

Legal Notice

If you purchased the pharmaceutical Clobetasol directly from Actavis Holdco U.S. Inc.; Akorn, Inc.; Fougere Pharmaceuticals Inc.; Hi-Tech Pharmacal Co. Inc.; Sandoz, Inc; Morton Grove Pharmaceuticals, Inc.; Taro Pharmaceuticals U.S.A. Inc.; or Wockhardt USA LLC at any time from June 3, 2014 to December 31, 2018,

Or

If you purchased the pharmaceutical Clomipramine directly from Mylan Inc.; Mylan Pharmaceuticals, Inc.; Sandoz, Inc.; or Taro Pharmaceuticals U.S.A., Inc. at any time from May 1, 2013 to December 31, 2018, a class action lawsuit could affect your rights.

A federal court authorized this notice. This is not a solicitation from a lawyer.

What are the Lawsuits about? A federal court has certified two classes (the “Clobetasol Class” and the “Clomipramine Class”) in two class action lawsuits brought by Direct Purchasers in *In re: Generic Pharmaceuticals Pricing Antitrust Litigation*, No. 2:16-MD-02724. There are two lawsuits that are subject of this notice – one concerns Clobetasol, and one concerns Clomipramine. The lawsuits claim that generic drug manufacturers violated federal antitrust laws, harming competition and causing Class Members to overpay for the products. The Court selected the Clobetasol and Clomipramine lawsuits for bellwether trial(s).

The Clobetasol lawsuit is against Akorn, Inc.; Fougera Pharmaceuticals Inc.; Hi-Tech Pharmacal Co. Inc.; Sandoz, Inc; Morton Grove Pharmaceuticals, Inc.; Taro Pharmaceuticals U.S.A. Inc.; and Wockhardt USA LLC (“Clobetasol Defendants”).

The Clomipramine Lawsuit is against Mylan Inc.; Mylan Pharmaceuticals, Inc.; Sandoz, Inc.; and Taro Pharmaceuticals U.S.A., Inc. (“Clomipramine Defendants”).

Some Defendants, Fougera Pharmaceuticals Inc; Sandoz, Inc.; and Taro Pharmaceuticals U.S.A. Inc., have settled the claims against them. While they are no longer Defendants in the Lawsuits, the Direct Purchaser Plaintiffs continue to seek damages for their sales of Clobetasol and/or Clomipramine from the remaining Defendants. All Defendants deny liability as alleged in the Lawsuits and deny that any Class member is entitled to damages or other relief.

Each class has a unique class definition and involves unique claims and defenses. Defendants and class representatives, with some exceptions, differ between the two classes. Defendants filed petitions for permission to appeal the orders certifying the classes; it is possible that one or both classes may be modified or decertified.

There has been no determination by the Court or a jury that DPPs have sufficiently proven their allegations against the Defendants or that, if proven, the conduct caused harm to any Class Members. No trial has been held. All Defendants deny liability. Defendants have filed motions for summary judgment, that, if granted, may resolve one or both lawsuits in their favor. Neither the Court nor a jury has decided who is right.

Who is included? The Court certified a Clobetasol Class that includes: All persons or entities that directly purchased clobetasol (generic clobetasol propionate topical ointment .05% (15, 30, 45, or 60 gm), topical solution .05% (25 or 50 ml), topical gel .05% (15, 30, or 60 gm), topical cream .05% (15, 30, 45, or 60 gm), or topical emollient cream .05% (15, 30, or 60 gm)) from one or more of the Clobetasol Defendants in the United States and its territories and possessions at any time during the period from June 3, 2014 through December 31, 2018 (the “Clobetasol Class Period”). Excluded from the Clobetasol Class are (a) the Defendants and former defendants [] and their officers, directors, management, employees, subsidiaries, or affiliates, (b) judicial officers and their personnel, (c) all governmental entities, and (d) all persons or entities that (i) purchased at least one form of clobetasol (i.e., ointment, topical solution, topical gel, topical cream, or topical emollient cream) during the period May 15, 2013 to May 14, 2014 (“Clobetasol Pre Period”) and at least one of the same forms during the Clobetasol Class Period and (ii) whose purchase prices (measured in dollars and cents) for all of the form(s) purchased in both Periods did not increase during the Clobetasol Class Period as compared to the Clobetasol Pre Period.

