UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

In re Loestrin 24 Fe Antitrust Litigation

Master File No. 1:13-md-2472-S-PAS (D.R.I.)

Si desea recibir esta notificación en español, llámenos al 866-742-4955

PROOF OF CLAIM AND RELEASE

Your claim must be postmarked by: November 20, 2020

Notice ID Number:

INTRODUCTION

On September 1, 2020, the Court in the above-entitled action (the "Action") approved a $120 million Settlement of Ahold USA, Inc.'s class action suit against Warner Chilcott Co., LLC f/k/a Warner Chilcott Co., Inc., Warner Chilcott (US), LLC, and Warner Chilcott Sales (US), LLC, and Watson Laboratories, Inc. (collectively, "Defendants"). The settlement is with Defendants and related entities Warner Chilcott plc n/k/a Allergan WC Ireland Holdings Ltd., Warner Chilcott Holdings Co. III, Ltd., Warner Chilcott Corp., Warner Chilcott Laboratories Ireland Limited, Watson Pharmaceuticals, Inc. and parent entity Allergan, plc.[1] The notice of class action Settlement dated April 6, 2020, which was previously mailed to you, summarizes both the litigation and terms of the Settlement. The purpose of this Proof of Claim Form and Release is to ensure that you are able to participate in the distribution of the Settlement funds from the Settlement, net of attorneys' fees, service awards to Class Representatives, and other costs awarded by the Court (the "Net Settlement Fund").

In order for the Claims Administrator to make the proper calculation of your *pro rata* share of the Net Settlement Fund, please either (a) verify the accuracy of the net purchase volumes listed in Part II.A of this Proof of Claim and Release Form that are derived from purchase data produced in this Action or (b) submit the data required in Part II.B of this Proof of Claim and Release Form.

PART I: CLAIMANT IDENTIFICATION

Please provide this information. In addition, if purchases were made in a name other than the Claimant's name (for example, if you are filing this Proof of Claim and Release Form based on an assignment, please include documentation of your right to assert a claim with respect to those claimed purchases).

[1] Defendants' names and corporate relationships have changed over time. During much of the relevant time period in this case, Warner Chilcott and Watson were separate companies. More recently, these companies have become part of the same corporate entity, Allergan, plc.

Employer Tax Identification Number: _____

Claimant Name & Address:

Please make any changes or corrections below:

_____

_____

_____

_____

Person overseeing the claims process for Claimant (who can be contacted if there are questions regarding this claim):

First Name: _____ MI: _____ Last Name: _____

Phone Number: (__ __ __) __ __ __ - __ __ __ __ Email Address: _____

PART II: CLASS MEMBER'S QUALIFYING PURCHASES OF BRAND LOESTRIN 24 FE, BRAND MINASTRIN 24 FE, AND/OR GENERIC LOESTRIN 24 FE

A. The Claims Administrator, in conjunction with the direct purchaser plaintiffs' economic expert, has calculated each Class member's qualifying direct purchases of brand Loestrin 24 Fe, brand Minastrin 24 Fe, and/or generic Loestrin 24 Fe and, based upon that net purchase volume (i.e., purchases net of returns, free samples, and known assignments), has provided an initial estimate of each Class member's *pro rata* share of the Net Settlement Fund, based on the allocation methodology approved by the Court. The initial estimate is based upon brand Loestrin 24 Fe, brand Minastrin 24 Fe, and generic Loestrin 24 Fe purchase data produced in the Action. If and when the Claims Administrator learns of additional assignments of rights to participate in this litigation, the *pro rata* calculations may change. In addition, your *pro rata* calculation may change as a result of the total number of claims received and/or other information submitted during the claims administration process. **To repeat, the initial estimate is subject to change.**

Each Class member should verify the accuracy of the total net purchase volumes listed below. **If you agree that the total net purchase volumes computed for your company are accurate, you should sign on page 8 of this Proof of Claim and Release Form and mail it to the Claims Administrator postmarked no later than November 20, 2020.** If you verify the accuracy of the total net purchase volumes listed below, you will not be required to produce any purchase data as part of the claims administration process, but you are waiving the right to challenge or appeal the Claims Administrator's determination regarding your pro rata distribution amount on the basis that the distribution amount would have been different had it been calculated using your own purchase records. **If you believe the total net purchase volumes listed for your company below are not accurate, you may submit purchase records, in electronic format as described in Part II.B below; any such data must be mailed to the Claims Administrator postmarked no later than November 20, 2020.**

If you are filing a claim based on an assignment, you will have to submit documentation of your right to assert a claim with respect to those claimed purchases along with data showing the volume of purchases covered by your assignment.

