

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

In re REMICADE ANTITRUST LITIGATION)	Civil Action No. 2:17-cv-04326-KSM
)	(Consolidated)
)	
This Document Relates To:)	<u>CLASS ACTION</u>
)	
INDIRECT PURCHASER ACTIONS.)	The Honorable Karen S. Marston
)	
)	DECLARATION OF ALEXANDRA S.
)	BERNAY IN SUPPORT OF PLAINTIFFS'
)	MOTION FOR (1) FINAL APPROVAL OF
)	SETTLEMENT; (2) PLAN OF
)	ALLOCATION AND DISTRIBUTION;
)	(3) AWARD OF ATTORNEYS' FEES AND
)	EXPENSES; AND (4) SERVICE AWARDS

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I, ALEXANDRA S. BERNAY, declare as follows:

1. I am an attorney duly licensed to practice before all of the courts of the State of California and am admitted *pro hac vice* before this Court. I am a member of the law firm of Robbins Geller Rudman & Dowd LLP. My firm is Class Counsel for Plaintiffs Local 295 IBT Employer Group Welfare Fund (“Local 295”) and National Employees Health Plan (“NEHP”) (“Named Plaintiffs” or “Plaintiffs”) in this Action. I make this declaration based on my personal knowledge and if called as a witness, I could and would competently testify to the matters stated herein.

I. INTRODUCTION

2. I submit this declaration in support of Plaintiffs’ Motion for (1) Final Approval of Settlement; (2) Plan of Allocation and Distribution; (3) Award of Attorneys’ Fees and Expenses; and (4) Service Awards. I have submitted a second declaration specifically discussing attorneys’ fees and expenses. *See* Declaration of Alexandra S. Bernay filed on behalf of Robbins Geller Rudman & Dowd LLP in Support of Application for Award of Attorneys’ Fees and Expenses.

3. Attached hereto are true and correct copies of the following documents:

Exhibit 1:	April 25, 2022 Letter from Ashley E. Bass to States’ Attorney’s General;
Exhibit 2:	October 27, 2022 Declaration of Derek Smith in Support of Settlement Notice Plan and exhibits 1-7, thereto;
Exhibit 3:	October 28, 2022 Declaration of Linda A. Kellner on Behalf of Local 295 IBT Employer Group Welfare Fund Filed in Support of Plaintiffs’ Motion for (1) Final Approval of Settlement; (2) Plan of Allocation and Distribution; (3) Award of Attorneys’ Fees and Expenses; and (4) Service Awards;
Exhibit 4:	October 27, 2022 Declaration of Steven W. Nobles on Behalf of National Employees Health Plan in Support of Plaintiffs’ Motion for (1) Final Approval of Settlement; (2) Plan of Allocation and Distribution; (3) Award of Attorneys’ Fees and Expenses; and (4) Service Awards;
Exhibit 5:	October 31, 2022 Declaration of Alexandra S. Bernay Filed on Behalf of Robbins Geller Rudman & Dowd LLP in Support of Application for Award of Attorneys’ Fees and Expenses and exhibits A-G, thereto;

Exhibit 6:	October 13, 2022 Declaration of Joseph Goldberg Filed on Behalf of Freedman Boyd Hollander & Goldberg, PA, in Support of Application for Award of Attorneys' Fees and Expenses and exhibits A-E, thereto;
Exhibit 7:	October 4, 2022 Declaration of Michelle J. Looby Filed on Behalf of Gustafson Gluek PLLC in Support of Application for Award of Attorneys' Fees and Expenses and exhibits A-C, thereto;
Exhibit 8:	September 30, 2022 Declaration of Natalie Finkelman Bennett Filed on Behalf of Miller Shah, LLP in Support of Application for Award of Attorneys' Fees and Expenses and exhibits A-E, thereto;
Exhibit 9:	[Proposed] Order Approving Attorneys' Fees and Expenses and Service Award;
Exhibit 10:	[Proposed] Order Approving Plan of Allocation and Distribution; and
Exhibit 11:	[Proposed] Form of Judgment.

A. Commencement of the Action and Initial Proceedings

4. In 2017, three putative class indirect-purchaser antitrust actions were filed against Defendants Johnson & Johnson and Janssen Biotech, Inc. ("Defendants"), alleging violations of various state and federal antitrust and state consumer-protection laws related to Defendants' alleged anticompetitive conduct in the market for its infliximab biologic, Remicade. On November 21, 2017, these actions were consolidated under the caption *In re Remicade Antitrust Litigation*, No. 2:17-cv-04326-KSM (E.D. Pa.). On January 22, 2018, the Court appointed Robbins, Geller, Rudman and Dowd LLP as Interim Class Counsel to direct the Action on behalf of the indirect-purchaser Class.

5. Prior to filing the original indirect-purchaser action and in conjunction with the preparation and filing of Plaintiffs' Consolidated Amended Complaint on February 21, 2018, Class Counsel conducted an extensive investigation to develop the antitrust claims alleged, including thorough research and analysis of the complex legal and factual issues anticipated to arise in this action. Specifically, for example, Class Counsel's investigation and research included the pharmaceutical and biologic drug industry generally and the Remicade and infliximab markets in particular, a review of publicly available pricing, market, health plan, economic conditions, and

related information, and working with Plaintiffs Local 295 and NEHP to draft and file the Consolidated Amended Complaint.

6. The 97-page Consolidated Amended Complaint contained detailed allegations concerning the pharmaceutical and medical market for the biologic drug infliximab, including Remicade, and Defendants' alleged monopolization of that market and their artificial inflation of Remicade prices. The Class's principle claim was that Defendants undertook an anticompetitive scheme, consisting of exclusive agreements and coercive bundled rebates, to foreclose competition posed by biosimilar versions of Remicade, that caused third-party payers ("TPP") and consumers to pay overcharges for Remicade they would not have paid absent Defendants' alleged anticompetitive conduct. The Consolidated Amended Complaint asserted claims for injunctive relief on behalf of a nationwide class under the Sherman Antitrust Act, 15 U.S.C. §§1, 2, and the Clayton Act, 15 U.S.C. §§14, and for damages on behalf of persons and entities that purchased or provided reimbursement for the purchase of Remicade in certain states for which Plaintiffs have standing, as indirect-purchaser TPPs, to represent such persons and entities under their respective state antitrust or consumer-protection laws.¹

7. On April 9, 2018, Defendants moved to dismiss the Consolidated Amended Complaint. ECF 67. Defendants' primary claims were that Plaintiffs alleged insufficient facts to demonstrate a federal antitrust law violation, including failure to adequately allege antitrust injury and harm to themselves, failure to plausibly allege harm to competition in the infliximab market, and that Plaintiffs failed to satisfy the requirements of various alleged state antitrust and consumer causes of action.

