

## **CLASS 1 (MEDICARE PART B) CONSUMER**

### **FREQUENTLY ASKED QUESTIONS**

**These FAQ's are for Consumers who made, or who were obligated to make, percentage co-payments through Medicare Part B from January 1, 1991 to December 31, 2005.**

### **QUESTIONS ABOUT YOUR CHECK**

**1. How do I request a reissue of my Settlement check?**

**Please note: Checks issued prior to January 2016 are no longer being reissued.**

If you received your check and would like to request a reissue, please void the check and return it to us, along with a letter requesting the reissue to the Settlement Administrator at:

Consumers Class 1 and Class 3  
AWP Track 2 Settlement Administrator  
c/o Complete Claim Solutions, LLC  
P.O. Box 2417  
Faribault, MN 55021-9117

**2. The check I received was damaged or lost. Can you reissue a new check?**

**Please note: Checks issued prior to January 2016 are no longer being reissued.**

Yes. Please send a letter of request stating that your check was damaged or you lost your check. Please include your name, address, and claim number (if available) to the Settlement Administrator at:

Consumers Class 1 and Class 3  
AWP Track 2 Settlement Administrator  
c/o Complete Claim Solutions, LLC  
P.O. Box 2417  
Faribault, MN 55021-9117

**3. My name changed. Can I still cash the check?**

**Please note: Checks issued prior to January 2016 are no longer being reissued.**

Yes. Please go to your financial institution first, as they may cash the check if documentation regarding the status of your name change is presented.

**4. The person listed on the check is deceased. What do I do?**

**Please note: Checks issued prior to January 2016 are no longer being reissued.**

Please go to the financial institution first as they may cash the check if documentation regarding the status of the account holder and your status as the beneficiary/executor is presented.

If the bank will not cash the check, please void it and return it to us, along with a letter of instruction and proof of beneficiary/executor. This would include a COPY of the death

certificate. If you are listed as the surviving spouse on the Death Certificate, this is all the evidence we need to reissue the check to you.

If you are NOT listed on the death certificate, we need a COPY of court documents that list you as the estate executor or equivalent.

#### **5. What is the time frame for you to reissue my check?**

**Please note: Checks issued prior to January 2016 are no longer being reissued.**

Please allow 6 to 8 weeks for reissues.

#### **6. How was my settlement check calculated?**

Your Total Recognized Claim was calculated using this three step process:

1. For members of Classes 1 and 3 and for drugs identified as Class A Drugs, the Claims Administrator will apply the expert's estimated overcharge percentage for all administrations from January 1, 1997 through December 31, 2003 to determine your out of pocket damages and multiply those out of pocket damages from December 1, 1997 through December 31, 2003 by a factor of two. Members of Class 3 will also receive out of pocket damages without a multiplier for eligible administrations during the Class Period but outside of the time period of January 1, 1997 through December 31, 2003.
2. The Claims Administrator will determine the total cash payments or co-payment obligations for the other covered drugs called Class B Drugs during the entire Class Period (with no multiplication factor), reduced proportionately based on all Class B Drug claims filed. This calculation is the same as under the original method, but more money is now available to pay claims for Class B Drugs.
3. Epogen is now a Class B Drug and cash payments or co-payment obligations for Epogen will be treated as described in the Notice. The Court has found that payment for most administrations of Epogen under Medicare Part B were not based on AWP or these payments may relate to the drug Procrit, which is identical to Epogen but sold by a non-Defendant and not subject to this settlement. And for administrations of Epogen to cash payors or payors with private insurance, there are minimal damages associated with the drug.

The sum of these figures will be your Total Recognized Claim. If you are eligible to receive a payment, the net result of these changes to the Settlement is that your payment may be lower than under the initial distribution formula.

### **QUESTIONS ABOUT THE SETTLEMENT**

#### **7. What Is The Lawsuit About?**

There is a Settlement of a Class Action lawsuit involving approximately 200 drugs. This lawsuit is not about whether these drugs are safe or effective. This lawsuit is about the amount you were charged for the drug.

