Representatives have exposed themselves to substantial business risks for the benefit of the entire class.

The Class Representatives' contributions benefited the entire class. Accordingly, DPPs respectfully submit this request for service awards of \$20,000 for each Class Representative to be paid from the Settlement Funds as described above.

IV. REQUEST TO SET ASIDE ONE-THIRD OF EACH NET SETTLEMENT FUND FOR A FUTURE FEE PETITION

Consistent with the Sun/Taro Order and A/B/H Order in which this Court granted DPPs' request to set aside one-third of the net Settlement Funds, DPPs are deferring an application for

attorneys' fees and instead seek to set aside in escrow one-third of the Settlement Funds, net of expenses and service awards, plus accrued interest. When DPPs file another petition for an award of attorneys' fees, these escrowed funds would be available to satisfy any fee award granted by the Court.

Setting aside one third of each net settlement fund for a future fee petition is consistent with the Court's earlier Order concerning the Sun and Taro settlements and within this Court's equitable powers. *See* Sun/Taro Order, MDL Doc. No. 2387. Setting aside funds will ensure that all class members who benefit from the Settlement Funds created via the Glenmark Settlement and the Greenstone and Pfizer Settlement shall "participate in paying attorney's fees when a prevailing plaintiff's litigation redounds to the benefit of the common fund." *See Polanski v. Trump Taj Mahal Assocs.*, 137 F.3d 139, 145 (3d Cir. 1998) (citing *Hall v. Cole*, 412 U.S. 1, 5 n. 7 (1973); *id.* ("Under the exercise of its equitable powers, however, a federal court may fashion an attorney's fees award to successful litigants who confer a common benefit upon a class of individuals not participating in the litigation.")).

Creating escrow accounts containing one-third of each net Settlement Funds will ensure that adequate funds are available to satisfy a Court award granted pursuant to a future petition. Courts in this Circuit and other Circuits often award fees as a percentage of recovery. *See, e.g., In re Auto. Refinishing Paint Antitrust Litig.*, No. 2:10-md-1426, ECF No. 136 (E.D. Pa. Oct. 13, 2004) (approving a request for attorneys' fees of approximately 32%); *Linerboard*, 2004 WL 1221350, at *16 (approving request for attorneys' fees of approximately 30%); *In re Ikon Office Solutions, Inc., Securities Litig.*, 194 F.R.D. 166, 197 (E.D. Pa. 2000) (approving a request for attorneys' fees of 30% of the net settlement fund); *Pork.*, Civ. A. No. 18-1776, ECF No. 1424, ¶ 1-2 (D. Minn. July 22, 2022) (awarding "33 1/3% of the \$101,864,300.00 Settlement Fund" and

noting that “Courts in [the District of Minnesota] routinely approve attorneys’ fees in class actions of at least one-third of the common fund created for the settlement class.”).

When DPPs eventually seek fees from the escrowed portions of these net Settlement Funds, DPPs will provide notice of the motion to Settlement Class members. For the purposes of objections or requests for exclusions, the Settlement Class has been informed that Class Counsel will seek to set aside one-third of the net Settlement Funds to be applied for as attorneys’ fees at a later date. Settlement Class Members will have the opportunity to review and object to DPPs’ motion for attorneys’ fees after it is filed and before the Court rules on the motion for fees.

Accordingly, DPPs respectfully request an Order setting aside one third of each Settlement Fund created by the Glenmark Settlement and the Greenstone and Pfizer Settlement, net of expenses and service awards, plus accrued interest.

V. CONCLUSION

For the reasons set forth above, DPPs request that the Court enter the attached proposed Order Granting: (1) \$6,000,000 reimbursement for DPPs’ current and future expenses from the Settlement Funds, with \$3,000,000 withdrawn from the Glenmark Settlement Fund and \$3,000,000 withdrawn from the Greenstone and Pfizer Settlement Fund; (2) \$20,000 Service Awards to each of DPPs’ four Class representatives, totaling \$80,000, with \$40,000 withdrawn from the Glenmark Settlement Fund and \$40,000 withdrawn from the Greenstone and Pfizer Settlement Fund; and (3) permission for DPPs to set aside in escrow one third of each of the net Settlement Funds in anticipation of a future application for attorneys’ fees.

