

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESAL PRICE  
LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:

CIVIL ACTION: 01-CV-12257-PBS

ALL CLASS ACTIONS RELATING TO THE  
TRACK TWO DEFENDANTS

Judge Patti B. Saris

**~~PROPOSED~~ ORDER REVISING CERTAIN DATES  
RELATED TO THE TRACK TWO SETTLEMENT**

WHEREAS, this matter has come before the Court pursuant to Plaintiffs' request to reset certain dates relating to the Track Two Class Settlement to allow for direct notice to consumer class members and a letter to TPP class members clarifying the list of drugs involved in the Proposed Settlement.

IT IS HEREBY ORDERED THAT:

This Court's July 2008 Order Granting Preliminary Approval of the Track Two Class Settlement, Directing Notice to the Classes, and Scheduling Fairness Hearing ("Preliminary Approval Order") [Docket No. 5426] is hereby modified as follows:

<u>Event</u>	<u>Original Date</u>	<u>Revised Date</u>
Filing of Materials in Support of Final Approval including Attorneys Fees	November 10, 2008	March 2, 2009
Filing of Request for Exclusion	Postmarked by December 1, 2008	Postmarked by March 16, 2009

Notice of Intention to Appear at Fairness Hearing Stating Reasons for Opposition to Proposed Settlement Filed	December 1, 2008	March 16, 2009
Responses to Opposition to Proposed Settlement Filed	December 9, 2008	March 30, 2009
Final Approval Hearing	December 16, 2008	April 27, 2009 at 2:00pm
Filing of Claim (Consumers Only)	Postmarked January 31, 2009 (Consumers Only)	Postmarked May 1, 2009 (Consumers Only)
Filing of Claim (TPP Class Members Only)	Postmarked by December 1, 2009 (TPPs Only)	Postmarked by March 16, 2009 (TPPs Only)

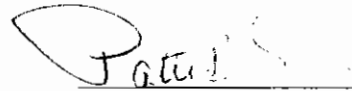
Plaintiffs shall advise all class members of the revised schedule in all future communications as well as post this Order and revised Notices incorporating these new dates on the settlement website. Plaintiffs shall also cause a notice of these new dates to be mailed to all consumers who have already contacted the claims administrator about the Track Two Settlement.

Plaintiffs are also hereby authorized to direct the claims administrator to mail a copy of the letter attached hereto as Exhibit A to each TPP class member accompanied by a complete list of all drugs at issue in the Proposed Settlement.

Plaintiffs shall file the 5<sup>th</sup> Amended Class Action Complaint by January 19, 2009.

The Fairness Hearing previously schedule for December 16, 2008 is hereby rescheduled to April 27, 2009 at 2 pm in Courtroom 19. Plaintiffs are directed to post the change in the date of the Fairness Hearing on the settlement website.

Date: 1/17/09



Patti B. Saris  
United States District Judge

# EXHIBIT A

MONTH DAY, 2008

**VIA UNITED STATES MAIL**

To: United States Third-Party Payors

Re: ***In Re: Pharmaceutical Industry Average Wholesale Price Litigation,***  
**Docket No. 01-CV-12257-PBS, MDL No. 1456 (D. Mass.)**  
**Track Two Settlement, Amended Exhibit A to the Notice of Settlement**

**Dear Sir/Madam:**

Enclosed with this letter you will find an amended Attachment A to the Notice of Settlement you previously received in the above-referenced litigation (the "Amended Attachment A").

The Amended Attachment A correctly identifies all of the drugs at issue in the litigation and is meant to replace the Attachment A to the Notice of Settlement previously mailed. A copy of the full Notice of Settlement can be downloaded at [www.AWPTrack2Settlement.com\payor](http://www.AWPTrack2Settlement.com\payor) for your reference or you may call 1-877-465-8136 to obtain another copy.

Due to the need to provide Third-Party Payors ("TPPs") with an Amended Attachment A, the Court has extended the dates by which TPPs must take some action with respect to the Proposed Settlement. The Court has also rescheduled the Final Approval Hearing at which time the Court will consider whether to approve the Proposed Settlement.

The new dates set by the Court are as follows:

<b><u>Event</u></b>	<b><u>Revised Date</u></b>
Filing of Materials in Support of Final Approval including Attorneys Fees	March 2, 2009

Filing of Request for Exclusion	Postmarked by March 16, 2009
Filing of Notice of Intention to Appear at Fairness Hearing Stating Reasons for Opposition to Proposed Settlement Filed	March 16, 2009
Responses to Opposition to Proposed Settlement Filed	March 30, 2009
Final Approval Hearing	April 27, 2009 at 2:00 pm
Filing of Claim (TPP Class Members Only)	Postmarked by March 16, 2009

The Notice of Settlement has recently been amended to reflect these new dates. You can obtain a copy by visiting [www.AWPTrack2Settlement.com\payor](http://www.AWPTrack2Settlement.com\payor) or calling 1-877-465-8136.

As a result of the new dates set forth above one of the situations outlined below may apply to you. Please read the options set forth below for information about your options.

- If you have already filed a claim, you do not need to take any action. Your claim will be processed and you will be notified of any deficiencies or the need for any additional information.
- If you have not filed a claim, but wish to do so now, your claim must be received by March 16, 2009. Go to [www.AWPTrack2Settlement.com\payor](http://www.AWPTrack2Settlement.com\payor) or call 1-877-465-8136 to obtain a copy of the claim form and instructions for filing a claim.
- If you previously filed a request for exclusion, and you still wish to be excluded from the Proposed Settlement, you do not need to take any action. Your previously filed request for exclusion will be considered by the Court.
- If you currently wish to file a request for exclusion, your request must be postmarked by March 16, 2009. Go to [www.AWPTrack2Settlement.com\payor](http://www.AWPTrack2Settlement.com\payor) or call 1-877-465-8136 for instructions on how to file a valid request for exclusion. If you previously filed a claim and then file a request for exclusion, your request for exclusion will be considered a request to withdraw your previously filed claim.

If you have questions that are not answered by this letter, you can call the claims administrator toll free at 1-877-465-8136 to obtain answers to your questions.