

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:
TRACK 2 SETTLEMENT

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**[PROPOSED] ORDER REGARDING CLASS PLAINTIFFS' MOTION
FOR APPROVAL OF FORM AND MANNER OF NOTICE TO CASH
PAYING CONSUMERS IN CLASS 3, APPROVAL OF CONSUMER
CLAIMS SCHEDULE, AND TO RESCHEDULE DATE FOR FINAL
APPROVAL OF THE TRACK TWO SETTLEMENT**

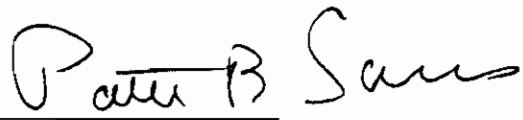
The Court, having considered Class Plaintiffs' Motion for Approval of Form and Manner of Notice to Cash Paying Consumers in Class 3, Approval of Consumer Claim Schedule, and to Reschedule date for Final Approval of the Track Two Settlement ("Plaintiffs' Motion"), hereby orders the following:

1. The manner of notice to cash payors as outlined in Exhibit 1 to Plaintiffs' Motion is hereby approved;
2. The form of notice to cash payors as outlined in Exhibits 2 and 3 to Plaintiffs' Motion is hereby approved;
3. The schedule requested in Plaintiffs' Motion, as set forth below, is hereby approved and shall be made available on the Track Two Settlement website within 3 business days of the entry of this Order;

<u>Event</u>	<u>Revised Date</u>
Filing of Materials in Support of Final Approval including Attorneys Fees	December 1, 2009
Filing of Request for Exclusion	Postmarked by December 15, 2009
Filing of Notice of Intention to Appear at Fairness Hearing Stating Reasons for Opposition to Proposed Settlement Filed	December 15, 2009
Responses to Opposition to Proposed Settlement Filed	January 4, 2010
Final Approval Hearing	<u>FEB. 3</u> , 2010 AT 2:00 PM
Filing of Claim (Consumer Class Members Only)	February 1, 2010

The Court's continuance of the final approval hearing and the establishment of deadlines set forth above shall not extend TPP Settlement Class Members' deadlines to opt-out of the Track Two Settlement and Release, or to file claims. The Court's January 7, 2009 Order Revising Certain Dates Related to the Track Two Settlement set March 16, 2009 as the deadline for TPP Settlement Class Members' to opt-out of the Track Two Settlement. Any TPP who did not opt-out of the Track Two Settlement on or before March 16, 2009 are TPP Settlement Class Members whose claims will be released by the Track Two Settlement and Release.

Dated: 10/13/09


 Patti B. Saris
 United States District Judge