

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

---

MYLAN PHARMACEUTICALS, INC., *et al.*

Plaintiff,

v.

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

Defendants.

---

Civ. No. 12-3824  
CONSOLIDATED

Relates to: Indirect Purchaser Action

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

**If You Purchased (Not for Resale), or Were a Third-Party Payor for, the Prescription Drug Doryx<sup>®</sup>, You May Be Entitled to Money from a Class Action Settlement**

**This Notice is being provided by Order of the U.S. District Court for the Eastern District of Pennsylvania. It is not a solicitation from a lawyer. You are not being sued.**

- The purpose of this Notice of Proposed Class Action Settlement (“Notice”) is to alert you to the existence of a class action lawsuit (the “Action”) brought on behalf of certain purchasers, consumers, and third-party payors of Doryx<sup>®</sup> (delayed-release doxycycline hyclate) against Defendants Warner Chilcott (US) LLC, Warner Chilcott Public Limited Company, Warner Chilcott Company LLC, Warner Chilcott Holdings Company III, Ltd., and Warner Chilcott Laboratories Ireland Limited (collectively, “Warner Chilcott”), and Mayne Pharma Group Limited and Mayne Pharma International Pty. Ltd. (collectively, “Mayne”) (together, “Defendants”).<sup>1</sup> The Action asserts that the Defendants violated antitrust and consumer protection laws relating to the sale of the prescription drug Doryx<sup>®</sup>. Defendants have denied any wrongdoing.
- This Notice is also to inform you that a settlement with the Defendants has been reached and that the Court has certified, for purposes of settlement, an Indirect Purchaser Class consisting of all persons and entities in the United States who reimbursed for, or indirectly purchased, other than for resale, branded Doryx<sup>®</sup> (“Indirect Purchaser Plaintiffs” or “Plaintiffs”) at any time during the period September 21, 2008 to May 30, 2014 (the “Class Period”). Excluded from the Indirect Purchaser Class are: (1) Defendants and their directors, officers, employees, subsidiaries or affiliates; (2) fully-insured health plans, *i.e.*, plans that purchased insurance from another third party payor covering 100% of the Plan’s reimbursement obligations to its members; (3) all federal, state and municipal government entities, except for government funded employee benefit plans; (4) insured individuals covered by plans imposing a flat dollar co-pay that was the same dollar amount for generic as for brand drug purchases; and (5) insured or uninsured individuals who purchased branded Doryx<sup>®</sup> with a coupon and never purchased branded Doryx<sup>®</sup> without a coupon. Also excluded are purchases made through Prisons, Federal Facilities, Clinics (as defined by IMS Health (“IMS”)), and/or Medicaid programs.
- The settlement provides for a cash payment of \$8 million (the “Settlement Fund”) and resolves all Indirect Purchaser claims against the Defendants.

---

<sup>1</sup> This Notice incorporates by reference the definitions in the Settlement Agreement dated July 11, 2014 (“Settlement Agreement”), and all capitalized terms used, but not defined herein, shall have the same meanings as in the Settlement Agreement. The Settlement Agreement is posted on the Claims Administrator’s website at [www.doryxindirectsettlement.com](http://www.doryxindirectsettlement.com).

- The Court has scheduled a hearing to decide whether to approve the settlement, the plan for allocating the Settlement Fund to Class Members (summarized in Question 8 below), and the request by the attorneys representing the Indirect Purchaser Class (“Indirect Purchaser Plaintiffs’ Counsel” or “Class Counsel”) for reimbursement of costs and payment of attorneys’ fees out of the Net Settlement Fund. That hearing is scheduled for January 7, 2015, before U.S. District Court Judge Paul S. Diamond in Courtroom 6B at the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Philadelphia, PA 19106-1797.

**DECISIONS YOU MUST MAKE:**

**(1) Stay in the Class.** If you stay in the Class, you will be permitted to participate in the settlement and file a claim for your *pro rata* share of the recovery. By doing so, you will release (and thereby have no further rights concerning) all claims you have against Defendants in connection with this lawsuit. You will also be bound by past and any future court rulings on, or settlement of, the claims against Defendants, and cannot pursue your own claims against Defendants. If you stay in the Class, you can object to the settlement.

