

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

IN RE: GENERIC PHARMACEUTICALS PRICING ANTITRUST LITIGATION	MDL NO. 2724 16-MD-2724 HON. CYNTHIA M. RUFE
<i>IN RE: CLOBETASOL CASES</i>	DPP CASE: 16-CB-27241 EPP CASE: 16-CB-27242
<i>IN RE: CLOMIPRAMINE CASES</i>	DPP CASE: 16-CM-27241 EPP CASE: 16-CM-27242
THIS DOCUMENT RELATES TO: <i>DPP AND EPP BELLWETHER ACTIONS</i>	

**ORDER APPROVING THE BELLWETHER PARTIES' JOINT STIPULATION
RELATED TO A STAY OF PROCEEDINGS PENDING RULE 23(F) APPEALS**

AND NOW, this 21st day of June 2025, upon consideration of the attached Bellwether Parties' Joint Stipulation Related to a Stay of Proceedings Pending Rule 23(f) Appeals, it is hereby **ORDERED** that the Joint Stipulation is **APPROVED**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.

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THIS DOCUMENT RELATES TO: <i>DPP AND EPP BELLWETHER ACTIONS</i>	HON. CYNTHIA M. RUFE

**THE BELLWETHER PARTIES' JOINT STIPULATION RELATED TO A
STAY OF PROCEEDINGS PENDING RULE 23(F) APPEALS**

WHEREAS, on March 21, 2025, Bellwether Defendants¹ filed Rule 23(f) Petitions seeking review of the Court's Class Certification Orders by the United States Court of Appeals for the Third Circuit. *See In re: Generic Pharmaceuticals Pricing Antitrust Litigation (Direct Purchaser Clobetasol)*, No. 25-8008 (3d Cir. Mar. 21, 2025), ECF No. 1; *In re: Generic Pharmaceuticals Pricing Antitrust Litigation (End-Payer Clobetasol)*, No. 25-8009 (3d Cir. Mar. 21, 2025), ECF No. 1; *In re: Generic Pharmaceuticals Pricing Antitrust Litigation (Direct Purchaser Clomipramine)*, No. 25-8010 (3d Cir. Mar. 21, 2025), ECF No. 1; *In re: Generic Pharmaceuticals*

¹ Bellwether Defendants comprise Mylan Inc., Mylan Pharmaceuticals Inc. (collectively, "Mylan Defendants"), Taro Pharmaceuticals U.S.A., Inc., Wockhardt USA LLC, Morton Grove Pharmaceuticals, Inc, Actavis Holdco U.S., Inc., and Actavis Pharma, Inc.

Pricing Antitrust Litigation (End-Payer Clomipramine), No. 25-8011 (3d Cir. Mar. 21, 2025), ECF No. 1.

WHEREAS, on June 17, 2025, the Third Circuit granted Bellwether Defendants' Petitions. *See In re: Generic Pharmaceuticals Pricing Antitrust Litigation (Direct Purchaser Clobetasol)*, No. 25-8008 (3d Cir. June 17, 2025), ECF No. 28; *In re: Generic Pharmaceuticals Pricing Antitrust Litigation (End-Payer Clobetasol)*, No. 25-8009 (3d Cir. June 17, 2025), ECF No. 47; *In re: Generic Pharmaceuticals Pricing Antitrust Litigation (Direct Purchaser Clomipramine)*, No. 25-8010 (3d Cir. June 17, 2025), ECF No. 27; *In re: Generic Pharmaceuticals Pricing Antitrust Litigation (End-Payer Clomipramine)*, No. 25-8011 (3d Cir. June 17, 2025), ECF No. 36.

WHEREAS, in light of the grants and the pending appeals, Bellwether Defendants, EPPs, and DPPs (together, the "Bellwether Parties") agree to a stay of the proceedings in the EPP and DPP bellwether cases concerning Clobetasol and Clomipramine ("Bellwether Cases"), subject to the terms and exceptions agreed to by the Bellwether Parties and described below.

