

**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

**[PROPOSED] ORDER APPROVING DIRECT PURCHASER CLASS  
PLAINTIFFS' DISTRIBUTION OF THE NET SETTLEMENT FUND**

AND NOW, upon consideration of Direct Purchaser Class Plaintiffs' Motion for Order Approving Distribution of the Net Settlement Fund, dated June 25, 2021, the accompanying Memorandum in Support, the Declaration of Tina Chiango in Support of Direct Purchaser Class Plaintiffs' Motion for Order Approving Distribution of the Net Settlement Fund and exhibits thereto, and any other supporting papers or briefing made in connection therewith:

WHEREAS, the Court previously issued an Order Granting Direct Purchaser Class Plaintiffs' Unopposed 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) ("Final Approval Order"), approving the \$120 million settlement between the Direct Purchaser Class and Defendants<sup>1</sup> ("Settlement," filed at ECF No. 1411-1) and approving the Plan of Allocation (filed at ECF No. 1411-8) in this action;

WHEREAS, pursuant to the Court-approved of Plan of Allocation, RG/2 Claims Administration LLC ("RG/2"), the Court-appointed claims administrator, was required to and

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<sup>1</sup> "Defendants" are Allergan, plc; Warner Chilcott Co., LLC f/k/a Warner Chilcott Co., Inc.; Warner Chilcott (US), LLC; Warner Chilcott Sales (US), LLC; Warner Chilcott plc n/k/a Allergan WC Ireland Holdings Ltd.; Warner Chilcott Holdings Co. III, Ltd.; Warner Chilcott Corp.; and Warner Chilcott Laboratories Ireland Limited; and Watson Laboratories, Inc. and Watson Pharmaceuticals, Inc.

did mail pre-populated Claim Forms to each Class member setting forth the calculation of each Class member's qualifying net purchases of brand Loestrin 24 Fe from September 1, 2009 through July 18, 2013, generic Loestrin 24 Fe from January 6, 2014 through March 14, 2017, and brand Minastrin 24 Fe from July 24, 2013 through March 14, 2017,<sup>2</sup> and whereas none of the mailed Claim Forms was returned as undeliverable;

WHEREAS an unpopulated version of the Claim Form was posted on the settlement website, <https://www.loestrin24antitrustlitigation.com/notice.html>;

WHEREAS, RG/2 has received valid, accepted Claim Forms from 44 claimants who are eligible for participation in the Net Settlement Fund<sup>3</sup> (Class members or their assignees) and, with the assistance of Class Counsel's economic consultant Econ One, has calculated each of these 44 Claimants' qualifying net purchases of brand Loestrin 24 Fe from September 1, 2009 through July 18, 2013, generic Loestrin 24 Fe from January 6, 2014 through March 14, 2017, and brand Minastrin 24 Fe from July 24, 2013 through March 14, 2017;

WHEREAS, RG/2, with the assistance of Class Counsel's economic consultant Econ One, in accordance with the Plan of Allocation (ECF No. 1411-8), determined the *pro rata* percentages of the Net Settlement Fund allocated to each of these 44 Claimants;

WHEREAS, RG/2 has incurred administration fees of \$25,017 and anticipates incurring an additional \$6,614 in fees and expenses for distributing the Net Settlement Fund and completing the administration of this Settlement;

WHEREAS RG/2 does not expect to owe taxes in connection with the claims administration or the Net Settlement Fund;

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<sup>2</sup> See Plan of Allocation (ECF No. 1411-8), at §§ 2.1, 2.2, 2.4.

<sup>3</sup> The "Net Settlement Fund" is the \$120 million Settlement amount, net of Court-approved attorneys' fees, a service award for the class representative, and costs and expenses, including costs and expenses related to claims administration (including any taxes owed), plus interest.

WHEREAS approximately \$56,508.22 will remain in the litigation fund after payment of outstanding invoices to the Court reporter, with said amount to be transferred into the Net Settlement Fund;

WHEREAS, in addition to RG/2's outstanding and anticipated fees, Class Counsel have incurred unpaid fees from Econ One totaling \$25,886.50 for work done calculating the figures used in the prepopulated Claim Forms mailed to each Class member, reviewing and analyzing data submitted by Claimants, and calculating the *pro rata* share of the Net Settlement Fund due to each Claimant that filed a valid Claim Form;

WHEREAS, as set forth in Paragraph 16 of the Final Approval Order, the Court has retained jurisdiction over the Settlement and the Settlement Agreement, including the administration and consummation of the Settlement and over the Final Approver Order;

NOW THEREFORE, IT IS HEREBY ORDERED as follows:

1. The administrative determinations of RG/2 concerning the claims submitted in this case as set forth in the Declaration of Tina Chiango in Support of Direct Purchaser Class Plaintiffs' Motion for Order Approving Distribution of the Net Settlement Fund ("RG/2 Decl.") are hereby APPROVED.
2. Payment from the Net Settlement Fund in the amount of \$31,631 to the claims administrator, RG/2, for fees and expenses associated with the claims administration process is hereby APPROVED.
3. Payment from the Net Settlement Fund in the amount of \$25,886.50 to Econ One for fees and expenses associated with the claims administration process is hereby APPROVED.
4. Payment from the Net Settlement Fund of any taxes owed in connection with the claims administration or the Net Settlement Fund is hereby APPROVED.
5. The entire Net Settlement Fund, less the payments of \$31,631 to the claims

administrator, RG/2, and \$25,886.50 to Econ One for fees and expenses associated with the claims administration process, less payment of outstanding invoices to the Court reporter, and less any taxes owed, shall be distributed to the 44 Claimants whose claims have been accepted by RG/2, who are listed in Exhibit B to the RG/2 Decl., or to the Claimant's designated assignee, in accordance with the Claimant's instructions. RG/2 shall distribute to each of the 44 Claimants whose claim has been accepted by RG/2, who are listed in Exhibit B to the RG/2 Decl., or to the Claimant's designated assignee, in accordance with the Claimant's instructions, each Claimant's *pro rata* percentage share of the Net Settlement Fund, as computed by Econ One, who assisted RG/2 in the claims administration.

6. No additional Claim Forms, beyond the 44 approved, accepted Claim Forms previously received and accepted by RG/2, shall be allowed.

7. Any further or additional claims against the Net Settlement Fund established for purposes of this settlement, beyond those 44 Claimants that filed approved, accepted claims that have already been received and accepted (described in ¶ 5 above and listed in Exhibit B to the RG/2 Decl.), are finally and forever barred, as are any further or additional claims against the Net Settlement Fund by those 44 Claimants that filed approved, accepted claims.

8. Direct Purchaser Class Plaintiffs, Class Counsel, Econ One, RG/2, and all persons who were involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the claims filed in this action, or who are otherwise involved in the administration or taxation of the Net Settlement Fund, are hereby released and discharged from any and all claims arising out of such involvement, and, pursuant to the release terms of the Settlement Agreement, all Class members and Claimants, and their assignees, whether or not they are to receive payment from the Net Settlement Fund, are hereby barred from making any further claim against the Net Settlement Fund beyond the amount, if any, allocated to them during the claims

administration process.

9. Class Counsel, RG/2, and Econ One are hereby authorized to discard (a) paper or hard copies of Claim Forms and related documents not less than one year after the distribution of the Net Settlement Fund to the 44 Claimants with accepted claims; and (b) electronic media or data not less than three years after the distribution of the Net Settlement Fund to the 44 Claimants with accepted claims.

10. The Court retains jurisdiction over any further application or matter which may arise in connection with the administration of this settlement.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2021

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Hon. William E. Smith  
U.S. District Court for the District of Rhode Island