¹ Those states include the Selected States as defined in the parties' Stipulation of Class Action Settlement (ECF 172-4) ("Settlement Agreement"), ¶1.31.

8. Class Counsel, in conjunction with now-dismissed direct-purchaser plaintiff Rochester Drug Cooperative (a pharmaceutical wholesaler), prepared and filed on May 24, 2018, an extensive Joint Opposition to Defendants' Motion to Dismiss Direct and Indirect Purchaser Plaintiffs' Consolidated Amended Complaints. ECF 73. In their Opposition, Plaintiffs challenged the motion to dismiss standards Defendants' sought to have the Court apply, including as applied to whether Plaintiffs had adequately alleged antitrust violations and injury. Plaintiffs also demonstrated the plausibility of their allegations and Defendants' violations of the alleged state-law claims for relief.

9. On December 7, 2018, over Defendants' objections, the Court denied in part and granted in part Defendants' motion to dismiss the Consolidated Amended Complaint, finding, *inter alia*, Plaintiffs had adequately stated federal antitrust claims based on the alleged exclusive agreements and bundled rebates, and that they both had standing to and had stated claims for violation of various state antitrust and consumer protection laws. *See generally, In re Remicade Antitrust Litig.*, 345 F. Supp. 3d 566 (E.D. Pa. 2018).

B. Discovery

10. I have overseen the Action since its inception. The prosecution of the claims asserted has spanned over five years, involving the retention of highly qualified experts, the review and analysis of approximately 18 million party and non-party documents, 32 depositions (including the depositions of Plaintiffs), dozens of meet-and-confer and other relevant conference calls and meetings, extensive motion practice, court hearings concerning discovery and dispositive issues, and involvement in related ancillary proceedings. The work that Class Counsel performed in connection with coordinating and conducting such efforts included:

(a) negotiating a comprehensive protocol for the production of electronically stored information, and negotiating a Protective Order governing confidential information (ECFs 87, 88);

(b) negotiating a protocol for handling certain expert-related information (ECF 103);

(c) responding to a multitude of written discovery requests (including several sets of interrogatories, requests for production of documents, and requests for admission), negotiating the scope of that discovery, and processing, reviewing, and analyzing document and data productions from each Plaintiff in conjunction with production to Defendants;

(d) drafting discovery requests directed to Defendants, followed by extensive meet-and-confer negotiations with defense counsel, in coordination with the *Pfizer* and *Retailer* plaintiffs;²

(e) drafting discovery subpoenas directed at non-party Prescription Brand Managers, insurers, medical providers and other related entities, negotiating the scope and production of each with the subpoenaed non-parties;

(f) processing more than 18 million pages of documents produced by other plaintiffs, Defendants and non-parties, and reviewing, analyzing and coding them;

(g) preparing for and taking the depositions of 30 defense and non-party fact witnesses, in coordination with the other plaintiffs;

² *Pfizer Inc. v. Johnson & Johnson*, No. 2:17-cv-04180-KSM (E.D. Pa.) (the “*Pfizer* Action”), and *Walgreen Co. v. Johnson & Johnson*, No. 2:18-cv-02357-KSM (E.D. Pa.) (the “*Retailer* Action”).

(h) preparing for and defending depositions of representatives of both Plaintiffs;
and

(i) consulting with expert economists to analyze Defendants' transactional data, cost data, and other information produced in discovery to develop opinions relating to the Remicade and infliximab market, antitrust impact, and damages for purposes of class certification, summary judgment, and trial.

11. In addition, Class Counsel coordinated with counsel for the *Pfizer* and *Retailer* plaintiffs in support of various discovery matters, including depositions and the negotiation process with Defendants and non-parties. Through such coordination, Plaintiffs were able to obtain extensive documents and information that were important to the prosecution of the Class's claims.

C. The Negotiation of the Settlement and Its Terms

12. Following the agreed-to resolutions and attendant dismissal of the *Pfizer* and *Retailer* actions in mid and late 2021, the indirect-purchaser Plaintiffs and Defendants began settlement negotiations.

13. During this time, Class Counsel continued to devote time and effort to litigating Plaintiffs' claims while settlement discussions were ongoing.

14. There were numerous rounds of negotiations and, after a long period of back-and-forth, the parties were able to reach a final agreement, most of which occurred after Class Counsel had undertaken and completed the above-described discovery and investigations. Thus, Class Counsel were especially well-positioned throughout to engage in meaningful settlement discussions.

15. The settlement negotiations were conducted at arm's length and in good faith, and were informed and approved by Named Plaintiffs. Throughout the process, Defendants were represented by experienced, sophisticated antitrust counsel. Counsel for Plaintiffs are similarly experienced and have decades of experience litigating antitrust class actions and are capable of fairly, reasonably, and adequately evaluating the early resolution of antitrust litigation.

16. During the initial investigation, litigation, and in relation to the Settlement, Plaintiffs researched, analyzed, and evaluated many contested legal and factual issues. In doing so, Plaintiffs recognized the facts and benefits, risks and consequences of continued litigation in comparison to the proposed Settlement. Plaintiffs thoroughly evaluated the relative strengths and weaknesses of their litigation position during the negotiation of this Settlement.

17. For the avoidance of any doubt, there was no discussion or separate agreement of any kind regarding the amount of attorneys' fees, costs, or service awards that Plaintiffs' counsel may seek from the Court relating to this Settlement.

18. Under the terms of the proposed Settlement, Defendants will deposit \$25 million into a Settlement Fund within 15 days following the entry of an Order granting Preliminary Approval.

19. I have litigated numerous antitrust class actions and I have been a part of several settlements throughout the course of my career. In my opinion, the \$25 million Settlement is the direct product of Plaintiffs' and Class Counsel's efforts over the past five years, including those described in this Declaration. It is also my opinion that the Settlement is fair, reasonable, adequate and in the best interest of Plaintiffs and the Class. The Settlement provides substantial benefits to the Class and avoids the significant delays and uncertainties of continuing protracted and contentious litigation.