**OR**

**(2) Opt out of the Class.** If you opt out of the Class (meaning you say in writing that you don’t want to be in the Class), you will **NOT** be entitled to participate in the settlement or share in the recovery. Moreover, you will: (a) not release any claims you have against Defendants and are free to pursue them if you wish; (b) not be bound by any past or future rulings against Defendants; and (c) not be entitled to object to the settlement. Once you opt out, you are no longer a member of the Class affected by this Class Action and you may pursue your own claims against Defendants.

**A Summary of Your Rights and Choices:**

*Your legal rights are affected whether you act or don’t act. Please read this Notice carefully. Your rights and options – and the deadlines to exercise them – are explained in this Notice.*

<b>You May:</b>	<b>Brief Explanation:</b>	<b>Due Date:</b>
<b>1. Do Nothing</b>	You are automatically part of the Action if you fit the Class description. However, if you do not file a timely claim, you will not receive any payment from the settlement. You will be bound by past and any future court rulings, including rulings on the settlement. <b>See Below for More Information</b>	<i>N/A</i>
<b>2. File a Claim</b>	<b>Submit a Claim Form</b> This is the only way you will receive any payment from the settlement. <b>See Question 10</b>	<b>Postmarked 60 calendar days from entry of the Final Approval Order</b>
<b>3. Opt Out</b>	<b>Get out of the Class and Settlement</b> You may exclude yourself from the Class and keep your right to sue Defendants for these claims at your own expense. If you do so, you will not receive any payment from the settlement of this Action. <b>See Questions 13-15</b>	<b>Postmarked by December 8, 2014</b>
<b>4. Object to the Settlement</b>	<b>Object or comment on the settlement.</b> If you do not opt out of the Class, you may object to or comment on the settlement at the hearing to determine whether the Court should approve the settlement as fair to the Class. <b>See Question 20</b>	<b>Postmarked by November 5, 2014</b>

The Court in charge of this case still has to decide whether to approve the settlement with the Defendants. If the Court does not approve the settlement, the lawyers will need to prove the claims against the Defendants at trial.

**WHAT THIS NOTICE CONTAINS**

**BASIC INFORMATION..... PAGE 4**

- 1. Why did I get this Notice?
- 2. What is this lawsuit about?
- 3. What happened in this lawsuit?
- 4. Why is this lawsuit a class action?
- 5. Why is there a settlement with the Defendants?

**WHO IS IN THE CLASS AND SETTLEMENT..... PAGE 5**

- 6. Am I part of the Class and the settlement with the Defendants?

**THE SETTLEMENT BENEFITS – WHAT YOU GET..... PAGE 5**

- 7. What does the settlement with the Defendants provide?
- 8. What is the proposed Plan of Allocation?
- 9. How much will my payment be?

**HOW YOU GET A PAYMENT – SUBMITTING A CLAIM FORM..... PAGE 6**

- 10. How can I get a payment?
- 11. When would I get my payment?
- 12. What happens if the settlement is not approved or is terminated?

**EXCLUDING YOURSELF FROM THE CLASS & THE SETTLEMENT..... PAGE 6**

- 13. Can I get out of the settlement?
- 14. If I don't exclude myself, can I sue the Defendants for the same thing later?
- 15. If I exclude myself, can I get money from this settlement?

**THE LAWYERS REPRESENTING YOU..... PAGE 7**

- 16. Do I have a lawyer in this case?
- 17. Should I get my own lawyer?
- 18. How will the lawyers be paid?
- 19. Do I have to contact the lawyers to be paid?

**OBJECTING TO THE SETTLEMENT..... PAGE 8**

- 20. How do I tell the Court that I do not like the settlement with the Defendants?
- 21. What is the difference between objecting and excluding myself from the settlement?

**THE COURT'S FAIRNESS HEARING..... PAGE 9**

- 22. When and where will the Court decide whether to approve the settlement?
- 23. Do I have to come to the hearing?
- 24. May I speak at the hearing?

**IF YOU DO NOTHING..... PAGE 10**

- 25. What happens if I do nothing at all?

**GETTING MORE INFORMATION..... PAGE 10**

- 26. How do I get more information?

