

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

IN RE: LOESTRIN 24 FE ANTITRUST
LITIGATION

MDL No. 2472

THIS DOCUMENT RELATES TO:
Direct Purchaser Actions

Master File No. 1:13-md-2472-S-PAS

**DIRECT PURCHASER CLASS PLAINTIFFS' MOTION FOR ENTRY OF AN ORDER
APPROVING THE FORM AND MANNER OF NOTICE AND APPOINTING
NOTICE ADMINISTRATOR**

On July 2, 2019, this Court allowed the direct purchaser class plaintiffs' Motion for Class Certification under Fed. R. Civ. P. 23(b)(3) (ECF No. 1050).

The direct purchaser class plaintiffs now respectfully request that the Court approve the proposed form and manner of notice to the certified class informing them of the pendency of this class action and appoint RG/2 Claims Administrator as the notice administrator tasked with effectuating notice to the class.

The direct purchasers have filed herewith a memorandum in support of this motion and attached a proposed form of order for the Court's consideration.

WHEREFORE, for the reasons set forth herein and in the accompanying submissions, the direct purchaser class plaintiffs respectfully request that the Court approve the proposed notice program and form of notice to members of the direct purchaser class.

Dated: July 9, 2019

Respectfully submitted,

/s/ Kristen A. Johnson

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CERTIFICATE OF SERVICE

I, Kristen A. Johnson, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's CM/ECF system. Those attorneys who are registered CM/ECF users may access these filings, and notice of these filings will be sent to those parties by operation of the CM/ECF system.

Dated: July 9, 2019

/s/ Kristen A. Johnson
Kristen A. Johnson

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**[PROPOSED] ORDER APPROVING THE FORM AND MANNER OF NOTICE
AND APPOINTING NOTICE ADMINISTRATOR**

WHEREAS, on July 2, 2019, this Court allowed Direct Purchaser Class Plaintiff's Motion for Class Certification under Fed. R. Civ. P. 23(b)(3) (Dkt. No. 1050) (the "Class Certification Order")

WHEREAS, pursuant to the Class Certification Order, this Court certified under Fed. R. Civ. P. 23(b)(3) the below-listed class (the "Class");

All persons or entities in the United States and its territories who purchased brand or generic Loestrin 24 directly from Warner 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"). Excluded from the Class are defendants, and their officers, directors, management, employees, subsidiaries, or affiliates, and, all federal governmental entities. Also excluded from the class are educational institutions such as universities and colleges.

WHEREAS, in the Class Certification Order, this Court found that the Direct Purchaser Class Plaintiff satisfied the requirements of Fed. R. Civ. P. 23(a)(1), (a)(2), and (a)(3) by showing that the class is so numerous that joinder of all members is impracticable, there are questions of law or fact common to the class, and the claims or defenses of the representative parties are typical of the claims or defenses of the class;

WHEREAS, in the Class Certification Order, this Court found that the Direct Purchaser Class Plaintiff satisfied the adequacy of representation requirements of Fed. R. Civ. P. 23(a)(4) by showing that the class representative—Ahold USA, Inc.—does not have any conflicts with other class members and by showing that class counsel is qualified and will vigorously prosecute this case;

WHEREAS, in the Class Certification Order, this Court found that the Direct Purchaser Class Plaintiff satisfied the predominance requirement of Rule 23(b)(3); AND

WHEREAS, Direct Purchaser Plaintiffs have requested that the Court approve their proposed form and manner of notice to the certified class informing them of the pendency of this class action and appoint RG/2 Claims Administration as the notice administrator tasked with effectuating notice to each class member;

NOW THEREFORE, for the reasons set forth in the Class Certification Order, the Court hereby ORDERS that:

The Court further ORDERS that:

1. RG/2 Claims Administration is hereby appointed notice administrator for this action.
2. The form of notice to be sent to members of the Class will be substantially in the form of the proposed notice (the “Notice”) attached as Exhibit 2 to the Declaration of Kristen A. Johnson filed with the Motion (“Johnson Declaration”).
3. Within 14 days of the entry of this Order, the notice administrator shall cause the Notice to be sent by U.S. First Class mail to the members of the class listed in Exhibit 1 to the Johnson Declaration.
4. Members of the Class may request exclusion from the Class postmarked no later than 35 days from the mailing of the notice to the Class in accordance with the procedures set

forth in the Notice. The notice administrator, RG/2 Claims Administration, and Lead Class Counsel shall monitor and record any and all opt-out requests that are received.

5. Within 60 days of entry of this Order, the notice administrator shall file a declaration with the Court confirming that the notice has been sent by U.S. First Class Mail to all Class members as required herein and identifying the Class members, if any, who requested to be excluded from the Class and who meet the requirements for a valid request for exclusion as set forth in the Notice.

SO ORDERED this _____ day of _____, 2019.

William E. Smith
United States District Judge
U.S. District Court for the District of Rhode Island