D. Preliminary Approval of the Settlement

20. Plaintiffs filed their Uncontested Motion for an Order: (1) Certifying a Settlement Class; (2) Granting Preliminary Approval of the Settlement Agreement; (3) Appointing Class Counsel; (4) Appointing a Settlement Administrator and Escrow Agent; (5) Approving the Form and Manner of Notice to the Settlement Class; (6) Preliminarily Approving the Plan of Allocation and Distribution; and (7) Scheduling a Fairness Hearing, on April 15, 2022 (the “Preliminary Approval Motion”). ECF 172.

21. In support of the Preliminary Approval Motion, Class Counsel submitted the Declaration of Alexandra S. Bernay in Support of Plaintiffs’ Uncontested Motion for an Order: (1) Certifying a Settlement Class; (2) Granting Preliminary Approval of the Settlement Agreement; (3) Appointing Class Counsel; (4) Appointing a Settlement Administrator and Escrow Agent; (5) Approving the Form and Manner of Notice to the Settlement Class; (6) Preliminarily Approving the Plan of Allocation and Distribution; and (7) Scheduling a Fairness Hearing. ECF 172-3.

22. On August 2, 2022, following a hearing on July 28, 2022, the Court preliminarily approved the Settlement, Plan of Allocation and Distribution, and the Notice Program. ECF 177.

II. NOTICE OF THE PROPOSED SETTLEMENT AND THE REACTION OF THE CLASS

23. In the Opinion preliminarily approving settlement and providing for notice the Court directed that Notice be disseminated to Members of the Settlement Class and, *inter alia*, appointed Gilardi & Co. LLC (“Gilardi”) to serve as Settlement Administrator and to assist Class Counsel in disseminating Notice. Memorandum (ECF 177) (“Preliminary Approval Order”) at 6-8.

24. In accordance with the Court’s direction, Gilardi, under the supervision and in coordination with Class Counsel, effectuated the Notice Program approved by the Court. In particular, Gilardi commenced the Notice Program on August 30, 2022. Declaration of Derek Smith in Support of Settlement Notice Plan (the “Smith Decl.”), ¶14, attached as Ex. 2 hereto.

25. The Smith Declaration details the manner of notice dissemination to TPP and consumer Class Members. Based on Gilardi's proprietary contact database, roughly 23,509 TPPs were contacted directly via US Mail with notice of the Settlement. Smith Decl., ¶¶9-12 & Smith Exhibit 1. Substantial efforts to reach TPP Class members were also undertaken via trade website advertising, relevant daily subscriber trade newsletters and via nationwide media distribution via PR Newswire. *Id.*, ¶¶13-15 & Smith Exhibits 2-4. Trade websites Society for Human Resources Management ("SHRM") and Think Advisor's Life/Health channel, both calculated to reach TPP administrators, posted the notice 75,000 and 60,000 times, respectively. *Id.*, ¶13. These two organizations' subscriber-based daily newsletters, which reach 458,000 SHRM subscribers and 37,000 Think Advisor subscribers daily, contained Notice of the Settlement collectively over seven separate dates spread over roughly one month period of time. *Id.*, ¶14.

26. In addition, targeting consumer Class members, notice was distributed via a nationally distributed weekly periodical, targeted impression delivery via online website and Facebook, and via direct contact to a variety of relevant clinic and healthcare organizations and support groups. *Id.*, ¶¶16-18. Notice was published in *People* magazine, which has an estimated reach approaching 100 million persons. *Id.*, ¶16 & Smith Exhibit 5; *see also People*, Media Kit, <http://static.people.com/media-kit/phone/index.html> (*People* audience "96 million consumers"). Targeted Facebook and other relevant website notices delivered directly to consumers via desktop and mobile devices exceeded 73.18 million impressions. Smith Decl., ¶17 & Smith Exhibit 6. Clinic and healthcare organizations, such as Crohn's & Colitis Foundation, The Arthritis Foundation, American Juvenile Arthritis Foundation, and Rheumatoid Arthritis Foundation, were contacted along with support groups on social media and through blogs and forums, including such groups as the REMICADE (infliximab) Users and Support and Remicade Moms groups on

Facebook, and online groups Crohn's Forum, My Crohn's and Colitis Team, and My RATeam. *Id.*, ¶18 & Smith Exhibit 7.

27. Finally, the dedicated Settlement Notice and online claim website – www.RemicadeSettlement.com – has been active since the beginning of September 2022. *Id.*, ¶19. The website address was provided in all printed notice materials and accessible through an embedded link in the digital notices. *Id.* At this website, both consumer and TPP Settlement Class members are able to file claims. *Id.* Class Members are also able to obtain Court documents, including: the Settlement Agreement, Preliminary Approval Order, Consumer Notice; TPP Notice; a list of the national drug codes associated with the Settlement; the Proposed Plan of Allocation and Distribution; a list of Excluded Entities; and contact information for the Settlement Administrator. *Id.*

28. As of October 27, 2022, the Settlement Administrator had received 2,222 claims filed through the mail and the settlement claim website, of which 195 were submitted by TPPs and 2,027 were submitted by Consumers. *Id.*, ¶23. As of the same date, no requests for exclusion had been received and, while an intervention motion by the Attorneys General for the State of Illinois and the Commonwealth of Massachusetts is presently pending for the purpose of objecting to the Plan of Allocation and Distribution, no other objections have been received. *See id.*, ¶¶24-25.

III. APPLICATION FOR ATTORNEYS' FEES

A. The Requested Fee of 28% of the Settlement Fund Is Fair and Reasonable

29. For their efforts on behalf of the Class, Class Counsel are applying for compensation from the Settlement Fund on a percentage basis. As set forth in the accompanying Memorandum, the percentage method is the appropriate method of fee recovery because, among other things, it aligns the lawyers' interest in being paid a fair fee with the interest of the Class in achieving the maximum recovery in the shortest amount of time required under the circumstances, has been

recognized as appropriate by the United States Supreme Court for cases of this nature, and represents the prevailing rule in the Third Circuit.