## BASIC INFORMATION

### 1. Why did I get this Notice?

You received this Notice because you requested it or records indicate that you may be a Class Member. If you are a Class Member, you have important decisions to make, and you may be entitled to money as part of the proposed settlement. You are not being sued.

### 2. What is this lawsuit about?

Plaintiffs International Brotherhood of Electrical Workers 38, Health and Welfare Fund (“IBEW 38”), International Union of Operating Engineers Local 132, Health and Welfare Fund (“Local 132”), and Laborers Health and Welfare Trust Fund for Northern California (“Laborers Trust”) (together, “Plaintiffs” or “Indirect Purchaser Plaintiffs”) allege that Defendants violated federal and state antitrust, unfair competition and/or consumer protection laws by engaging in an unlawful scheme to delay or block the market entry of less expensive, generic versions of Doryx<sup>®</sup>. Plaintiffs allege that this unlawful scheme involved, among other things: (i) switching Doryx<sup>®</sup> from capsules to tablets (and removing the capsules from the market), (ii) switching Doryx<sup>®</sup> from tablets of a lower strength to tablets of a higher strength, and (iii) switching Doryx<sup>®</sup> from unscored tablets to scored tablets. Plaintiffs claim that by making these allegedly nuanced and insignificant changes to the Doryx<sup>®</sup> product, Defendants were able to charge supracompetitive prices long after generic versions of the drug product could have and should have entered the market. Plaintiffs allege that they, and the Class, were damaged by paying significantly higher prices for Doryx<sup>®</sup> as a result of Defendants’ conduct.

Defendants deny all these allegations, including that any Plaintiff or Class Member is entitled to damages or other relief. The Defendants respond that each new version of Doryx<sup>®</sup> introduced by the Defendants was approved by the U.S. Food & Drug Administration as safe and effective and represented incremental innovation over older versions of Doryx<sup>®</sup>. Defendants further contend that their conduct did not violate any applicable law or regulation. The settlement is not an admission of wrongdoing by any of the Defendants. No trial has been held.

### 3. What happened in this lawsuit?

Following an extensive investigation of relevant facts and law by the parties, including the production and review of millions of pages of documents, the briefing of the Defendants’ Motion to Dismiss, Plaintiffs’ Motion for Class Certification, and Defendants’ Motion for Summary Judgment and the taking of 55 fact witness depositions, and more than 35 expert witness depositions with 64 expert reports, the parties engaged in extensive settlement negotiations with the help of an independent mediator. The Plaintiffs, on behalf of themselves and the Class, ultimately reached a settlement with the Defendants. The terms of the Settlement, which is subject to final approval by the Court, are set forth in the written Settlement Agreement. The Settlement Agreement provides that Defendants will pay \$8 million in cash to the Class in exchange for a release of all claims against the Released Parties (as defined in the Settlement Agreement) related to the conduct alleged in the Class Action. The Settlement Agreement is available for review at [www.doryxindirectsettlement.com](http://www.doryxindirectsettlement.com). The Settlement Agreement contains the full text of the release for your review.

THE COURT HAS NOT DECIDED WHETHER THE DEFENDANTS VIOLATED ANY LAWS. THIS NOTICE IS NOT AN EXPRESSION OF ANY OPINION BY THE COURT AS TO THE MERITS OF THE INDIRECT PURCHASER PLAINTIFFS’ CLAIMS OR THE DEFENSES ASSERTED BY THE DEFENDANTS.

The case is known as *Mylan Pharmaceuticals, Inc., et al. v. Warner Chilcott Public Limited Company, et al.*, No. 12-3824 (E.D. Pa). Judge Paul S. Diamond of the United States District Court for the Eastern District of Pennsylvania is overseeing this Action.

### 4. Why is this lawsuit a class action?

In a class action, one or more entities called class representatives sue on behalf of other entities with similar claims. In this case, the class representatives are IBEW 38, Local 132, and Laborers Trust.

The class representatives and the entities on whose behalf they have sued together constitute the “Class” or “Class Members.” Their attorneys are called “Plaintiffs’ Counsel” or “Indirect Purchaser Plaintiffs’ Counsel” or “Class Counsel.” The companies that have been sued are called the Defendants.

