

**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 PLAINTIFF'S NOTICE  
REGARDING CLAIMS ADMINISTRATION**

Co-Lead Counsel for the Direct Purchaser Class Plaintiffs write to update the Court regarding the claims administration process.

Pursuant to the Court's Order Granting Direct Purchaser Class Plaintiffs' Proposed Motion for Final Approval of Settlement, Approval of Proposed Plan of Allocation, Adoption of Report and Recommendation of Magistrate Judge, and Order of Dismissal with Prejudice (ECF No. 1462), and the Plan of Allocation (ECF No. 1411-8), claim forms were mailed out on October 21, 2020 to provide Class members (or their assignees) the opportunity to participate in the settlement of this matter. To date, forty-five (45) claim submissions have been received.<sup>1</sup>

The claim forms that were mailed out included prepopulated figures for each Class member's qualifying net direct purchases of brand Loestrin 24 Fe, brand Minastrin 24 Fe, and generic Loestrin 24 Fe. In the course of addressing certain claims, we recently discovered that the prepopulated figures for certain Class members' net direct purchases of brand Loestrin 24 Fe were incorrect. The calculations of the returns of brand Loestrin 24 Fe (i.e., the amount of brand Loestrin 24 Fe returned to the manufacturer) were too high, making the net brand Loestrin 24 Fe purchase figures too low. Fifteen Class members were sent claim forms that included incorrect

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<sup>1</sup> Some submissions include claims on behalf of more than one entity.

prepopulated net purchase figures for brand Loestrin 24 Fe. Consequently, the initial estimate of each Class member's *pro rata* share of the Net Settlement Fund included in each Class member's claim form was incorrect.

The claims administrator will therefore send, on April 15, 2021, a letter in the form attached hereto as Exhibit A to the fifteen Class members who previously returned a claim form that contained an incorrect prepopulated figure for their net brand Loestrin 24 Fe direct purchases. The letter will provide a corrected calculation of these Class members' net brand Loestrin 24 Fe direct purchases, and a corrected current estimate of these Class members' *pro rata* share of the Net Settlement Fund.

On the same date, the claims administrator will send a letter in the form attached as Exhibit B to those twenty-four Class members who submitted claims but whose claim forms did not contain an incorrect figure for net direct purchases of brand Loestrin 24 Fe (because these Class members either had no brand Loestrin 24 Fe purchases or their brand Loestrin 24 Fe returns and purchase figures were correct). The letter will provide a corrected current estimate of these Class members' *pro rata* share of the Net Settlement Fund.

The letters will be mailed and emailed using the contact information obtained through the claims administration process, including using the contact information Class members provided on their submitted claim forms. The claims administrator will not send a letter to the five claimants who were not Class members but who filed based on assignments from Class members because these five claimants were not mailed prepopulated claim forms, and so did not receive any incorrect purchase figures or incorrect estimated shares. The claims administrator also will

not send a letter to the entity whose claim submission was rejected.<sup>2</sup>

We are available to answer any questions the Court may have.

Dated: March 31, 2021

Respectfully submitted,

/s/ David F. Sorensen

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<sup>2</sup> This claim submission was rejected because it was comprised of claims on behalf of entities that were not Class members, did not purchase brand Loestrin 24 Fe, brand Minastrin 24 Fe, or generic Loestrin 24 Fe directly during the relevant time periods, and who did not file based on documented assignments from Class members.

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*Co-Lead Counsel for the Direct Purchaser  
Class Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 31, 2021, I caused the above to be filed by CM/ECF system. This filing will also be posted at <https://www.loestrin24antitrustlitigation.com/>.

*/s/ David F. Sorensen* \_\_\_\_\_

David F. Sorensen

# **EXHIBIT A**

RE: *In re Loestrin 24 Fe Antitrust Litigation*,  
Civil Action No. 1:13-md-2472-WES-PAS (D.R.I.)