30. The fact Class Counsel were able to obtain such an exceptional result for the Class supports the requested fee. *See, e.g., In re Schering-Plough Corp. Enhance Sec. Litig.*, 2013 WL 5505744, at *3 (D.N.J. Oct. 1, 2013) (awarding attorney's fees of 28% on \$215 million recovery); *In re Aetna Inc.*, 2001 WL 20928, at *13-*16 (E.D. Pa. Jan. 4, 2001) (awarding attorney's fees of 30% on \$82.5 million recovery); *In re Ikon Off. Sols., Inc., Sec. Litig.*, 194 F.R.D. 166, 192-97 (E.D. Pa. 2000) (awarding attorney's fees of 30% on \$111 million recovery); *see also In re Veritas Software Corp. Sec. Litig.*, 396 F. App'x 815, 818-19 (3d Cir. 2010) (affirmed attorney's fees of 30% on \$21.5 million recovery). A 28% fee is fair and reasonable for attorneys' fees in common fund cases such as this, and is well within the range of the percentages typically awarded in similar class actions in the Third Circuit. *See* Plaintiffs' Memorandum of Law in Support of Their Motion For (1) Final Approval of Settlement; (2) Plan of Allocation and Distribution; (3) Award of Attorneys' Fees and Expenses; and (4) Service Awards, filed concurrently, at §VI.

B. The Complexity and Risk Inherent in the Action

31. The requested fee is also reasonable in light of the various risks Class Counsel faced over the years, as well as the complexity of the Action.

32. The Action was highly complex, both procedurally and factually, which rendered the path to resolution long, time-consuming, extremely challenging, and fraught with risk. As set forth above, Class Counsel vigorously prosecuted the Class's claims for five years against top-tier law firms with virtually unlimited resources to defend the Action. In doing so, Class Counsel engaged in significant briefing of complex legal and factual issues on, *inter alia*, motion to dismiss and discovery disputes.

33. Class Counsel conducted an extensive pre-filing investigation, filed comprehensive Complaints, engaged in complex document and written discovery, and deposed dozens of party and non-party witnesses. The Action settled only after completion of significant discovery and Class Counsel had overcome complex legal and factual challenges by Defendants.

34. The requested fee is also reasonable considering the substantial risks Class Counsel faced. Defendants were given various opportunities to chip away at, or defeat entirely, the Class's claims, including at the pleading stage, and were prepared to continue doing so at the class certification and summary judgment stages, as well.

35. Moreover, a jury trial, assuming Plaintiffs obtained class certification and withstood Defendants' expected summary judgment challenges, are notoriously unpredictable, and Class Counsel would expect a bevy of risks at trial. Such a process would have been lengthy, complex, and extremely costly. Finally, any favorable verdict could have been reversed on appeal.

36. In light of the uncertain nature and prolonged extent of this Action, the complexity of the factual and legal issues presented at all stages, the substantial risks that Class Counsel overcame at the pleading stage and through fact discovery, and would face at the class certification, expert discovery, and summary judgement and other pretrial phases of the Action, as well as the other factors described in the accompanying Memorandum, Class Counsel submit that the requested 28% fee is fair, reasonable, and should be approved.

C. The Contingent Nature of the Fee and the Financial Burden Carried by Class Counsel

37. Class Counsel prosecuted this Action on an "at-risk" contingent-fee basis. At the outset in 2017, Class Counsel knew they were embarking on complex and expensive Action with no guarantee of compensation for the time, resources, and effort they poured into this Action over its five-plus-year lifespan. Accordingly, Class Counsel fully assumed the risk of an unsuccessful result

and has received no compensation to date for services rendered or the significant expenses incurred in litigating this action.

38. Class Counsel worked with a group of other counsel, “Plaintiffs’ counsel” to achieve the result here. As part of Class Counsel’s job, and my role specifically, I endeavored to ensure that work assignments were not duplicative and that resources were efficiently allocated. I oversaw all projects and believe the results obtained would not have occurred but for the efforts of all counsel. The following summarizes Plaintiffs’ counsels’ aggregate time and expenses devoted to advancing the Class’s claims in this Action:

<i>FIRM NAME</i>	<i>Avg. rate</i>	<i>HOURS</i>	<i>LODESTAR</i>	<i>EXPENSES</i>
Robbins Geller Rudman & Dowd LLP	494.30	20,380.80	10,074,155.25	2,067,209.83
Freedman Boyd Hollander & Goldberg, PA	402.11	637.30	256,267.25	77,458.10
Gustafson Gluek PLLC	556.11	1,069.75	594,903.75	75,366.30
Miller Shah LLP	549.88	1,610.70	885,684.00	68,354.67
<i>TOTAL:</i>	<i>498.39</i>	<i>23,698.55</i>	<i>\$11,811,010.25</i>	<i>\$2,288,388.90</i>

39. Further, in keeping with the responsibilities of Class Counsel, I have reviewed all the time and expense reports and declarations submitted by other Plaintiffs’ counsel and have made adjustments and reductions as necessary based on my judgment.

40. In undertaking the responsibility for prosecuting the Action, Class Counsel assured that sufficient attorney resources were dedicated to advancing the Class’s claims over the years, and that sufficient funds were available to advance the expenses required to zealously pursue such complex litigation. In total, Class Counsel and other Plaintiffs’ counsel received no compensation and, in total, incurred \$2,288,388.90 in litigation expenses in prosecuting this Action for the benefit of the Class.

41. Class Counsel also shouldered the risk that no recovery would be achieved. Class Counsel know from experience that success in contingent-fee litigation is never assured, and that the commencement of a complex antitrust class action in no way guarantees a recovery. Instead, it takes diligence, commitment, and years of tireless work by skilled counsel to develop the facts, theories, and evidence necessary to prevail on the merits. The Class's claims could have been dismissed at the pleadings stage or at summary judgment were this Action to proceed to that stage. Instead, Plaintiffs' claims survived and the prosecution of the action continued to date as a result of Class Counsel's vigorous and unwavering efforts and litigation expertise.

42. Courts have repeatedly held it is in the public's interest to have experienced and able counsel involved in complex class action litigation. Vigorous private enforcement of state and federal antitrust and related laws can occur only if private plaintiffs can obtain some parity in representation with that available to large corporate defendants. If this important public policy is to be carried out, courts should award fees that will adequately compensate private plaintiffs' counsel, while accounting for the enormous risks inherent in prosecuting complex class actions on a contingent-fee basis to the degree of success shown here.

