

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE INTUNIV ANTITRUST LITIGATION

Civil Action No. 16-cv-12653-ADB

This Document Relates to:
Direct Purchaser Actions

**DIRECT PURCHASER CLASS PLAINTIFFS' REPORT CONCERNING
DISTRIBUTION OF THE SETTLEMENT NOTICE**

Pursuant to the Preliminary Approval Order dated October 9, 2020 (ECF No. 493) ¶ 6, direct purchaser class counsel submits this report concerning the status of distribution of the settlement notice to the direct purchaser class members. As detailed below, A.B. Data, Ltd., the settlement claim administrator appointed by the Court, has disseminated the notice pursuant to the Court's directions as set forth in the Preliminary Approval Order ¶ 6, Fed. R. Civ. P. 23(h), and due process, to all 48 class members as follows:

1. On October 24, 2020, within the time required by the Preliminary Approval Order, A.B. Data sent the notice of settlement to all 48 class members by United States Postal Service first-class mail to the street addresses listed in the defendants' sales and invoicing records. In addition, because of concern that the ongoing coronavirus pandemic may cause delay in postal delivery times or in the event class members may be working from remote locations, A.B. Data, in its exercise of best efforts to disseminate notice, took three additional measures to distribute the notice.

2. First, in addition to mailing the notice to class members, through review of its own records from other direct purchaser pharmaceutical settlement distribution appointments and based on information provided by class counsel, A.B. data obtained secondary street addresses (or in one case, a third street address) for nine class members, and mailed the notice to those

additional addresses as well.

3. Second, also through review of its own records and from information provided by class counsel, A.B. Data obtained the identity and office addresses of attorneys who had represented 27 of the class members in prior direct purchaser distributions and mailed the notice to the attorneys at their office addresses as well.

4. Third, using those same records and information, and supplemented with internet research, A.B. Data obtained email addresses for 45 class members and/or their attorneys and sent an additional copy of the notice by email to the email addresses. While five of the email addresses proved to be either invalid or blocked, the email effort resulted in 40 of the 48 members of the direct purchaser class being sent the settlement notice, either directly or through their attorneys, by email in addition to postal mail.

5. A.B. Data received one return of postal notice as undeliverable, to class member Advanced Scientific Supply. In advance of the initial notice mailing, internet research and review of records in the electronic files of the Office of the California Secretary of State identified a corporate entity named Advanced Scientific Enterprises, Inc. that had the same management and business operations as Advanced Scientific Supply, and was operating at a nearby location. Accordingly, A.B. Data sent an additional notice by mail to Advanced Scientific Enterprises, Inc. at the nearby street address in its initial mailing. In addition, following the initial mailing, as a result of internet research, a second street address for another Advanced Scientific Enterprises, Inc. location, also nearby, was identified, and A.B. Data sent an additional notice to Advanced Scientific Enterprises, Inc. at the second street address as well. Neither of the mailings to the Advanced Scientific Enterprises, Inc. addresses was returned.

6. A.B. Data reports that it has received no objections to the settlement to date (the

postmark deadline for objections is November 10, 2020). A.B. Data reports that its Intuniv settlement website, www.intunivantitrustlitigation.com, which contains a summary of the notice, the full notice itself, and key pleadings and orders in this proceeding, has received 4,141 visits to date.

Dated: October 27, 2020

Respectfully submitted,

/s/ **Lauren G. Barnes**

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CERTIFICATE OF SERVICE

I, Lauren G. Barnes, certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on October 27, 2020.

/s/ *Lauren G. Barnes*