

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MYLAN PHARMACEUTICALS, INC.,	:	
<i>et al.</i> ,	:	Civ. No. 12-3824
	:	CONSOLIDATED
Plaintiffs,	:	
	:	Relates to: Indirect Purchaser
v.	:	Action
	:	
WARNER CHILCOTT PUBLIC	:	
LIMITED COMPANY, <i>et al.</i> ,	:	
	:	
Defendants.	:	

DECLARATION OF EDWARD J. SMITH ON BEHALF OF CLASS
REPRESENTATIVE LABORERS' TRUST FUND OF NORTHERN CALIFORNIA IN
SUPPORT OF FINAL APPROVAL OF SETTLEMENT AND APPLICATION FOR
SERVICE AWARD

1. I, Edward J. Smith, pursuant to 28 U.S.C. §1746, respectfully submitS this declaration in support of: (a) final approval of the settlement of the above-captioned action for \$8,000,000 (the “Settlement”); and (b) Class Representative LABORERS’ TRUST FUND FOR NORTHERN CALIFORNIA ’s (“Laborers”) request for a service award to compensate for the time expended, and resources utilized, by Laborers in representing the Class in the above-captioned action (the “Action”). I have personal knowledge of these statements and, if called as a witness, could competently testify about them.

2. I am the Fund Administrator for Laborers.

3. As a health and welfare fund, Laborers has a strong interest in ensuring that the pharmaceutical market is subject to fair competition, and that purchasers of pharmaceuticals pay the lowest possible prices. After consultation with its legal counsel, Laborers made the decision to pursue this action as a named Plaintiff and understood its responsibility to serve the best interests of the putative class.

4. On behalf of Laborers, I have been in regular contact with the attorneys representing the Class of indirect purchasers of Doryx to monitor and contribute to the successful prosecution of this antitrust class action. I have provided counsel with my input regarding various aspects of the litigation throughout the proceedings and have done my best to vigorously promote the Class’ interests and to obtain the largest recovery possible under the circumstances.

5. In the course of this litigation, Laborers has devoted significant time and resources to fulfilling its role as a named plaintiff and Class Representative. The specific tasks I and employees of Laborers have performed include, but are not limited to:

- a. regularly communicating with counsel by email and telephone regarding the posture and progress of the case;

- b. discussing the litigation with the Laborers's Board of Trustees;
- c. reviewing and discussing with counsel the complaint, amended complaint, briefing before this Court, Plaintiffs' mediation statement, and the Court's orders;
- d. instituting a "litigation hold" to ensure that documents related to this litigation would not be lost or destroyed;
- e. responding to document requests, and collecting and providing responsive documents, to counsel and, ultimately, Defendants;
- f. responding to interrogatories;
- g. preparing for, traveling to, and giving a deposition in Philadelphia, Pennsylvania over Memorial Day weekend, 2014;
- h. discussing settlement strategy with counsel;
- i. communicating with counsel regarding the settlement process and procedure;
- j. receiving pertinent information regarding the settlement negotiations and approving execution of the Settlement Agreement and discussing issues relevant to the final approval process.

6. Laborers authorized counsel to settle this Action for \$8,000,000. In making its determination that the settlement represented a fair, reasonable, and adequate result for the Class, Laborers, in conjunction with and relying on the advice of its legal counsel, weighed the substantial benefits to the putative Class against the significant risks and uncertainties of continued litigation. Based on this analysis, Laborers believes that the Settlement represents a


highly favorable recovery, and believes that final approval of the Settlement is in the best interest of the Class.

7. I understand that the Court has discretion to grant in full or in part, or to deny, a Class Representative's request for a service award. Laborers was not promised and did not expect to receive compensation for serving as a representative Plaintiff in this Action, but due to the extent of its participation in achieving a multi-million dollar recovery for the Class, I believe a service award for Laborers is warranted.

8. Laborers respectfully requests a service award in the amount of \$10,000 in connection with its representation of the Class. I believe that this request is appropriate given the substantial amount of time and resources Laborers devoted to this litigation and the result achieved. The time and resources spent on this case could have otherwise been devoted to other professional activities on behalf of Laborers.

9. I declare under penalty of perjury of the United States of America, that the foregoing is true and correct.

Dated: October 31, 2014
Fairfield, California


Edward J. Smith
Fund Administrator