D. The Standing and Expertise of Class Counsel

43. Class Counsel are among the most experienced and skilled complex class action and antitrust litigation law firms in the field, as illustrated by Class Counsel's and the other Plaintiff Counsels' firm resumes attached as Exhibit G to the Bernay Fee Declaration, Exhibit E to the Goldberg Declaration, Exhibit C to the Looby Declaration, and Exhibit E to the Bennett Declaration.³ Indeed, Class Counsel have consistently obtained significant recoveries for classes of

³ See Ex. 5 (Declaration of Alexandra S. Bernay Filed on Behalf of Robbins Geller Rudman & Dowd LLP in Support of Application for Award of Attorneys' Fees and Expenses ("Bernay Fee Decl."); Ex. 6 (Declaration of Joseph Goldberg Filed on Behalf of Freedman Boyd Hollander & Goldberg, PA, in Support of Application for Award of Attorneys' Fees and Expenses ("Goldberg Declaration"); Ex. 7 (Declaration of Michelle J. Looby Filed on Behalf of Gustafson Gluek PLLC

victims, including (among many others) in: *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, MDL No. 1720 (E.D.N.Y.) (\$5.5 billion recovery); *In re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices & Antitrust Litigation*, No. 2:17-md-02785-DDC-TJJ (D. Kan.) (\$609 million recovery); *Dahl v. Bain Capital Partners, LLC*, No. 07-cv-12388 (D. Mass.) (\$590.5 million recovery); *Alaska Electrical Pension Fund v. Bank of America Corp.*, No. 14-cv-07126 (S.D.N.Y.) (\$504 million recovery); *In re Currency Conversion Fee Antitrust Litig.*, MDL No. 1409 (S.D.N.Y.) (\$336 million recovery); *Hall v. NCAA (Restricted Earnings Coach Antitrust Litigation)*, No. 94-2392 (D. Kan.) (\$70 million recovery); and *Thomas & Thomas Rodmakers, Inc. v. Newport Adhesives & Composites, Inc. (Carbon Fiber Antitrust Litigation)*, No. CV-99-07796 (C.D. Cal.) \$67.5 million recovery), among others.

44. The quality of work Class Counsel provided in attaining the Settlement should also be evaluated by considering the quality of opposing counsel in this Action. Over the course of the Action, Defendants were well represented by teams of experienced attorneys from the well-regarded and prestigious law firms of Ballard Spahr LLP, Patterson Belknap Webb & Tyler LLP, and Covington & Burling LLP. Faced with knowledgeable, experienced, and zealous opposing counsel, Class Counsel were nonetheless able to litigate this Action successfully and persuaded Defendants to settle the action for \$25 million.

E. The Class's Reaction to the Fee and Expense Request

45. The Notices advise the Class that Class Counsel intend to request an award of attorneys' fees in an amount not to exceed one-third of the Settlement Amount, for payment of litigation expenses reasonably incurred, plus interest, and for service awards to Class

in Support of Application for Award of Attorneys' Fees and Expenses ("Looby Declaration")); and Ex. 8 (Declaration of Natalie Finkelman Bennett Filed on Behalf of Miller Shah, LLP in Support of Application for Award of Attorneys' Fees and Expenses ("Bennett Declaration")).

Representatives. The Notices provide Class Members until November 30, 2022, to submit objections to Class Counsel's fee and expense application.

46. While the time to object to the fee and expense application has not passed, it is my understanding as learned from the Settlement Administrator, that to date, no Class Members have objected to the fee amount.

F. Application for Litigation Expenses, Charges and Costs

47. Class Counsel and Plaintiffs' counsel together request \$2,288,388.90 for expenses, charges and costs reasonably and necessarily incurred in prosecuting the Class's claims for the past five years. Class Counsel respectfully submit that this amount is appropriate, fair, and reasonable and should be approved.

48. Since the Action's inception in 2017, Class Counsel have known they may never recover any of the expenses they incurred in prosecuting this Action. Class Counsel also understood that, even assuming the Action was ultimately successful, an award of expenses would not compensate them for the lost use of the funds they had dedicated to this Action. Accordingly, Class Counsel were motivated to, and did, take steps to minimize expenses where practicable without jeopardizing the vigorous and efficient prosecution of this Action.

49. As set forth in the declarations of Class Counsel and other Plaintiffs' counsel, the expenses, charges and costs incurred were necessary and appropriate in light of the complex nature of the action and were associated with, among other things, hiring experts and consultants, service of process, reporting services for depositions, travel, and online legal and factual research.

50. Plaintiffs also seek service awards in the amount of \$15,000 for NEHP and \$15,600 for Local 295, for their time and expenses directly relating to their representation of the Class. Local 295 and NEHP are ERISA employee welfare benefit plans and jointly managed multi-employer plans under the NLRA. Each represents thousands of union workers and their dependents across the

United States. Both are self-funded TPPs. In addition to monitoring the developments in the Action, Plaintiffs dedicated time and resources to gathering data, documents and other information responsive to Defendants' discovery requests, prepared representatives to sit for depositions, and participated in the Settlement process.⁴

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 31st day of October, 2022, at San Diego, California.

s/ Alexandra S. Bernay
ALEXANDRA S. BERNAY

⁴ See Ex. 3 (Declaration of Linda A. Kellner on Behalf of Local 295 IBT Employer Group Welfare Fund Filed in Support of Plaintiffs' Motion for (1) Final Approval of Settlement; (2) Plan of Allocation and Distribution; (3) Award of Attorneys' Fees and Expenses; and (4) Service Awards, ¶¶2-6; Ex. 4 (Declaration of Steven W. Nobles on Behalf of National Employees Health Plan in Support of Plaintiffs' Motion for (1) Final Approval of Settlement; (2) Plan of Allocation and Distribution; (3) Award of Attorneys' Fees and Expenses; and (4) Service Awards, ¶¶2-6.

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on October 31, 2022, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ Alexandra S. Bernay

ALEXANDRA S. BERNAY

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Mailing Information for a Case 2:17-cv-04326-KSM NATIONAL EMPLOYEES HEALTH PLAN v. JOHNSON & JOHNSON et al**Electronic Mail Notice List**

The following are those who are currently on the list to receive e-mail notices for this case.

