

Third-Party Payor - Frequently Asked Questions

1. Is it too late to file a claim?

Yes, we can no longer accept claim forms. Claims needed to be postmarked by March 16, 2009.

2. Were Settlement checks mailed?

Yes, settlement checks were mailed on July 23, 2012.

3. How do I request a reissue of the check?

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:

Third-Party Payors
AWP Track 2 Settlement Administrator
c/o Complete Claim Solutions, LLC
P.O. Box 24703
West Palm Beach, FL 33416

4. How Are Payments Determined?

How much you receive from this Settlement depended on the volume and amount of claims submitted by other TPP Settlement Class Members.

TPP Settlement Class Members are required to provide the amount of reimbursements for the Covered Drugs at issue from January 1, 2003 to December 31, 2003. This one-year period will be used to determine the portion of the Settlement Amount that will be paid to each TPP submitting valid claims.

TPP Settlement Class Member's portion of the Settlement Amount will be based upon their reimbursements for seven (7) of the Covered Drugs identified as Class A drugs in the Settlement.

If total valid TPP Settlement Class Member claims, as well as the claims of ISHPs, exceed the total portion of the settlement set aside to satisfy the claims of TPPs and ISHPs, all TPP and ISHP claims will be reduced proportionately.

5. How was my Settlement check calculated?

Under the Settlement, Defendants paid a total of \$125 million to settle the lawsuit. This amount is meant to satisfy the claims of both Third-Party Payors ("TPPs") who meet the criteria for inclusion in one of the two Settlement Classes as well as claims by consumers who made percentage co-payments and full cash payments based on the published Average Wholesale Price ("AWP"). All costs associated with notice and administration, attorneys' fees and litigation costs, and compensation to the named class representatives for time spent providing documents and testimony in connection with this case will be paid from the \$125 million settlement amount.

Under the initial proposal, 82.5% (or \$103,125,000) of the gross settlement amount was allocated to satisfy the claims of TPPs and 17.5% (or \$21,875,000) of the gross settlement amount was allocated to satisfy consumer claims. Consumers and TPPs are sharing the costs of notice and administration in proportion to the amount of settlement proceeds they are allocated.

The Court considered the Settlement at hearings held June 13, 2011 and July 7, 2011. Among other things, the Court considered whether certain changes to the Settlement be made to provide more money to consumer members of the Classes. Afterward, a mediation was held in which Allocation Counsel for TPPs agreed to provide Consumers with an additional \$3,125,000. Thus, the Settlement now provides that Consumers will receive a gross settlement amount of \$25,000,000 (20%), and that TPPs will receive a gross settlement amount of \$100,000,000 (80%). All other terms of the Settlement relevant to TPPs remain unchanged.

The Court has approved the Settlement, as revised. It has further determined that the revision does not warrant a second “opt out” period in which TPP class members who declined to exclude themselves before should now be offered another chance to do so.

6. What Is The Lawsuit About?

The lawsuit claims that Defendants reported false and inflated AWP's for the drugs at issue in this case. The lawsuit claims that the reported AWP's were used to set reimbursement amounts that were paid by Medicare and its beneficiaries and to set the reimbursement by private health insurers and consumers making percentage co-payments under private health insurance plans. The lawsuit asks the Court to award money damages to TPPs who made reimbursements under Medicare Part B for the drugs at issue or who reimbursed outside of Medicare Part B based on AWP.

Defendants deny any wrongdoing and the Settlement is not an admission of wrongdoing or an indication that any law was violated. Defendants have entered into the Settlement to avoid further expense and inconvenience.

7. Why Is This A Class Action?

In a class action lawsuit, one or more people called “class representatives” sue on behalf of people who have similar claims. The people together are a “class” or “class members.” A court must determine if a lawsuit should proceed as a class action. If it does, a trial then decides the lawsuit for everyone in the class. Sometimes, the parties may settle without a trial.

The Parties here have agreed to a Settlement that includes a national class of TPPs who reimbursed, or incurred obligations to reimburse, any portion of a Medicare Part B co-payment for the drugs at issue. The Settlement also includes a national class of TPPs who made reimbursements for these drugs outside of Medicare Part B based on AWP.