In order to have a valid claim, you must be a member of the certified Direct Purchaser Class or have an assignment of rights from a Direct Purchaser Class member allowing you to recover as an assignee of a Class member. The certified Direct Purchaser Class (or "Class") is defined as follows:

> All persons or entities in the United States and its territories who purchased brand or generic Loestrin 24 directly from Warner [Chilcott] or Amneal at any time during the period from September 1, 2009, through and until June 3, 2015, and all persons or entities in the United States and its territories who purchased brand Minastrin 24 directly from Warner at any time during the period from September 1, 2009, through and until March 14, 2017 (the "Class Period.").

The following were excluded from the Class of direct purchasers: Defendants and their officers, directors, management, employees, subsidiaries, or affiliates; all federal governmental entities; and educational institutions such as universities and colleges.

At their request, in response to a previous notice of pendency of this lawsuit sent to all Class members, the following entities were also excluded from the Class: Walgreen Co., The Kroger Co., Safeway Inc., HEB Grocery Company L.P., Albertson's LLC, CVS Pharmacy, Inc., Rite Aid Corporation, and Rite Aid Hdqtrs. Corp.

The Court-approved Plan of Allocation provides, for Claimants with valid claims, that each Claimant's allocated share of the Net Settlement Fund will be set in proportion to each Claimant's weighted combined total of (a) total net direct brand Loestrin 24 Fe purchases for the period from September 1, 2009 through July 18, 2013; (b) total net direct brand Minastrin 24 Fe purchases for the period from July 24, 2013 through March 14, 2017; and (c) total net direct generic Loestrin 24 Fe purchases for the period from January 6, 2014 through March 14, 2017. The manufacturers that sold generic Loestrin 24 Fe during this time period, January 6, 2014 through March 14, 2017, were Amneal (which purchased Watson's ANDA for generic Loestrin 24 Fe), Mylan, Generics Bidco, Northstar, Teva/Barr, Actavis, and Lupin. Generic Loestrin 24 Fe purchases will be weighted as 0.07 (7%) of a brand Loestrin 24 Fe or a brand Minastrin 24 Fe purchase. This is because alleged overcharges on units of generic Loestrin 24 Fe were substantially less than alleged overcharges on units of brand Loestrin 24 Fe or Minastrin 24 Fe.

Allocations to Claimants whose right to an allocation arises by virtue of an assignment(s) from a Class member(s) would be determined in this same fashion. In these cases, the volumes of brand and generic purchases used to determine the allocation would be the volumes assigned to the Claimant by an otherwise eligible Class member(s) (and the assignor Class member's brand and generic purchase volumes would be reduced by the same amount).

Please note that related documents, including the Plan of Allocation and the Court's Order approving the Plan of Allocation, are available at http://www.loestrin24antitrustlitigation.com. This summary of the Plan of Allocation is only a summary and is not meant to alter the terms of the Court-approved Plan of Allocation. Claimants should refer to the Plan of Allocation for further details of how the allocation will work.

INITIAL ESTIMATE OF YOUR PURCHASE VOLUMES AND *PRO RATA* SHARE OF THE NET SETTLEMENT FUND

According to the direct purchaser plaintiffs' economic expert's analysis of the data produced in the Action, your net qualifying volumes of brand Loestrin 24 Fe, brand Minastrin 24 Fe, and/or generic Loestrin 24 Fe purchases are as follows:

Brand Loestrin 24 Fe purchased directly from Warner Chilcott from September 1, 2009 through July 18, 2013 (net of returns, free samples, and known assignments).

_____ blister packs

_____ pills (number of blister packs multiplied by 28)

Brand Minastrin 24 Fe purchased directly from Warner Chilcott from July 24, 2013 through March 14, 2017 (net of returns, free samples, and known assignments).

_____ blister packs

_____ pills (number of blister packs multiplied by 28)

Generic Loestrin 24 Fe purchased directly from Amneal, Mylan, Generics Bidco, Northstar, Teva/Barr, Actavis, and/or Lupin from January 6, 2014 through March 14, 2017 (net of returns, free samples, and known assignments).

_____ blister packs

_____ pills (number of blister packs multiplied by 28)

Note that these estimates do not account for all assignments of rights you may have entered into.

The National Drug Codes (NDCs) associated with the products and strengths at issue here are set forth in Exhibit A to this Proof of Claim and Release Form.

Based on the purchase volumes set forth above and the Court-approved Plan of Allocation, the initial estimate of your *pro rata* share of the Net Settlement Fund is:

_____ %

This estimate is subject to change based upon several factors, including but not limited to: (1) the level of participation by Class members in the Settlement; (2) Claimants submitting additional documentation to support their total net purchase volume being different from that calculated by the Claims Administrator; and (3) submission of assignments of rights agreements that affect who can participate in the Settlement.

