

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

MYLAN PHARMACEUTICALS, INC., :
et al., :

Plaintiffs, :

v. :

WARNER CHILCOTT PUBLIC :
LIMITED COMPANY, *et al.,* :

Defendants. :

Civ. No. 12-3824
CONSOLIDATED

Relates to: Indirect Purchaser
Action

**DECLARATION OF CLASS REPRESENTATIVE INTERNATIONAL UNION OF
OPERATING ENGINEERS LOCAL 132 HEALTH AND WELFARE FUND IN
SUPPORT OF FINAL APPROVAL OF SETTLEMENT AND APPLICATION FOR
SERVICE AWARD**

1. I, Tommy Plymale, pursuant to 28 U.S.C. §1746, respectfully submit 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 International Union of Operating Engineers Local 132 Health and Welfare Fund's ("Fund") request for a service award to compensate for the time expended, and resources utilized, by the Fund 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 Secretary for the Board of Trustees of the Fund.

3. As a health and welfare fund, the Fund 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, the Fund 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 the Fund, 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, the Fund has devoted significant time and resources to fulfilling its role as a named plaintiff and Class Representative. The specific tasks I and employees of the Fund 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 Fund's Board;
- 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, travelling to, and giving a deposition;
- 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;
- k. reviewing briefing in support of the Settlement; and
- l. reviewing the Court's Order preliminarily approving the settlement and discussing issues relevant to the final approval process, including counsels' request for attorneys' fees and expenses.

6. The Fund 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, the Fund weighed the substantial benefits to the putative Class against the significant risks and uncertainties of continued litigation. Based on this analysis, the Fund 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. The Fund 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 the Fund is warranted.

8. The Fund 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 the Fund 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 the Fund.

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

Dated: October 31, 2014
Huntington, West Virginia



Tommy Plymale