We write to update you regarding the Proof of Claim Form and Release you submitted in connection with *In re Loestrin 24 Fe Antitrust Litigation*, Civil Action No. 1:13-md-2472-WES-PAS (D.R.I.).

During the claims administration process, we learned that the claim form mailed to you on October 21, 2020 included an incorrect prepopulated figure for the amount of Brand Loestrin 24 Fe you purchased directly from Warner Chilcott from September 1, 2009 through July 18, 2013 (net of returns, free samples, and known assignments). The prior calculation of your returns of Brand Loestrin 24 Fe was mistaken, and therefore the prior calculation of your net purchases of Brand Loestrin 24 Fe also was mistaken. Because of this error, the claim form also included an incorrect initial estimate of your *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 purchases of Brand Loestrin 24 Fe (*as corrected*) are: **xxx** blister packs of Brand Loestrin 24 Fe (or **yyy** pills).

The corrections do *not* affect the prior calculation of net purchases of Brand Minastrin 24 Fe or Generic Loestrin 24 Fe. The net purchase totals for Brand Minastrin 24 Fe and Generic Loestrin 24 Fe in the claim form mailed to you on October 21, 2020 are unchanged.

The corrected initial estimate of your *pro rata* share of the Net Settlement Fund is **xx%**. Please note that this corrected estimate reflects the correction stated above, as well as other information that has been submitted by other Claimants previously. Also, this corrected initial estimate remains 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 assignment of rights agreements that affect who can participate in the Settlement.

***You do not need to do anything further to participate in the settlement. If you do nothing, your pro rata share of the Net Settlement Fund will be calculated using the above corrected Brand Loestrin 24 Fe purchase figures, in accordance with the Court-approved Plan of Allocation, which is available at <https://www.loestrin24antitrustlitigation.com>. Information about the timing of distributions will also be posted at <https://www.loestrin24antitrustlitigation.com>.***

*If you wish to contest the above corrected calculations, and instead submit your own purchase data, you must do so in writing by sending a letter to the Claims Administrator postmarked within 30 days, by **[date]**. You must submit any supporting data by the same date. You may submit this information by email.*

*If you have previously submitted your own purchase data, you may continue to rely on that data, or agree to the corrected purchase figures stated above. Please send a letter to the Claims*

*Administrator postmarked by [date], or an email by that date, stating whether you wish to rely on the data you previously submitted, or that you wish to now rely on the corrected figures above.*

***Send your letter or email to:***

In re Loestrin 24 Fe Antitrust Litigation  
c/o RG/2 Claims Administration  
P.O. Box 59479  
Philadelphia, PA 19102-9479  
*Or by email to: [info@rg2claims.com](mailto:info@rg2claims.com)*

# **EXHIBIT B**

RE: *In re Loestrin 24 Fe Antitrust Litigation*,  
Civil Action No. 1:13-md-2472-WES-PAS (D.R.I.)

We write to update you regarding the Proof of Claim Form and Release you submitted in connection with *In re Loestrin 24 Fe Antitrust Litigation*, Civil Action No. 1:13-md-2472-WES-PAS (D.R.I.).

The initial estimate of your *pro rata* share of the Net Settlement Fund, included in the claim form sent to you on October 21, 2020, has changed.

During the claims administration process, we learned that the initial calculations of the net direct purchases of Brand Loestrin 24 Fe for certain other Class members were incorrect.

The purchase totals included in your claim form were correct. However, correcting the errors in other claim forms affects the calculation of *pro rata* shares for all Claimants, including you. In addition, some Claimants have submitted additional assignment information and data during the claims administration process.

The corrected, current estimate of your *pro rata* share of the Net Settlement Fund is: **xx%**. Please note that this corrected estimate remains 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 assignment of rights agreements that affect who can participate in the Settlement.

***You do not need to do anything further to participate in the settlement. Information about the timing of distributions will be posted at <https://www.loestrin24antitrustlitigation.com>.***