In a class action lawsuit, one court resolves the issues for everyone in the class, except for those class members who exclude themselves from the class. The Court, by order dated September 4, 2014, certified a Class in this case for purposes of settlement. A copy of the Court’s order may be found at [www.doryxindirectsettlement.com](http://www.doryxindirectsettlement.com).

## **5. Why is there a settlement with the Defendants?**

The Court did not decide in favor of the Plaintiffs or Defendants. Instead, the lawyers for both sides of the lawsuit, with the help of an experienced mediator, negotiated a settlement, which they believe is in the best interests of their respective clients. The settlement allows both sides to avoid the risks and cost of lengthy and uncertain litigation and the uncertainty of a trial and appeals, and permits Class Members to be compensated without further delay. Plaintiffs and their attorneys think the settlement is best for all Class Members.

## **WHO IS IN THE CLASS AND SETTLEMENT**

To see if you are in the Class and if you will get money from the settlement with the Defendants, you first have to determine if you are a Class Member.

## **6. Am I part of the Class and the settlement with the Defendants?**

### **A. How do I know if I am a member of the Class?**

The Class consists of all persons and entities in the United States who reimbursed for, or indirectly purchased, other than for resale, branded Doryx<sup>®</sup> at any time during the period September 21, 2008 to May 30, 2014. For purposes of this definition, a person or entity “indirectly purchased” if they purchased Doryx<sup>®</sup> from an entity other than one of the Defendants, including, for example, from a pharmacy or a mail order pharmacy.

### **B. Are there exceptions to being included in the Class?**

Yes. Excluded from the Class are: (i) Defendants and their directors, officers, employees, subsidiaries or affiliates; (ii) fully-insured health plans, *i.e.*, plans that purchased insurance from another third party payor covering 100% of the Plan’s reimbursement obligations to its members; (iii) all federal, state, and municipal government entities, except for government funded employee benefit plans; (iv) insured individuals covered by plans imposing a flat dollar co-pay that was the same dollar amount for generic as for brand drug purchases; and (v) insured or uninsured individuals who purchased branded Doryx<sup>®</sup> with a coupon and never purchased branded Doryx<sup>®</sup> without a coupon. Also excluded are purchases made through Prisons, Federal Facilities, Clinics (as defined by IMS), and/or Medicaid programs

If you are not sure whether you are included, you may call or write to the lawyers in this case at the telephone numbers or addresses listed in Question 16 below. If you wish to exclude yourself from the Class, please refer to Question 13.

## **THE SETTLEMENT BENEFITS – WHAT YOU GET**

## **7. What does the settlement with the Defendants provide?**

Defendants have agreed to cause to be paid \$8 million in cash into the Settlement Fund. The Settlement Fund, plus interest earned from the date it is established, less costs, fees and expenses (the “Net Settlement Fund”), will be divided among all eligible Class Members whose claim for recovery has been allowed pursuant to the terms of the Settlement Agreement and who send in valid claim forms (“Authorized Claimants”). Costs, fees, and expenses include Court-approved attorneys’ fees and expenses, the costs of notifying Class Members, including the costs of printing and mailing this Notice and the cost of publishing notice, and the costs of claims administration.

In exchange for the \$8 million, the Defendants will be released and discharged from all antitrust, consumer protection and unfair competition claims relating to indirect purchases of Doryx<sup>®</sup>. This is only a summary of the release and the settlement. All information related to the settlement, including the full text of the release, is included in the Settlement Agreement, which is available at [www.doryxindirectsettlement.com](http://www.doryxindirectsettlement.com).

## **8. What is the proposed Plan of Allocation?**

Expenses associated with providing notice, expenses associated with administering the Settlement and the Fee and Expense Award will be deducted from the Settlement Fund. After the deduction of the Administrative Expenses and Fee and Expense Award, the remaining Settlement Fund will be allocated *pro rata* to qualified claimants.

## **9. How much will my payment be?**

Your share of the Net Settlement Fund will depend on the amount of Doryx<sup>®</sup> you purchased during the Class Period. Generally, those who purchased more Doryx<sup>®</sup> during that period will get a higher recovery.