- **SARA A. ARROW**
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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)

EXHIBIT 1

COVINGTON

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By Certified Mail

April 25, 2022

To: All Addressees Identified in Exhibit 1

**Re: Notice of Proposed Settlement Pursuant to the Class Action
Fairness Act (28 U.S.C. § 1715) in *In re Remicade Antitrust
Litigation*, No. 2:17-cv-4326-KSM, in the United States
District Court for the Eastern District of Pennsylvania**

Dear Sir or Madam:

Pursuant to the Class Action Fairness Act of 2005, 28 U.S.C. § 1715, I write on behalf of Johnson & Johnson and Janssen Biotech, Inc. (collectively, “J&J” or “Defendants”) to notify you of a proposed class action settlement in *In re Remicade Antitrust Litigation*, No. 2:17-cv-4326-KSM, pending in the United States District Court for the Eastern District of Pennsylvania (the “Action”).¹ The current named plaintiffs and proposed class representatives in the Action are Local 295 IBT Employer Group Welfare Fund and National Employees Health Plan (“Plaintiffs”) on behalf of themselves and all others similarly situated.² The Action alleges violations of various state and federal antitrust and state consumer-protection laws related to J&J’s alleged anticompetitive conduct in the market for its infliximab biologic, Remicade.

In accordance with 28 U.S.C. § 1715(b), J&J provides the following information:

¹ The Court consolidated several separate actions into the Action under the caption *In re Remicade Antitrust Litig.*, No. 2:17-cv-4326-KSM. The consolidated actions include: (1) *National Employees Health Plan v. Johnson & Johnson*, No. 2:17-cv-4326-KSM (E.D. Pa.), filed on September 28, 2017; (2) *UFCW Local 1500 Welfare Fund v. Johnson & Johnson*, No. 2:17-cv-4830-JCJ (E.D. Pa.), filed on October 27, 2017; (3) *City of Providence v. Johnson & Johnson*, No. 2:17-cv-5058-JCJ (E.D. Pa.), filed on November 9, 2017; (4) *Twin Cities Pipe Trades Welfare Fund v. Johnson & Johnson*, 2:17-cv-5371-JCJ, filed on November 29, 2017; (5) *Welfare Fund of Plumbers Local Union No. 200 v. Johnson & Johnson*, 2:17-cv-5481-KSM (E.D. Pa.), filed on December 7, 2017; and (6) *Local 295 IBT Employer Group Welfare Fund v. Johnson & Johnson*, 2:17-cv-5570-KSM (E.D. Pa.), filed on December 12, 2017.

² The Consolidated Amended Class Action Complaint was filed by three named plaintiffs and proposed class representatives: Local 295 IBT Employer Group Welfare Fund, National Employees Health Plan, and The Welfare Fund of Plumbers Local Union No. 200. The Welfare Fund of Plumbers Local Union No. 200 voluntarily withdrew as a named plaintiff and proposed class representative on November 14, 2019.

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To: All Addressees Identified in Exhibit 1
 April 25, 2022
 Page 2

1. Complaints and Related Materials (28 U.S.C. § 1715(b)(1))

Enclosed as Exhibits 2 and 3 are the following complaints:

Complaint	Exhibit
Class Action Complaint, <i>National Employees Health Plan v. Johnson & Johnson</i> , No. 2:17-cv-4326	2
Consolidated Amended Class Action Complaint, <i>In re Remicade Antitrust Litigation</i> , No. 2:17-cv-4326	3

2. Notice of Any Scheduled Judicial Hearing (28 U.S.C. § 1715(b)(2))

The Court has not yet scheduled a hearing related to the proposed settlement. However, Plaintiffs have requested that the Court schedule a fairness hearing no sooner than 200 days after any preliminary approval of the settlement.

3. Proposed Notification to Class Members (28 U.S.C. § 1715(b)(3))

A copy of the executed Settlement Agreement between Plaintiffs and J&J (including Exhibits A through E thereto) is enclosed as Exhibit 4 to this letter. The proposed form of notice to class members, which includes a description of class members' rights to request exclusion from the class action, is attached as Exhibit D to the Settlement Agreement. The proposed summary notice to class members, which also includes a description of class members' rights to request exclusion from the class action, is attached as Exhibit C to the Settlement Agreement.

4. Proposed Class Action Settlement Agreement (28 U.S.C. § 1715(b)(4))

A copy of the executed Settlement Agreement between Plaintiffs and J&J (including Exhibits A through E thereto) is enclosed as Exhibit 4 to this letter.

5. Any Settlement or Other Agreement (28 U.S.C. § 1715(b)(5))

A copy of the executed Settlement Agreement between Plaintiffs and J&J (including Exhibits A through E thereto) is enclosed as Exhibit 4. Section 7 of the Settlement Agreement provides that J&J may terminate the Settlement Agreement if certain identified members of the proposed settlement class opt out of the settlement. A list of those identified class members is included as Exhibit 5 to this letter. Please note that the list of class members in Exhibit 5 is confidential. The list will be provided to the Court *in camera* upon request, pursuant to Section 7.2 of the Settlement Agreement.

6. Final Judgment or Notice of Dismissal (28 U.S.C. § 1715(b)(6))

There has been no final judgment entered in this Action. There have been two notices of dismissal filed in this case, one by the City of Providence on February 16, 2018, which is enclosed as Exhibit 6, and the other by Twin Cities Pipe Trades Welfare Fund on April 16, 2018, which is enclosed as Exhibit 7. On November 14, 2019, the Welfare Fund of Plumbers Local

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To: All Addressees Identified in Exhibit 1
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Union No. 200 withdrew as a named plaintiff and proposed class representative from the Action in a notice enclosed as Exhibit 8.

7. *Estimate of Class Members in Each State (28 U.S.C. § 1715(b)(7))*

Plaintiffs seek to certify a class comprised of the following members:

All persons and entities in the United States and its territories who indirectly purchased, paid, and/or provided reimbursement for some or all of the purchase price of Defendants' infliximab from April 5, 2016 through February 28, 2022 ("Class Period").