NOW THEREFORE, the undersigned Bellwether Parties hereby STIPULATE AND AGREE as follows:

1. The proceedings and deadlines in the Bellwether Cases, including all deadlines set in Pretrial Order No. 294 (ECF No. 3282), shall be stayed pending the resolution of the Rule 23(f) appeals accepted by the Third Circuit on June 17, 2025, except that as to the timing of any ruling on summary judgment (and the possibility of further briefing) the parties refer the Court to their letters submitted in May (No. 2:16-CM-27241, ECF Nos. 224 (DPP), 226 (Mylan), 229 (DPP); No. 16-CM-27242, ECF Nos. 408 (EPP), 416 (Actavis));
2. The depositions of Mr. Aigner and Mr. Nesta will be postponed;

3. Mr. Aigner and Mr. Nesta will be made available for deposition on the same scope previously agreed upon by the parties (i.e., to provide testimony relevant to the *Clomipramine* Bellwether Cases) during the Fall of 2025 on dates that are mutually convenient for EPPs, DPPs, Mylan Defendants, and the witnesses and their counsel, likely in September or October;
4. Mylan Defendants will engage with EPPs and DPPs to discuss an additional deposition of Mr. Aigner or Mr. Nesta on drugs other than Clomipramine, subject to the decision by counsel for those individuals. Mylan Defendants will not object to such an additional deposition of Mr. Aigner or Mr. Nesta on the basis that the current fact discovery deadline has passed, to the extent it has passed;
5. This stay shall not affect any of the timing for the class certification notice process that is already in progress (including the current July 1 and July 5, 2025 opt-out deadlines). Bellwether Defendants reserve all rights and have not waived any arguments related to class notice at a future date, including but not limited to, arguments regarding whether the class notice process should be revisited;
6. The stay does not affect any deadlines or discovery related to other actions in *In re: Generic Pharmaceuticals Pricing Antitrust Litigation*; and
7. The stay expires upon remand by the Third Circuit, after which the Bellwether Parties shall meet and confer, and within ten (10) days submit to the District Court agreed or competing proposals regarding further proceedings in the subject cases.

IT IS SO STIPULATED.

Dated: June 20, 2025

/s/ Dianne M. Nast

Dianne M. Nast
NASTLAW LLC
1101 Market Street, Suite 2801
Philadelphia, PA 19107
(215) 923-9300
dnast@nastlaw.com

*Lead and Liaison Counsel for the Direct
Purchaser Plaintiffs*

/s/ Roberta D. Liebenberg

Roberta D. Liebenberg
FINE, KAPLAN AND BLACK, R.P.C.
One South Broad Street, 23rd Floor
Philadelphia, PA 19107
(215) 567-6565
rliebenberg@finekaplan.com

*Lead and Liaison Counsel for the End-Payer
Plaintiffs*

/s/ Sheron Korpus

Sheron Korpus
Seth A. Moskowitz
Seth Davis
David M. Max
KASOWITZ BENSON TORRES LLP
1633 Broadway
New York, NY 10019
Telephone: (212) 506-1700
Fax: (212) 506-1800
skorpus@kasowitz.com
sdavis@kasowitz.com
dmax@kasowitz.com

*Counsel for Defendants Actavis Holdco U.S.,
Inc. and Actavis Pharma, Inc.*

/s/ Chul Pak

Chul Pak
Michael Sommer
**WILSON SONSINI GOODRICH &
ROSATI, P.C.**
1301 Avenue of the Americas, 40th Floor
New York, New York 10019
Telephone: (212) 999-5800
Facsimile: (866) 974-7329
Email: cpak@wsgr.com
Email: msommer@wsgr.com

Seth C. Silber
Jeffrey C. Bank
1700 K Street NW, Fifth Floor
Washington, DC 20006
Telephone: (202) 973-8800
Facsimile: (866) 974-7329
Email: ssilber@wsgr.com
Email: jbank@wsgr.com

Counsel for Mylan Defendants

/s/ Clifford Katz

Clifford Katz
Damon Suden
KELLEY DRYE & WARREN LLP
3 World Trade Center

175 Greenwich Street
New York, NY 10007
Telephone: (212) 808-7800
Fax: (212) 808-7897
ckatz@kelleydrye.com
dsuden@kelleydrye.com

*Counsel for Defendants Wockhardt USA LLC
and Morton Grove Pharmaceuticals, Inc*

/s/ John M. Taladay

John M. Taladay
Edward Duffy
Christopher P. Wilson
JoAnna Adkisson
BAKER BOTTS LLP
700 K Street NW
Washington, DC 20001
Telephone: (202) 639-7700
Fax: (202) 639-7890
john.taladay@bakerbotts.com
ed.duffy@bakerbotts.com
christopher.wilson@bakerbotts.com
joanna.adkisson@bakerbotts.com

Lauri A. Kavulich
CLARK HILL PLC
2001 Market St, Suite 2620
Philadelphia, PA 19103
Telephone: (215) 640-8500
Fax: (215) 640-8501
lkavulich@clarkhill.com

Lindsay S. Fouse
301 Grant St, 14th Floor
Pittsburgh, PA 15219
Telephone: (412) 394-7711
Fax: (412) 394-2555
lfouse@clarkhill.com
*Counsel for Defendant Taro Pharmaceuticals
U.S.A., Inc.*