Your share of the Net Settlement Fund will also depend on the number of valid claim forms that Class Members submit. If less than 100% of the Class sends in a claim form, you could get a larger *pro rata* share.

## **HOW YOU GET A PAYMENT – SUBMITTING A CLAIM FORM**

### **10. How can I get a payment?**

To qualify for a payment, you must be an eligible Class Member and send in a valid Proof of Claim and Release form. A Proof of Claim and Release form is enclosed with this Notice. Read the instructions carefully, fill out the form, include all the documents the form asks for, sign it, and mail it postmarked no later than 60 calendar days from the date of the order finally approving the Settlement. You must also include documents evidencing your purchase(s) of Doryx<sup>®</sup> and the price(s) paid as described in the claim form.

### **11. When would I get my payment?**

The Court will hold a hearing on January 7, 2015, at 10:00 a.m., to decide whether to approve the settlement. If Judge Diamond approves the settlement, there may be appeals. It is always uncertain whether these appeals can be resolved favorably, and resolving them can take time, perhaps more than a year. During the course of an appeal, interest will accrue on the Settlement Fund and will be included, *pro rata*, in the amount paid to the Class Members. It also takes time for all the claim forms to be processed. If there are no appeals and depending on the number of claims submitted, the Claims Administrator could distribute the Net Settlement Fund as early as nine months after the fairness hearing. Please be patient.

### **12. What happens if the settlement is not approved or is terminated?**

The Court may not approve the settlement or it may be terminated as outlined in the Settlement Agreement. If the Settlement is not approved, or is terminated, the certification of the Class for settlement purposes will be vacated, and the Action will proceed as if the Settlement Agreement had not been entered into.

## **EXCLUDING YOURSELF FROM THE CLASS AND THE SETTLEMENT**

If you do not want a payment from this settlement, but you want to keep the right to sue or continue to sue the Defendants on your own about the same issues in this case, then you must take steps to get out of the Class. This is called “excluding yourself” or is sometimes referred to as “opting out” of the Class.

### **13. How do I get out of the settlement?**

To exclude yourself from the Class, you must send a letter via first class U.S. mail, postage prepaid, saying that you want to exclude yourself from the Indirect Purchaser Class Action in *Mylan Pharmaceuticals, Inc., et al. v. Warner Chilcott Public Limited Company, et al.*, No. 12-3824 (E.D. Pa.). Be sure to include your name, address, telephone number, and your signature. To be effective, any request to exclude yourself from the Class must include evidence of your relevant Doryx<sup>®</sup> purchases by year, pill volume, dollar volume, seller, and location of purchase/seller. Mail the exclusion to: Doryx<sup>®</sup> Indirect Purchaser Antitrust Litigation Exclusions, c/o Garden City Group, Inc., P.O. Box 10097, Dublin, OH 43017-6697. Your letter requesting exclusion must be postmarked no later than December 8, 2014.

You cannot exclude yourself by telephone or email. If you ask to be excluded from the Class, you will not get to share in the settlement. You will not be legally bound by anything that happens in this case, including the settlement, and you may be able to sue (or continue to sue) Defendants in the future about the legal issues in this case.

If you do not exclude yourself, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit, if any, against the Defendants arising from the claims brought in this Action. All of the Court's orders will apply to you and will legally bind you. You will also be bound by the settlement with the Defendants, if the Court grants final approval and the final judgment entered in the case.

**14. If I don't exclude myself, can I sue Defendants for the same thing later?**

No. If you remain in the Class and share in the Settlement, you give up your right to sue the Defendants. That is called "releasing" your claims and potential claims relating to your indirect purchases of Doryx®. The full text of the release is included in the Settlement Agreement, which is available at [www.doryxindirectsettlement.com](http://www.doryxindirectsettlement.com).

If you have your own pending lawsuit, speak to your lawyer in that case immediately, because you must exclude yourself from this Class to continue your own lawsuit. Remember, the exclusion deadline is December 8, 2014.

**15. If I exclude myself, can I get money from this settlement?**

No. If you exclude yourself, do not send in a claim form to ask for any money. Once you exclude yourself you will receive no cash payment, even if you also submit a claim form.