The Average Wholesale Price (“AWP”) is used to set reimbursement amounts that are paid by a) Medicare and its beneficiaries, b) private health insurers, and c) consumers making percentage co-payments under private health insurance plans. The lawsuit claims that Defendants reported false and inflated AWP’s for the drugs covered in this Settlement. The Defendants deny any wrongdoing, and the Settlement is not an admission of wrongdoing or an indication that any law was violated.

The name of the lawsuit is In re: Pharmaceutical Industry Average Wholesale Price Litigation, Docket No. 01-CV-12257-PBS, MDL No. 1456.

## **8. Who Are The Defendants?**

The Defendants in the case are Abbott Laboratories, Amgen Inc., Aventis Pharmaceuticals Inc., Hoechst Marion Roussel, Baxter Healthcare Corp., Baxter International Inc., Bayer Corporation, Dey, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Immunex Corporation, Pharmacia Corporation, Pharmacia & Upjohn LLC (f/k/a Pharmacia & Upjohn, Inc.), Sicom, Inc., Gensia, Inc., Gensia Sicom Pharmaceuticals, Inc., Watson Pharmaceuticals, Inc., and ZLB Behring, L.L.C.

## **9. How Do I Know If I Am Included In The Settlement?**

You are part of the Settlement if you made, or are obligated to make, a percentage co-payment under Medicare Part B for any of the covered drugs listed in the Class A and Class B Drug Lists from January 1, 1991 through January 1, 2005.

A spouse of a deceased class member who made such a co-payment or a legal representative of a deceased class member’s estate may file a claim.

You are not a member of a Class if you made flat co-payments, if insurance paid all of your co-payment, or if you were never obligated to make a co-payment at all. The Claims Administrator will calculate how much you are entitled to based on the drug purchase information provided by CMS.

## **10. May I Object To, Or Comment On, The Settlement?**

No. The deadline to object to the settlement has passed. Objections needed to be filed with the parties and the Court by March 30, 2011.

## **11. How do I exclude myself from the Class?**

The deadline to exclude yourself from the Settlement has passed. Exclusion requests had to be postmarked by October 21, 2011.

## **12. Do I Have A Lawyer Representing My Interests In This Case?**

Yes. The Court has appointed the following law firms to represent you and other Settlement Class Members:

Hagens Berman Sobol Shapiro LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101  
[www.hbsslaw.com](http://www.hbsslaw.com)

Spector Roseman & Kodroff, PC  
1818 Market Street, Suite 2500  
Philadelphia, PA 19103  
[www.srk-law.com](http://www.srk-law.com)

Wexler Toriseva Wallace LLP  
55 W. Monroe, Suite 3300  
Chicago, IL 60603  
[www.wtwlaw.us](http://www.wtwlaw.us)

Edelson & Associates LLC  
45 West Court Street  
Doylestown, PA 18901

These lawyers are called Class Counsel. You won't be charged personally for these lawyers. Class Counsel will ask the Court to award them a fee of up to 33 1/3% plus interest and litigation expenses. You don't need to hire your own lawyer, but if you want your own lawyer to speak for you or appear in Court, you must file a Notice of Appearance. Hiring a lawyer to appear for you in the lawsuit will be at your own expense.

## **The Court's Final Approval Hearing**

### **13. When And Where Will The Court Decide On Whether To Grant Final Approval Of The Settlement?**

The Court granted Final Approval on December 8, 2011.

## **Getting More Information**

### **14. Where Do I Obtain More Information?**

More details and all other legal documents that have been filed with the Court in this lawsuit are available. They can be viewed and copied at any time during regular office hours at the Office of the Clerk of Court, John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Suite 2300, Boston, Massachusetts 02210 or may be viewed and downloaded from this website under the link entitled "Court Documents."

In addition, if you have any questions about the lawsuit or the Notice, you may:

- Call toll free 1-877-465-8136
- Write to: Track 2 AWP Settlement Administrator  
P.O. Box 2417  
Minneapolis, MN 55440-0951
- Email: [info@awptrack2settlement.com](mailto:info@awptrack2settlement.com)