The following groups are excluded from the Class:

(a) Defendants, their officers, directors, management, employees, subsidiaries and affiliates; (b) all federal and state governmental entities except for cities, towns or municipalities with self-funded prescription drug plans; (c) all persons or entities who purchased Defendants' infliximab for purposes of resale or who purchased infliximab directly from Defendants; (d) fully insured health plans (*i.e.*, health plans that purchased insurance covering 100% of their reimbursement obligation to members); (e) any "flat co-pay" consumers whose purchases of Defendants' infliximab were paid in part by a third-party payor and whose co-payment was the same regardless of the retail purchase price; (f) pharmacy benefit managers; (g) any judges or justices involved in this Action and any members of their immediate families; and (h) any providers (including but not limited to hospitals, clinics, and physicians) who purchase Remicade and are later reimbursed for the provision of Remicade.

J&J does not have information or records regarding all transactions of Remicade that are within the scope of the proposed class, which is defined to include persons and entities that *indirectly* purchased, paid for, or provided reimbursement for Remicade and thus may not have dealt with J&J directly. It is thus not feasible for J&J to provide "the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement." 28 U.S.C. § 1715(b)(7)(A). For the same reason, J&J does not have information or records from which to provide information responsive to 28 U.S.C. § 1715(b)(7)(B).

Moreover, the proportionate share of the settlement amount that each class member is eligible to receive is dependent on the volume and characteristics of the class member's transactions involving Remicade, as well as certain matters to be determined by the Court, including the amount of attorneys' fees and expenses to be awarded to class counsel and the amount of any incentive awards for Plaintiffs. Each class member's proportionate share is also dependent on whether certain class members cannot be located and other matters that will not be known until the time of the final approval hearing, including, for example, the number of

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class members who request exclusion from the proposed class. For these reasons as well, J&J does not have information or records from which to provide estimates responsive to 28 U.S.C. § 1715(b)(7).

8. *Judicial Opinions Related to the Settlement (28 U.S.C. § 1715(b)(8))*

At present, there are no written judicial opinions relating to the proposed settlement.

* * *

The foregoing information is provided based on the status of the proceedings at the time of the submission of this notification and on information currently available to J&J. If you have any questions about this notice, the Action, or the enclosed materials, please feel free to contact me.

Sincerely,

/s/ Ashley E. Bass

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Enclosures

Exhibit 1

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EXHIBIT 2

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

In re REMICADE ANTITRUST LITIGATION

This Document Relates To:

INDIRECT PURCHASER ACTIONS

Civil Action No. 2:17-cv-04326-KSM
(**Consolidated**)

CLASS ACTION

The Honorable Karen S. Marston

DECLARATION OF DEREK SMITH IN
SUPPORT OF SETTLEMENT NOTICE
PLAN

DECLARATION OF DEREK SMITH IN SUPPORT OF SETTLEMENT NOTICE PLAN

I, Derek Smith, declare and state as follows:

1. I have personal knowledge of the matters set forth herein, and I believe them to be true and correct. I am a Director of Class Action Services at Gilardi & Co. LLC (“Gilardi”). Gilardi is an experienced national class action notice provider and class administrator with experience in administering class action settlements. Gilardi’s services include pre-settlement consulting, settlement fund escrow, disbursement and tax reporting, class member data management, legal notification, call center support, and claims administration.

2. Gilardi was chosen by Class Counsel and approved by the Court to design and implement the settlement notice program (the “Notice Plan”) and notice documents to inform Settlement Class Members about their rights and options under the class action settlement.

3. With the support of Gilardi’s claims administration and media teams, each element of the Court-approved Notice Plan has been implemented.

4. The reach of the Notice Plan is consistent with other effective, court-approved notice programs. Additionally, the Federal Judicial Center’s (“FJC”) Judges’ Class Action Notice and Claims Process Checklist and Plain Language Guide (the “FJC Checklist”) considers 70-95% reach among class members reasonable.

5. The Notice Plan used a combination of individual mailed notice and paid notice

placements in industry-related trade media to reach the third-party payor (“TPP”) portion of the Settlement Class, as well as a combination of notice placements in a well-read consumer publication and digital notices placed on a variety of websites to reach the consumer portion of the Settlement Class. The Notice Plan reached virtually all TPP Settlement Class members and approximately 80% of likely consumer Settlement Class members.

6. The Notice Plan fairly and adequately covered the Settlement Class without excluding any demographic group or geographic area.

7. The Notice Plan was consistent with other court-approved class notice programs that Gilardi has designed and implemented for purposes of class-action settlements.

8. After the Court granted Plaintiffs’ Uncontested Motion for an Order: (1) Certifying A Settlement Class; (2) Granting Preliminary Approval Of The Settlement Agreement; (3) Appointing Class Counsel; (4) Appointing A Settlement Administrator And Escrow Agent; (5) Approving The Form And Manner Of Notice To The Settlement Class; (6) Preliminarily Approving The Plan Of Allocation And Distribution; And (7) Scheduling A Fairness Hearing on August 2, 2022 (ECF No. 172-0), Gilardi began implementing the Notice Plan. This declaration provides relevant details and “proofs of performance” of the notice activities undertaken.

NOTICE PLAN IMPLEMENTATION

TPP Mailing

9. On September 9, 2022, Gilardi caused the Postcard Notice to be mailed via United States Postal Service (“USPS”) First Class Mail to 23,509 TPP entities contained in Gilardi’s proprietary database. We also caused the contents of the Postcard Notice to be emailed to 1,787 TPP entities with available email addresses.

10. Prior to mailing, the addresses were checked against the National Change of Address (“NCOA”) database maintained by the USPS; certified via the Coding Accuracy Support System (“CASS”); and verified through Delivery Point Validation (“DPV”).

11. Postcard Notices returned by the USPS as undeliverable were re-mailed to any address available through postal service information. Any returned mailing that did not contain an

expired forwarding order with a new address indicated was researched through standard skip tracing and re-mailed if a new address was obtained. As of October 27, 2022, these efforts resulted in one re-mailing to an updated address.

12. Attached as **Exhibit 1** is a copy of the Postcard Notice, the Long Form Notice, and the Claim Forms as distributed to the TPP entities or posted on the website.