Dated: November 21, 2025

Respectfully submitted,



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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
16-MD-2724**

THIS DOCUMENT RELATES TO:

HON. CYNTHIA M. RUFÉ

Direct Purchaser Plaintiffs' Actions

**DECLARATION OF DIANNE M. NAST IN SUPPORT OF MOTION BY
DIRECT PURCHASER PLAINTIFFS FOR AN ORDER GRANTING:
(1) REIMBURSEMENT OF EXPENSES;
(2) PAYMENT OF SERVICE AWARDS; AND
(3) A ONE-THIRD SET ASIDE OF THE GLENMARK SETTLEMENT FUND
AND OF THE GREENSTONE AND PFIZER SETTLEMENT FUND**

Pursuant to 28 U.S.C. § 1746, I, Dianne M. Nast, hereby declare and state as follows:

1. I am admitted to practice before Courts in the Commonwealth of Pennsylvania and the State of New Jersey, the Eastern District of Pennsylvania where this Multidistrict Litigation (“MDL”) is pending, the Courts of Appeals for the Third, Fifth, Sixth, Seventh, Eighth, and Eleventh Circuits, the Supreme Court of the United States, and various federal district courts. I am the founder and managing partner of NastLaw LLC. I have been appointed by this Court as Lead and Liaison Counsel for the Direct Purchaser Plaintiffs (“DPPs”). *See* Pretrial Order No. (“PTO”) 2.

2. I provide this Declaration in support of DPPs’ Motion for an Order Granting: (1) Reimbursement of Expenses; (2) Payment of Service Awards; and (3) A One-Third Set Aside of the Glenmark Settlement Fund and of the Greenstone and Pfizer Settlement Fund.

Background

3. This MDL has been pending since 2016 and involves 20 operative DPP complaints and dozens of other complaints brought by other Plaintiff groups. Each complaint alleges anticompetitive conduct by some or all of approximately 40 different Defendant Corporate Families. *See* PTO 158 at n. 3. Each complaint alleges that Defendants artificially inflated the prices of some or all of the hundreds of different pharmaceutical products at issue here.

4. DPPs have been directly involved in the management of this MDL and participated in all facets of the litigation from inception through the present. After reaching settlements with numerous Defendants, DPPs continue to litigate claims against the majority of Defendants in this MDL.

5. No cases have gone to trial yet, though DPPs spent considerable time and resources preparing their *Clobetasol* and *Clomipramine* cases for trial earlier this year.

6. Of the 20 complaints DPPs have filed, only the *Clobetasol* and *Clomipramine* cases, which concern only one drug each, have proceeded through expert discovery and class certification briefing. For DPPs remaining 18 cases involving 157 drugs, *i.e.*, the majority of DPPs' claims, no expert discovery has occurred and class certification has not been briefed.

7. This litigation has been hard-fought and I reasonably anticipate that DPPs may be litigating claims in this MDL for several more years.

DPPs' Expenses and Request for Set Aside for Future Fee Petition

8. After the creation of the MDL, I began serving as Lead and Liaison Counsel for DPPs, with a Plaintiffs' Steering Committee of five additional members. *See* PTO No. 6. As part

of that role, my firm has maintained a litigation fund on behalf of DPPs that is financed through assessments of DPP firms and subsequently utilized to pay for DPPs' litigation expenses.

9. In DPPs' Motions for Preliminary Approval of the Glenmark Settlement [MDL Docs. 3593 & 3621] and the Greenstone and Pfizer Settlement [MDL Doc. 3596], DPPs requested approval to inform the class that DPPs would seek current and future expenses up to \$6,000,000, and the Court has so authorized that application, the subject of the instant motion.