If you accept and verify that the above figures for your net direct brand Loestrin 24 Fe, brand Minastrin 24 Fe, and generic Loestrin 24 Fe purchases are correct, please check here: ☐

B. To the extent that you do <u>not</u> elect to rely upon the calculation of net purchase volumes determined by the Claims Administrator set forth above in Part II.A, please identify all **direct** purchases of (a) total net brand Loestrin 24 Fe purchases for the period from September 1, 2009 through July 18, 2013 (net of returns,

free samples, and assignments); (b) total net brand Minastrin 24 Fe purchases for the period from July 24, 2013 through March 14, 2017 (net of returns, free samples, and assignments); and (c) total net generic Loestrin 24 Fe purchases for the period from January 6, 2014 through March 14, 2017 (net of returns, free samples, and assignments) by providing the information below in electronic format. Note that the relevant generic manufacturers are Amneal (which purchased Watson's ANDA for generic Loestrin 24 Fe), Mylan, Generics Bidco, Northstar, Teva/Barr, Actavis, and Lupin. The Claims Administrator may require additional information.

Date of Purchase (MM/DD/YYYY)	**Supplier (Purchased From)**	**NDC (#####-####-##)**	**Transaction Type (Purchase or Return)**	**Purchase Volume**	
				# Blister Packs	**# Pills**

C. <u>Assignments</u>

Please check here if you are filing this claim based on an assignment: ☐

<u>If you are submitting a claim pursuant to an assignment</u>, please identify with particularity that assignment here. Please also attach documentation in support of such assignment, including the assignment agreement and data showing your qualifying purchases that are covered by any such assignment of: (a) brand Loestrin 24 Fe purchases for the period from **September 1, 2009 through July 18, 2013** (net of returns and free samples); (b) brand Minastrin 24 Fe purchases for the period from **July 24, 2013 through March 14, 2017** (net of returns and free samples); and/or (c) generic Loestrin 24 Fe purchases for the period from **January 6, 2014 through March 14, 2017** (net of returns and free samples). Please note that the Settlement Administrator may require additional information and documents for any claim made based on an assignment. Also please note that your claim, including the documentation and data submitted therewith, may be shared with your assignor as part of the Claims Administration process. By submitting a claim by virtue of an assignment, you are agreeing that such data and documentation, and calculations based on such data and documentation, may be shared with your assignor.

PART III: SUBMISSION TO JURISDICTION OF THE COURT

By signing below, you agree to submit to the exclusive jurisdiction of the United States District Court for District of Rhode Island with respect to any suit, action, proceeding or dispute arising out of or relating to *In re Loestrin 24 Fe Antitrust Litigation*, Master File No. 1:13-md-2472-S-PAS (the "Action"), claims administration in the Action, the claim you or any other entity is making as a Class member or assignee thereof in the Action, and/or the Releases set forth below.

PART IV: RELEASES

A. By signing below, you hereby confirm that you and your respective past, present, and future parents, subsidiaries, associates, affiliates, officers, directors, employees, insurers, general or limited partners, divisions, agents, attorneys, servants, trustees, joint ventures, heirs, executors, administrators, representatives (and the parents', subsidiaries', and affiliates' past and present officers, directors, employees, agents, attorneys, servants, and representatives), and your predecessors, successors, heirs, executors, administrators, and representatives (collectively, the "Direct Purchaser Class Releasors"), release and forever discharge, and covenant not to sue, Defendants and their past, present, and future parents, subsidiaries, divisions, affiliates, joint ventures, stockholders, officers, directors, management, supervisory boards, insurers, general or limited partners, employees, agents, attorneys, servants, representatives (and the parents', subsidiaries', and affiliates' past, present, and future officers, directors, employees, agents, attorneys, servants, and representatives), and the predecessors, successors, heirs, executors, administrators and representatives of each of the foregoing (collectively, the "Defendant Releasees") from all manner of claims, debts, obligations, demands, actions, suits, causes of action, damages whenever incurred, liabilities of any nature whatsoever, including costs, expenses, penalties and attorneys' fees, under federal or state laws, whether known or unknown, foreseen or unforeseen, suspected or unsuspected, contingent or non-contingent, in law or equity, that arise out of or relate, in whole or in part in any manner, to: (i) the subject matter of or acts, omissions, or other conduct alleged in the Direct