8. How Do I Know If I Am Included In The Settlement?

Generally speaking, you are a member of one of the Settlement Classes if you reimbursed (or incurred an obligation to reimburse) any portion of an insured's Medicare Part B co-

payment for any of the Covered Drugs from January 1, 1991 through January 1, 2005; or you made (or incurred an obligation to make) reimbursements outside of Medicare Part B for any of these drugs from January 1, 1991 through March 1, 2008. You do not need to do anything to become part of one of these Settlement Classes, **but you must complete the Claim Form in order to be able to receive money.** Excluded from the Settlement are (1) the Released Companies (Defendants and certain related entities as defined in the Settlement Agreement); (2) all hospitals, clinics, physicians, or physician practice groups, or other health care provider or group of providers, that purchased drugs manufactured, marketed, sold, or distributed by a Released Company, and that (a) administered, dispensed, or prescribed such drugs to a consumer and (b) billed a consumer, TPP, or ISHP for such drugs. Additionally excluded from the Settlement are all federal, state, and local government entities in the United States, except any such governmental agencies or programs that made or incurred an obligation to make a reimbursement for a Class Drug as part of a health benefit plan for their employees, but only with respect to such payment; and certain other independent settling health plans.

Benefits Of The Settlement – What You Get

9. What Does The Settlement Provide?

Under the Settlement, Defendants paid a total of \$125 million to settle the lawsuit. This amount is meant to satisfy the claims of both Third-Party Payors (“TPPs”) who meet the criteria for inclusion in one of the two Settlement Classes as well as claims by consumers who made percentage co-payments and full cash payments based on the published Average Wholesale Price (“AWP”). All costs associated with notice and administration, attorneys’ fees and litigation costs, and compensation to the named class representatives for time spent providing documents and testimony in connection with this case will be paid from the \$125 million settlement amount.

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10. How Do I File A Claim?

The Deadline for Filing Claims has passed.

11. If the Class Period is from January 1, 1991 to January 1, 2005, why does the Proof of Claim only request total purchases from January 1, 2003 to December 31, 2003?

This is commonly known as a “proxy period.” A proxy period is usually a shorter time period than the Class Period, especially when, as in this settlement, the Class Period goes back many years. Pursuant to ¶18 of the Order Granting Preliminary Approval dated July 2, 2008, the total expenditure for all Class A Drugs during the period of January 1, 2003 to December 31, 2003 claimed by each TPP Class Member shall be the TPP’s “Recognized Claim” used for the purposes of calculating any payment you may be entitled to.

Excluding Yourself from the Settlement

12. How Do I Exclude Myself from the Settlement?

Exclusions may no longer be filed because the deadline has passed.

The Lawyers Representing You

13. 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 Class Members:

Steve W. Berman
Sean R. Matt
Hagens Berman Sobol Shapiro LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
www.hbsslaw.com

Jeffrey Kodroff
Spector Roseman & Kodroff, PC
1818 Market Street, Suite 2500
Philadelphia, PA 19103
www.srk-law.com

and

Ed Notargiacomo
One Main Street, 4th Floor
Cambridge, MA 02142

Kenneth Wexler
Wexler Toriseva Wallace LLP
55 W. Monroe, Suite 3300
Chicago, IL 60603
www.wtwlaw.us

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

These lawyers are called Class Counsel. You will not be charged personally for these lawyers, but they will ask the Court to award them a fee of up to 33 1/3 % of the Settlement Amount, plus interest. In addition, Settlement Class Counsel will request reimbursement of

the expenses and costs associated with litigation of this case. The fee will be paid out of the \$125 million Settlement Amount as will any reimbursement of litigation costs and expenses awarded by the Court. More information about Settlement Class Counsel and their experience is available at the websites listed above.

14. Should I Get My Own Lawyer?

You don't need to hire your own lawyer. If you hire a lawyer to appear for you in this case, that will be at your own expense.

The Court's Final Approval Hearing

15. 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

16. Where Do I Obtain More Information?

More details are in the Complaint filed by Settlement Class Counsel, the Answers filed by Defendants, and the other legal documents that have been filed with the Court in this lawsuit. These documents include the Track Two Settlement Agreement and Release, which sets forth in great detail the Settlement's provisions. You can look at and copy these legal documents 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. Many of the documents 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 this Notice, you may:

- Call toll free 1-877-465-8136 (hearing impaired call 1-561-253-7732)
- Write to: AWP Track 2 Settlement Administrator
c/o Complete Claim Solutions, LLC
P.O. Box 24703
West Palm Beach, FL 33416.
- Or Email: info@awptrack2settlement.com