10. Exhibit A demonstrates that DPPs' current expenses total \$2,235,242.22, net of the prior reimbursements granted by this Court.¹

11. Exhibit A does not include any expenses held by individual DPP law firms that were incurred after February 28, 2024 and therefore not included in Direct Purchaser Plaintiffs' Motion for An Order Granting: (1) An Award of Attorneys' Fees; (2) Reimbursement of Expenses; and (3) Payment of Service Awards (MDL Doc. 3102). The Court reimbursed DPPs' held expenses incurred before February 28, 2024 through its March 17, 2025 Order [MDL Doc. 3292]

12. DPPs' current expenses have been incurred for the common benefit of the settlement class, have been reasonable in amount, and are adequately supported by documentation in DPPs' possession, which documents can be tendered to the Court at any time if the Court wishes. These expenses are of a similar kind as those for which the Court previously

¹ To date, DPPs have cumulatively been reimbursed \$13,3000,000 for expenses. *See* Order Granting Motion by Direct Purchaser Class Plaintiffs for an Order Pursuant to Paragraph 26 of this Court's May 11, 2022 Order, MDL Doc. 2387 (Mar. 9, 2023) ("Sun/Taro Order"); Order Granting Direct Purchaser Plaintiffs' Motion for an Order Granting: (1) Reimbursement of Expenses; (3) Payment of Service Awards; and (3) A One-Third Set Aside of Each of the Apotex, Breckenridge, and Heritage Settlement Funds, MDL Doc. 3133 (Oct. 15, 2024); Order Granting Direct Purchaser Plaintiffs' Motion for an Award of Attorneys' Fees in All DPP Settlement to Date and for Reimbursement of Expenses and Payment of Service Awards in the Sandoz Settlement, MDL Doc. 3292 (Mar. 17, 2025) ("March 17, 2025 Order").

granted reimbursement. *See* n. 1, *supra*. And they are the same kind as those that this Court identified in PTO 8 as common benefit expenses. *Compare* Exhibit A with PTO 8 at p. 3-6.

13. Many of DPPs' expenses are ongoing, such as expert expenses and costs of document and deposition discovery. As demonstrated in Exhibit A, DPPs' expert expenses have been significant and a significant share of DPPs' expenses. While expert expenses are closely linked with class certification and expert discovery, DPPs have only briefed class certification and prepared expert reports for two of the 20 DPP cases, and those two cases cover only two of the 159 drugs at issue in the DPP cases.

14. Due to these ongoing expenses, I reasonably expect that DPPs will incur \$3,764,757.78 or more in additional expenses (*i.e.*, the difference between current expenses and the \$6,000,000 ceiling for expense reimbursement identified in the Notice) as DPPs continue to litigate which will include, but not be limited to, the preparation of class certification briefs and expert reports for the remaining 18 DPP cases and 157 drugs at issue.

15. To the extent that the Court awards DPPs any funds for the payment of additional expenses, I and my firm as Lead Counsel will reserve those funds for future expenses, withdrawing them only as needed, and would maintain a detailed accounting of the amount and purpose of those expenses, and will make those details available to the Court upon request or in a future fee petition.

16. In sum, I respectfully request that DPPs be permitted to withdraw \$6,000,000 from the Settlement Funds as described in DPPs' contemporaneously filed Motion for reimbursement of \$2,235,242.22 in current expenses and \$3,764,757.78 in future expenses.

17. At this time, DPPs are not seeking fees from the Glenmark Settlement Fund or the Greenstone and Pfizer Settlement Fund. Instead, DPPs propose setting aside one-third of each

net Settlement Fund in escrow plus. Doing so will allow payment to DPPs of any fees awarded by this Court upon a future application.

Contributions of Named Plaintiffs

18. Named Plaintiffs are César Castillo, LLC, FWK Holdings, LLC, Rochester Drug Co-Operative, Inc., and KPH Healthcare Services, Inc. a/k/a Kinney Drugs, Inc. Each Named Plaintiff has directly purchased drugs at issue in this MDL from one or more of the named Defendants in this MDL.

19. Named Plaintiffs have been involved in this MDL since inception, assisting with pleadings and investigation of DPPs' claims, responding to Defendants' discovery requests, and preparing for and sitting for depositions.

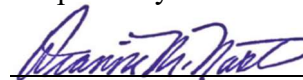
20. Without the contributions of Named Plaintiffs, it would have been more challenging to litigate the class claims of the direct purchaser class.