Purchaser Class Plaintiffs' Third Amended Consolidated Class Action Complaint and Jury Demand (ECF No. 380), dated March 28, 2018, in the Direct Purchaser Class Action, or any prior complaints or subsequent amended complaints filed in the Direct Purchaser Class Action (collectively "Complaints"); (ii) the subject matter of pre-trial proceedings in the Direct Purchaser Class Action; and/or (iii) all claims concerning alleged delay or impairment in the marketing, sale, manufacture, pricing, or purchase of, or the enforcement of intellectual property related to, Loestrin 24, Minastrin 24, Lo Loestrin 24, or their generic equivalents that could reasonably have been asserted in the Direct Purchaser Class Action, including but not limited to claims of reverse payments, product hops, fraudulent procurement of U.S. Patent No. 5,552,394, sham

patent listings, and sham patent litigations prior to January 14, 2020 (collectively, this entire paragraph the "Released Claims").

B. In addition, with respect to the claims or counterclaims that are the subject matter of Paragraph 11 of the Settlement Agreement, each Direct Purchaser Class Releasor hereby expressly waives and releases any and all provisions, rights, and/or benefits conferred by § 1542 of the California Civil Code, which reads:

> Section 1542. General Release; extent. A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor;

or by any law of any state or territory of the United States, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code. Each Direct Purchaser Class Releasor may hereafter discover facts other than or different from those which he, she, or it knows or believes to be true with respect to the claims that are the subject matter of Paragraph 11 of the Settlement Agreement. Nonetheless, each Direct Purchaser Class Releasor hereby expressly waives and fully, finally, and forever settles and releases any known or unknown, foreseen or unforeseen, suspected or unsuspected, asserted or unasserted, contingent or non-contingent claim that is the subject matter of Paragraph 11 of the Settlement Agreement, whether or not concealed or hidden, without regard to the subsequent discovery or existence of such different or additional facts. Each Direct Purchaser Class Releasor also hereby expressly waives and fully, finally and forever settles, releases and discharges any and all claims that are the subject matter of Paragraph 11 of the Settlement Agreement that it may have against any Defendant Releasees under § 17200, et seq., of the California Business and Professions Code or any similar comparable or equivalent provision of the law of any other state or territory of the United States or other jurisdiction.

C. The releases set forth above effect a complete and total resolution of this Action to the extent of the claims of the Direct Purchaser Class that were or could have been asserted relating to the allegations in this Action, but is not intended to release any claims (1) arising in the ordinary course of business between any Direct Purchaser Class member and any Defendant arising under Article 2 of the Uniform Commercial Code (pertaining to sales), the laws of negligence or product liability or implied warranty, breach of contract, breach of express warranty, or personal injury; (2) other claims unrelated to Loestrin 24 Fe, Minastrin 24 Fe, Lo Loestrin Fe, or their generic equivalents; or (3) arising out of or in any way relating to the alleged horizontal price-fixing agreements between Defendants and other manufacturers of generic pharmaceutical products that are alleged in *In re: Generic Pharmaceuticals Pricing Antitrust Litig*., MDL No. 2724, 16-MD-2724 (E.D. Pa.).

PART V: VERIFICATION/RELEASE

I declare under penalty of perjury under the laws of the United States of America that the foregoing information provided by the undersigned is true and correct and that this proof of claim and release was executed this _____, day of _____, 2020 in _____, _____
(Day) (Month) (City) (State/Country)

Sign your name here: _____

Type/print your name here: _____

Type/print your company name here: _____

Capacity of person signing (e.g., President, Partner): _____

RETURN YOUR COMPLETED PROOF OF CLAIM AND RELEASE AND RETURN TO:

In re Loestrin 24 Fe Antitrust Litigation
c/o RG/2 Claims Administration
P.O. Box 59479
Philadelphia, PA 19102-9479

Questions? Contact the Claims Administrator at 866-742-4955.

Remember, your signed Proof of Claim and Release must be mailed and postmarked by November 20, 2020.

Exhibit A: Relevant NDCs of Brand Loestrin 24 Fe, Brand Minastrin 24 Fe, and Generic Loestrin 24 Fe

Brand Loestrin 24 Fe NDCs during the relevant time period (September 1, 2009 through July 18, 2013)
00430-0530-14

Brand Minastrin 24 Fe NDCs during the relevant time period (July 24, 2013 through March 14, 2017)
00430-0535-50
00430-0540-50

Generic Loestrin 24 Fe NDCs during the relevant time period (January 6, 2014 through March 14, 2017)
52544-0167-31
00603-7610-17
00603-7610-49
68180-0864-13
00378-7301-53
16714-0416-03
00093-5328-62
65162-0316-84