

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: EFFEXOR XR ANTITRUST
LITIGATION

THIS DOCUMENT RELATES TO:

All Direct Purchaser Class Actions

Master Docket No. 3:11-cv-05479
(ZNQ/JBD)

**[PROPOSED] ORDER APPROVING DIRECT PURCHASER CLASS
PLAINTIFFS' MOTION FOR DISTRIBUTION FROM THE
SETTLEMENT FUND**

AND NOW, on this ____ day of _____ 2024, upon consideration of Direct Purchaser Class Plaintiffs' Motion for Distribution From the Settlement Fund, dated September 3, 2024, and supporting materials filed in connection therewith, and consideration of any other filings made in connection therewith:

WHEREAS, the Court previously issued an Order Granting Final Judgment and Order of Dismissal Approving Direct Purchaser Class Settlement and Dismissing Direct Purchaser Class Claims Against Wyeth LLC, Wyeth Pharmaceuticals, Inc., Wyeth-Whitehall Pharmaceuticals LLC, and Wyeth Pharmaceuticals Company, ECF No. 746 (the "Final Approval Order"), approving the terms of the settlement agreement, the contents of the Claim Form, and the Plan of Allocation in this action;

WHEREAS, pursuant to the Court-approved Plan of Allocation, RG/2 Claims Administration, (“RG/2 Claims”), the Court-appointed claims administrator, was required to and did mail a populated Claim Form to each Class Member setting forth each Class Member’s qualifying net purchases of brand and generic Effexor XR;

WHEREAS, RG/2 Claims has identified 41 Claimants who submitted valid, accepted claims and who are eligible for participation in the Net Settlement Fund¹ and, with the assistance of Lead Class Counsel’s economic consultant Econ One Research, Inc. (“Econ One”), has calculated each Claimant’s net qualifying purchases of brand and generic Effexor XR and determined the *pro rata* percentages of the Net Settlement Fund allocated to each such Claimant;

WHEREAS, RG/2 Claims has incurred claims administration expenses totaling \$9,904 and anticipates incurring an additional \$5,115 in fees and expenses necessary to complete the initial distribution of funds to Claimants, file the necessary tax returns, and respond to any Claimant inquiries;

WHEREAS, in addition to RG/2 Claims’ outstanding and anticipated fees, there are outstanding invoices to Econ One totaling \$192,410.50 for work done in connection with administering the Plan of Allocation, and calculating each claimant’s *pro rata* share of the Net Settlement Fund;

¹ “Net Settlement Fund” is defined in Direct Purchaser Plaintiffs’ Plan of Allocation for the Direct Purchaser Class. *See* ECF No. 729-3, at 2.

WHEREAS, RG/2 Claims has estimated a tax liability of approximately \$94,200 for interest earned on funds held in the Net Settlement Fund, which is subject to change based on interest rate changes that may occur through November 2024, which cannot be predicted;

WHEREAS, as set forth in Paragraph 19 of the Final Approval Order, the Court has retained jurisdiction over the action, the parties, and all Class Members.

NOW THEREFORE, IT IS HEREBY ORDERED as follows:

1. The administrative determinations of RG/2 Claims concerning the claims submitted in this case as set forth in RG/2 Claims Declaration² are hereby APPROVED.

2. RG/2 Claims shall distribute to each of the 41 Claimants whose Claim Form has been accepted by RG/2 Claims and which is listed in Exhibit B to the RG/2 Claims Declaration, its *pro rata* percentage of the balance of Net Settlement Fund, as computed by Econ One, who assisted Lead Class Counsel and RG/2 Claims.

3. Payment from the Settlement Fund in the amount of \$15,019 to RG/2 Claims for fees and expenses associated with the claims administration process is hereby APPROVED.

² The “RG/2 Claims Declaration” is the Declaration of Tina Chiango of RG/2 Claims Administration in Support of Motion for Distribution From the Settlement Fund, filed, as Exhibit 1, with Direct Purchaser Class Plaintiffs’ Motion for Distribution From the Settlement Fund.

4. Payment from the Settlement Fund in the amount of \$192,410.50 to Econ One for fees and expenses associated with the settlement and claims administration process is hereby APPROVED.

5. Withholding of up to \$150,000 from the distribution to cover the estimated tax liability on the Settlement Fund is APPROVED.³

6. No additional Claim Forms, beyond those 41 previously received and accepted by RG/2 Claims, shall be allowed.

7. Any further claims against the Settlement Fund and the Net Settlement Fund established for purposes of the Settlement, beyond those 41 Claim Forms already received and accepted, are finally and forever barred.

8. Direct Purchaser Class Plaintiffs, Lead Class Counsel, Econ One, RG/2 Claims, and all persons who were involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the claims filed in this action, or who are otherwise involved in the administration or taxation of the Net Settlement Fund, are hereby released and discharged from any and all claims arising out of such involvement, and, pursuant to the release terms of the settlement agreements, all Class Members and Claimants, whether or not they are to receive payment from the

³ Only the amount owed in taxes shall be removed from the Settlement Fund for payment of taxes.

Settlement Fund, are hereby barred from making any further claim against the Settlement Fund beyond the amount allocated to them as described in ¶ 2 above.

9. Lead Class Counsel, RG/2 Claims, and Econ One are hereby authorized to discard (a) paper or hard copies of Claim Forms and related documents not less than one year after the final distribution of the Net Settlement Fund to Claimants with accepted claims; and (b) electronic media or data not less than three years after the distribution of the Net Settlement Fund to Claimants.

10. The Court retains jurisdiction over any further application or matter which may arise in connection with the administration of these settlements.

IT IS SO ORDERED

The Honorable Zahid N. Quraishi
United States District Judge