21. As a result, I believe it is reasonable to award the Named Plaintiffs compensation for the work they performed for the benefit of the DPP class. Based on the significant contributions Named Plaintiffs have made to date, I believe \$20,000 is an appropriate service award for each Named Plaintiff.

I declare that the above is true and correct to the best of my knowledge.

Dated: November 21, 2025

Respectfully submitted,



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for Direct Purchaser Plaintiffs*

EXHIBIT A

Category of Expense Under PTO No. 8	Shared Expenses (8/2016 - 10/2025)	Held Expenses (8/2016 - 2/2024)	Sum of Expenses
Bank or financial institution charges	\$16,428.95	--	\$16,428.95
Costs for the electronic storage, retrieval, and searches of ESI	\$947,033.89	\$657,472.75	\$1,604,506.64
Costs related to obtaining, reviewing, indexing, and paying for hard copies of computerized images of documents	\$359.38	\$98,822.29	\$99,181.67
Court, filing, and service costs	\$202,528.19	\$29,164.86	\$231,693.05
Data and materials provided by outside third-party vendors, consultants, and attorneys	\$799,427.11	\$495,966.89	\$1,295,394.00
Deposition and court reporter costs	\$328,588.97	\$2,194.28	\$330,783.25
Expert witnesses and consultant fees and expenses	\$11,744,154.08	--	\$11,744,154.08
Postage, shipping, courier, and delivery charges	--	\$9,040.98	\$9,040.98
PSC group administration matters, such as meetings and conference calls	--	\$13,355.12	\$13,355.12
Reasonable travel expenses including lodging and meals, and expenses incurred in connection with PSC-approved meetings and other common benefit tasks	--	\$183,669.64	\$183,669.64
Witness expenses, including travel	--	\$6,075.00	\$6,075.00
TOTAL:	\$14,038,520.57	\$1,492,953.07	\$15,535,242.22
Sun/Taro Reimbursement (MDL Doc. 2387)			(\$6,800,000.00)
Apotex/Breckenridge/Heritage Reimbursement (MDL Doc. 2957)			(\$4,500,000.00)
Sandoz Reimbursement (MDL Doc. 3292)			(\$2,000,000.00)
BALANCE (CURRENT EXPENSES):			\$2,235,242.22

**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

**[PROPOSED] ORDER GRANTING 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 THE GLENMARK SETTLEMENT FUND AND
OF THE GREENSTONE AND PFIZER SETTLEMENT FUND**

AND NOW, this ____ day of _____ 2026, upon consideration of 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 the Glenmark Settlement Fund and of the Greenstone and Pfizer Settlement Fund, and after a hearing held on April 8, 2026, in open court, and the settlements having been approved by separate Orders, it is hereby **ORDERED** that the Motion [MDL Doc No. ____] is **GRANTED** as follows:

1. The reimbursement of DPPs' expenses is hereby **APPROVED**. DPPs may withdraw \$3,000,000 from the Glenmark Settlement Fund and \$3,000,000 from the Greenstone and Pfizer Settlement Fund for reimbursement of \$6,000,000 in current and future expenses. Lead counsel for DPPs shall maintain a detailed accounting of the amount and purpose of any future expenses paid via these funds, and will make those details available to the Court upon request or in a future fee petition.

2. Service Awards to the Class Representatives are hereby **APPROVED**. DPPs may withdraw \$40,000 from the Glenmark Settlement Fund and \$40,000 from the Greenstone and Pfizer Settlement Fund to pay a \$20,000 Service Award to each of DPPs' four Class Representatives.

3. DPPs' request to set-aside one-third of the net Glenmark Settlement Fund and the net Greenstone and Pfizer Settlement Fund (*i.e.*, after deducting expenses and services awards and adding any accrued interest) for payment of any attorneys' fees subsequently awarded by this Court is hereby **APPROVED**. Nothing in this Order is considered to be an admission or consent by any class member as to the reasonableness of any fee award that may be requested in the future, or waiver of any rights, including but not limited to the right to object to any fee award requested from the funds set aside pursuant to this Order.

It is so **ORDERED**.

BY THE COURT:

CYNTHIA M. RUFÉ, J.