

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

IN RE WELLBUTRIN XL ANTITRUST LITIGATION
THIS DOCUMENT RELATES TO:  INDIRECT PURCHASER ACTIONS

Case No. 2:08-cv-2433 (indirect)

Hon. Gerald A. McHugh

**INDIRECT PURCHASER PLAINTIFFS’ MOTION FOR DISTRIBUTION OF THE  
NET SETTLEMENT FUND AND APPLICATION FOR AWARD OF FEES FOR  
SETTLEMENT ADMINISTRATION**

Plaintiffs Aetna of California, Inc., Plumbers and Pipefitters Local 572 Health and Welfare Fund, IBEW-NECA Local 505 Health and Welfare Plan, and Painters District Council No. 30 Health and Welfare Fund (collectively, “Plaintiffs”), on behalf of the Class they represent, hereby move for an Order pursuant to FED. R. CIV. P. 23(e):

- (1) Approving the administrative determinations of Class Action Settlement Services, LLC (“CASS”) concerning the claims filed in this case; and
- (2) Directing distribution of the Net Settlement Fund to Class members and/or their assignees whose Claim Forms have been approved; and
- (3) Authorizing payment to CASS of their reasonable fees and expenses associated with the administration of the Settlement;
- (4) Approving an award of attorneys’ fees incurred by Class Counsel for administration of the Settlement;

WHEREFORE, Plaintiffs respectfully request that the Court enter an Order in the form of the [Proposed] Order Approving Indirect Purchaser Plaintiffs’ Motion for Distribution of the Net Settlement Fund and Application for Award of Fees attached hereto as Exhibit A.

Dated: December 12, 2017

Respectfully submitted,

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***Indirect Purchaser Class Counsel***

**CERTIFICATE OF SERVICE**

I, Uriel Rabinovitz, hereby certify that on December 12, 2017, the foregoing document was served upon Counsel of record via the Court's electronic filing system.

/s/ Uriel Rabinovitz  
Uriel Rabinovitz

# Exhibit A

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

IN RE WELLBUTRIN XL ANTITRUST LITIGATION
THIS DOCUMENT RELATES TO:  INDIRECT PURCHASER ACTIONS

Case No. 2:08-cv-2433 (indirect)

Hon. Gerald A. McHugh

**[PROPOSED] ORDER APPROVING INDIRECT PURCHASER PLAINTIFFS’  
MOTION FOR DISTRIBUTION OF THE NET SETTLEMENT FUND AND  
APPLICATION FOR AWARD OF FEES**

WHEREAS, the Court previously granted final approval of the Valeant Class Settlement Agreement (“Settlement”) and plan of distribution (Docket No. 473, “Final Approval Order”);

WHEREAS, the Court-appointed Claims Administrator has made its final determinations concerning claims submitted by class members seeking to share in the proceeds from the Settlement;

WHEREAS, Indirect Purchaser Plaintiffs have filed a Motion for Distribution of the Net Settlement Fund and Application for Award of Fees for Settlement Administration (“Distribution Motion”) on behalf of the Indirect Purchaser Class (“Class”);

WHEREAS, notice of the Distribution Motion has been posted on the official Settlement website;

WHEREAS, Class Counsel has submitted the Declaration of Matthew B. Sears in Support of Indirect Purchaser Plaintiffs’ Motion for Distribution of Net Settlement Fund and Application for Award of Fees for Settlement Administration, dated December 12, 2017 (“Sears Declaration”); and

WHEREAS, as set forth at page 9 of the Final Approval Order, the Court has retained jurisdiction over the parties, the Settlement, the plan of allocation, and distribution of the Net Settlement Fund;

WHEREAS, the Court having considered all papers filed and proceedings had herein and otherwise being fully informed in the premises and good cause appearing therefor,

NOW THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Court approves the administrative determinations of the Court-appointed Claims Administrator, Class Action Settlement Services, LLC (“CASS”), concerning the claims submitted by members of the Settlement Class as set forth in the Sears Declaration submitted with the Distribution Motion.
2. The Court finds that the determinations made by CASS with respect to Settlement Class members are all fair, reasonable and adequate and are hereby approved.
3. Accordingly, the Court hereby directs the distribution of the Net Settlement Fund to the members of the Settlement Class who have submitted claims which CASS has determined to be eligible to share in the Net Settlement Fund and in such amounts as set forth in the Sears Declaration, after deducting the fees referenced in paragraphs 4 through 5 below.
4. The Court authorizes a payment of \$102,976.67 from the Settlement Fund to CASS for the balance of its fees and expenses incurred and to be incurred in connection with the notice, administration and distribution of the Net Settlement Fund.
5. The Court authorizes an award \$41,020 from the Settlement Fund to Class Counsel for attorneys’ fees incurred as a result of administration of the Settlement.
6. Class Counsel and CASS are directed to execute this Order and shall not be liable to Class members for any reason in executing and complying with this Order.

7. Any further claims against the Net Settlement Fund established for purposes of this Settlement are finally and forever barred.

8. Plaintiffs, Class Counsel, CASS, 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, all Class members or any other persons, whether or not they are to receive payment from the Net Settlement Fund, are hereby barred from making any further claim against the Net Settlement Fund beyond the amount allocated to them by the Settlement approved by the Court.

9. Class Counsel and CASS are hereby authorized to discard (a) paper or hard copies of Claim Forms and related documents not less than one year after the distribution of the Net Settlement Fund; and (b) electronic media or data not less than three years after the distribution of the Net Settlement Fund.

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

**IT IS SO ORDERED.**

DATED: December \_\_\_\_\_, 2017

\_\_\_\_\_  
Gerald A. McHugh, J.  
United States District Court Judge