The Court certified a Clomipramine Class that includes: All persons or entities that directly purchased clomipramine (generic clomipramine hydrochloride 25, 50, or 75mg capsules) from one or more of the Clomipramine Defendants in the United States and its territories and possessions at any time during the period from May 1, 2013 through December 31, 2018 (the “Clomipramine Class Period”). Excluded from the Clomipramine Class are (a) the Defendants or former defendants [] and their officers, directors, management, employees, subsidiaries, or affiliates, (b) judicial officers and their personnel, (c) all governmental entities, and (d) all persons or entities that (i) purchased at least one strength of clomipramine (i.e., 25, 50, or 75mg capsules) during the period March 18, 2012 to March 17, 2013 (“Clomipramine Pre Period”) and at least one of the same strengths during the Clomipramine Class Period and (ii) whose purchase prices (measured in dollars and cents) for all of the strength(s) purchased in both Periods did not increase during the Clomipramine Class Period as compared to the Clomipramine PrePeriod.

The Court's Opinion and Order certifying these Classes are available at this website: GenericDrugDirectClasses.com. Defendants filed petitions for permission to appeal the orders certifying the classes; it is possible that one or both classes may be modified or decertified.

Who represents the classes? The Court has appointed a group of attorneys from the law firms of NastLaw LLC; Berger Montague PC; Kaplan Fox & Kilsheimer LLP; Hagens Berman Sobol Shapiro LLP; Nussbaum Law Group, PC; and Roberts Law Firm P.A to represent the classes as "Class Counsel." You don't have to pay Class Counsel or anyone else to participate or to opt out. Instead, if Class Counsel gets money or benefits for the classes, they will ask the Court for attorneys' fees and costs. If approved, these fees and costs would be deducted from any money obtained or paid separately by the Defendants. You may hire your own lawyer to appear in Court for you, but if you do, you may retain that lawyer at your own expense.

How and when will the Court decide who is right? If the claims against the remaining Defendants are not resolved by motion practice, settlement, or otherwise, Class Counsel will have to prove Direct Purchaser Plaintiffs' claims at trial. A jury trial is scheduled for August 4, 2025, but the Court has not yet determined whether the trial will include DPPs' claims or relate to Clobetasol or Clomipramine. Each product will be the subject of separate trials, if any trials occur. There is no guarantee that Direct Purchaser Plaintiffs will win either trial, or that they will get any money for the Direct Purchaser Classes. Any judgment will be binding on all members of the Clomipramine and Clobetasol Classes who have not opted out, regardless of who wins.

What are your options? If you are a member of the Clomipramine Class and/or the Clobetasol Class and you do nothing, you will remain in those Class(es).

If you *did not* receive a Notice in the mail, and you think you are a potential Class Member, please identify yourself or your company by mailing a letter to the following address: *In re: Generic Pharmaceuticals Pricing Antitrust Litigation* – Direct Purchasers, c/o A.B. Data, Ltd., P.O. Box 173095, Milwaukee, WI 53217. You may also send an email to info@GenericDrugDirectClasses.com, or call 877-315-0583. You may be required to submit proof of a qualifying direct purchase to establish that you are a Class Member.

As a Class Member, unless you opt out of the Class(es), you will be bound by all orders and judgments of the Court as to the claims relating to Clomipramine and/or Clobetasol in these lawsuits. If money or benefits are obtained, you will be notified.

If you are a member of the Clomipramine Class and/or the Clobetasol Class, and you want to keep your rights to sue the remaining Defendants on your own about the claims in the lawsuits, you must request exclusion from (or opt out of) one or both of the Classes. You must mail your request to opt out by July 1, 2025, to the following address: *In re: Generic Pharmaceuticals Pricing Antitrust Litigation* – Direct Purchasers, c/o A.B. Data, Ltd., P.O. Box 173095, Milwaukee, WI 53217. You may also send an email to info@GenericDrugDirectClasses.com. If you already submitted a request to exclude yourself from the previous settlement classes and do not want to stay in the Clomipramine Class and/or the Clobetasol Class, you still need to exclude yourself now. You can find out how to exclude yourself at the website GenericDrugDirectClasses.com or by calling 877-315-0583.

If you are a member of both the Clobetasol Class and the Clomipramine Class, you may exclude yourself from one class, both classes, or neither class.

For more information: Go to the website GenericDrugDirectClasses.com or call 877-315-0583 for more information on the Classes, the Lawsuits, and your potential rights and options. The website includes, for example, a list of the National Drug Codes (“NDCs”) for Clobetasol and Clomipramine.

Source:

Nast Law LLC

Contact:

Dianne M. Nast, Esq.

Joseph N. Roda, Esq.

(215) 923-9300