**THE LAWYERS REPRESENTING YOU**

**16. Do I have a lawyer in this case?**

The law firm listed below has been appointed by the Court as Class Counsel. It is experienced in handling similar cases against other companies. The lawyer is:

Walter W. Noss, Esq.  
SCOTT+SCOTT, ATTORNEYS AT LAW, LLP  
707 Broadway, Suite 1000  
San Diego, CA 92101  
(619) 233-4565  
[www.scott-scott.com](http://www.scott-scott.com)

The law firm will apply to the Court for payment from the Settlement Fund; you will not otherwise be charged for its work.

**17. Should I get my own lawyer?**

You do not need to hire your own lawyer because Class Counsel are working on your behalf. However, if you wish to do so, you may retain your own lawyer at your own expense.

**18. How will the lawyers be paid?**

If the Court approves the Settlement, the Court will be asked to approve a fee to the lawyers of no more than 33.33% of the Net Settlement Fund (including accrued interest). Reimbursement to the lawyers for the costs and expenses they have paid will be taken from the Settlement Fund. You will not have to pay these fees, costs, and expenses out of your own pocket. If the Court grants Class Counsel's requests, these amounts would be deducted from the Settlement Fund or with respect to Attorneys' fees, the Net Settlement Fund. Class Counsel also will apply for incentive or service awards to the Class Representatives for their services to the Class of \$10,000 each. Class Counsel's application for an award of attorneys' fees, reimbursement of expenses, and incentive awards to the Class Representatives will be filed with the Court and made available for download at [www.doryxindirectsettlement.com](http://www.doryxindirectsettlement.com), as well as at the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Philadelphia, PA 19106-1797, during normal business hours.

**19. Do I have to contact the lawyers to be paid?**

No. If you have received this Notice and timely submit your Proof of Claim to the designated address, you need not contact Class Counsel. If you did not receive this Notice but believe you should have, or if your address changes, please contact the Claims Administrator at:

Doryx<sup>®</sup> Indirect Purchaser Antitrust Litigation  
c/o Garden City Group, Inc.  
P.O. Box 10097  
Dublin, OH 43017-6697  
Toll Free Number: (855) 382-6396  
[www.doryxindirectsettlement.com](http://www.doryxindirectsettlement.com)

**OBJECTING TO THE SETTLEMENT**

You can tell the Court that you do not agree with the settlement with the Defendants or some part of it, and/or the application for attorneys' fees, costs, and expenses, and/or the service awards. If you exclude yourself from the Class, however, you cannot object to the settlement or application for fees, costs, expenses, and service awards.

**20. How do I tell the Court that I do not like the settlement with the Defendants?**

If you are a Class Member (and have not excluded yourself), you can object to the settlement if you do not like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send to Class Counsel and Defendants' counsel, and file with the Court, a Notice of Intention to Appear and a Summary Statement ("Notice of Appearance") saying that you object to the proposed settlement in the Indirect Purchaser Class Action in *Mylan Pharmaceuticals, Inc., et al. v. Warner Chilcott Public Limited Company, et al.*, No. 12-3824 (E.D. Pa.). Be sure to include your name, address, telephone number, and signature, documents evidencing your relevant Doryx<sup>®</sup> purchases by year, pill volume, dollar volume, seller, and location of purchase/seller, and the reasons you object to the settlement. Mail the objection to all of the following:

Clerk of the Court  
United States District Court for the  
Eastern District of Pennsylvania  
601 Market Street  
Philadelphia, PA 19106-1797

Walter W. Noss  
SCOTT+SCOTT,  
ATTORNEYS AT LAW, LLP  
707 Broadway, Suite 1000  
San Diego, CA 92101  
(619) 233-4565  
[www.scott-scott.com](http://www.scott-scott.com)  
Class Counsel

J. Mark Gidley  
WHITE & CASE LLP  
701 Thirteenth Street, NW  
Washington, DC 20005-3807  
(202) 626-3600  
[www.whitecase.com](http://www.whitecase.com)  
Defendants' Counsel

Jonathan Short  
McCARTER & ENGLISH, LLP  
Four Gateway Center  
100 Mulberry Street  
Newark, NJ 07102  
[www.mccarter.com](http://www.mccarter.com)  
Defendants' Counsel

Any such notice of objection, and all supporting papers and briefs, must be mailed via first class mail, postage prepaid, such that it is postmarked no later than November 5, 2014.

Attendance at the fairness hearing discussed below is not necessary; however, persons wishing to be heard orally at the hearing are required to indicate in their Notice of Appearance their intention to appear at the hearing and the identity of any witnesses they may call to testify, and to identify exhibits, if any, they intend to introduce into evidence.

## **21. What is the difference between objecting and excluding myself from the settlement?**

Objecting is telling the Court that you do not like something about the proposed settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you do not want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer applies to you.

### **THE COURT'S FAIRNESS HEARING**

The Court will hold a hearing to decide whether to approve the settlement with the Defendants. You may attend and, if you have not excluded yourself from the Class, you may ask to speak, but you do not have to.

## **22. When and where will the Court decide whether to approve the settlement?**

The Court will hold a Fairness Hearing at 10:00 a.m., on January 7, 2015, in Courtroom 6B at the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Philadelphia, PA 19106-1797. The Court may reschedule the Fairness Hearing without further notice to the Class. The purpose of the Fairness Hearing is to:

- Decide if the settlement is fair, reasonable and adequate and in the best interests of the Class, if it should be approved, and if a judgment should be entered;
- Decide if the Class has been fairly and adequately represented by the Plaintiffs who brought the Action and by Class Counsel, who have represented the Plaintiffs in the Action;
- Approve the Plan of Allocation of the Settlement Fund;
- Consider Class Counsel's requests for an award of attorneys' fees from the Net Settlement Fund and reimbursement of expenses from the Settlement Fund;
- Consider any requests for reasonable service awards from the Settlement Fund for the Plaintiffs who represented the Class;
- Consider all comments on, or objections to, the settlement; and
- Consider any other issues relating to the Indirect Purchaser Plaintiff Settlement the Court thinks are necessary.

We do not know how long it will take for the Court to render a decision.

## **23. Do I have to come to the hearing?**

No. Class Counsel will answer any questions that Judge Diamond may have. But, you are welcome to come at your own expense. If you send an objection, you do not have to come to Court to talk about it. So long as you mail your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

Moreover, attendance is not necessary to receive a *pro rata* share of the Net Settlement Fund.

## **24. Make I speak at the hearing?**

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter via first class U.S. mail, postage prepaid, saying that it is your "Notice of Intention to Appear in the Indirect Purchaser Action, *Mylan Pharmaceuticals, Inc., et al. v. Warner Chilcott Public Limited Company, et al.*, No. 12-3824 (E.D. Pa)." Be sure to include your name, address, telephone number, and your signature. You must also include documents evidencing your purchase(s) of Doryx<sup>®</sup> and the price(s) paid. Your Notice of Intention to Appear must be postmarked no later than November 5, 2014, and must be sent to the Clerk of the Court, Class Counsel, and Defendants' counsel, at the addresses set forth in the response to Question 20. You cannot speak at the hearing if you excluded yourself as a Class Member.

## IF YOU DO NOTHING

### 25. What happens if I do nothing at all?

If you do nothing, you will get no money from this settlement. But, unless you exclude yourself, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendants about the same issues in this case.

## GETTING MORE INFORMATION

### 26. How do I get more information?

If you have questions about this case or want to get additional information, you may call or write to Class Counsel, Walter W. Noss, Esq., Scott+Scott, Attorneys at Law, LLP, 707 Broadway, Suite 1000, San Diego, California 92101, Telephone Number: (619) 233-4565, or visit the Claims Administrator's website [www.doryxindirectsettlement.com](http://www.doryxindirectsettlement.com).

This is only a summary of the proposed settlement and is qualified in its entirety by the terms of the actual Settlement Agreement. A copy of the Settlement Agreement, including the Releases, is on public file with the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Philadelphia, PA 19106-1797 during normal business hours. It is also available for download and/or viewing on [www.doryxindirectsettlement.com](http://www.doryxindirectsettlement.com).

**PLEASE DO NOT WRITE OR CALL THE COURT OR THE CLERK'S OFFICE FOR INFORMATION.**

Date: September 4, 2014

BY THE COURT  
Honorable Paul S. Diamond  
United States District Judge