TPP Paid Media

13. To extend notice among the TPP portion of the Class, Gilardi used advertising on trade websites and in digital trade e-newsletters. Gilardi caused approximately 75,000 impressions to be distributed on the Society for Human Resource Management (SHRM) website, www.shrm.org, from September 1, 2022 through September 30, 2022. Gilardi also caused approximately 60,000 impressions to be distributed on Think Advisor's Life/Health channel of their website, www.thinkadvisor.com/life-health, from September 1, 2022 through September 30, 2022. Confirmation of the digital notices as they appeared on trade websites is attached hereto as **Exhibit 2**.

14. Gilardi also caused digital notice to appear in SHRM's HR Daily e-newsletter on August 30, 2022 and September 22, 2022, delivered to approximately 458,000 subscribers each weekday, and in ThinkAdvisor Life/Health Daily e-newsletters on September 5, 2022, September 6, 2022, September 7, 2022, September 8, 2022, and September 9, 2022, sent to approximately 37,000 opt-in subscribers each weekday. True and correct copies of the digital notices as they appeared in each e-newsletter are attached hereto as **Exhibit 3**,

15. To reach the TPP portion of the Class, Gilardi caused a press release to be distributed to media outlets nationwide via PR Newswire on August 16, 2022. A true and correct copy of the press release as it appeared on PR Newswire is attached hereto as **Exhibit 4**.

Consumer Media

16. To reach the consumer portion of the Settlement Class, Gilardi caused the Summary Notice to be published in the nationwide print edition and online digital replica of the September 26, 2022 issue of *People* magazine, on sale September 16, 2022. A true and correct copy of the

Summary Notice as it appeared in the magazine is attached hereto as **Exhibit 5**.

17. Gilardi also purchased approximately 72,800,000 impressions programmatically to be distributed on desktop and mobile devices via various websites and on Facebook from August 16, 2022 through September 30, 2022. The impressions were geographically targeted to adults 18 years of age and older nationwide and in Puerto Rico, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, and in American Samoa. A total of 73,186,129 impressions were delivered, resulting in an additional 386,129 impressions at no extra charge. Confirmation of the digital notices as they appeared on a variety of websites is attached hereto as **Exhibit 6**.

18. As part of the notice program, Gilardi also contacted a variety of organizations and support groups and requested their assistance in sharing information with their members and audiences. Organizations included clinic and healthcare systems, such as the Crohn's & Colitis Foundation, The Arthritis Foundation, American Juvenile Arthritis Foundation, and Rheumatoid Arthritis Foundation. Support groups were contacted on social media and through blogs and forums and included such groups as the REMICADE (infliximab) Users and Support and Remicade Moms groups on Facebook, and Crohn's Forum, My Crohn's and Colitis Team, and My RATeam groups online. A list of the groups and the message sent is attached hereto as **Exhibit 7**.

Response Mechanisms

19. On September 2, 2022, the informational settlement website www.RemicadeSettlement.com was made live. At this website, both consumer and TPP Settlement Class members may file a Claim Form online. Class Members may also obtain additional information and Court documents, including the Settlement Agreement, Preliminary Approval Order, Consumer Notice; TPP Notice; a list of the national drug codes associated with the Settlement; the Proposed Plan of Allocation; a list of Excluded Entities; and contact information for the claims administrator. In addition, The website address was provided in all printed notice materials and accessible through an embedded link in the digital notices.

20. As of October 27, 2022, the settlement website has received 80,064 hits and 2,221 Claim Form submissions, 194 TPP Claims and 2,027 Consumer Claims.

21. On September 9, 2022, the toll-free number was made live. Calling the toll-free number allows Settlement Class members to learn more about the Settlement in the form of frequently asked questions and answers and to request to have more information and a claim form mailed directly to them. The toll-free number was included in all printed notice documents.

22. As of October 27, 2022, the toll-free number has received a total of 116 calls, and we have received six requests for Consumer Notice Packets and two requests for TPP Notice Packets to be mailed.

Response

23. The deadline for Settlement Class members to submit a Claim Form is November 30, 2022. As of October 27, 2022, Gilardi has received 2,222 claims filed through both postal mail and the case website, of which 195 were submitted by TPPs and 2,027 were submitted by Consumers. Gilardi will continue to process any claims timely filed through the deadline to submit a Claim Form.

24. The deadline for Settlement Class members to request to be excluded from the settlement is November 30, 2022. As of October 27, 2022, Gilardi has not received any exclusion requests.

25. The deadline for Settlement Class members to object to the settlement is November 30, 2022. As of October 27, 2022, Gilardi has not received any objections.

CONCLUSION

26. As described above, the Notice Plan effectively reached virtually the entire TPP portion of the End-Payor Class via the direct notice efforts and TPP media efforts, and approximately 80% of the likely consumer portion of the End-Payor Class on average 2.5 times each via the measurable consumer media efforts alone.

27. In my experience, this consumer reach percentage is consistent with other effective court-approved notice programs. In addition, it meets the 70-95% reach standard set forth in the

Federal Judicial Center's *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide*.

28. In my opinion, distributing the Notice to the TPP and consumer End-Payor Class Members via this Notice Plan provided the best notice practicable under the circumstances of this case, satisfied due process, including its "desire to actually inform" requirement, conformed to all aspects of Federal Rule of Civil Procedure 23, and comported with the guidance for effective notice articulated in the *Manual for Complex Litigation, Fourth*.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 27th day of October 2022 at Petaluma, California.



DEREK SMITH

EXHIBIT 1

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT
OF PENNSYLVANIA

*If You Purchased or Paid for REMICADE, A Class Action
Settlement Could Affect You. A federal court authorized
this Notice. This is not a solicitation from a lawyer.*

**INFORMATION REGARDING
CLASS ACTION SETTLEMENT**

A proposed \$25,000,000 Settlement has been reached in a class action lawsuit on behalf of consumers and third-party payors regarding the prescription drug Remicade. The class action lawsuit (In re Remicade Antitrust Litigation, No. 2:17-cv-04326-KSM) claims that Defendants Johnson & Johnson and Janssen Biotech, Inc. violated federal and state antitrust and consumer-protection laws by taking action to block competition by new entrants in the infliximab market. Defendants deny any wrongdoing. The Court has not decided who is right. The Court has preliminarily approved the proposed Settlement described in this Notice. To resolve the claims, the proposed Settlement will provide for \$25,000,000 to be paid by Defendants. As discussed below, Attorneys' Fees and Expenses and Service Awards may be deducted from this amount, with Court approval.

The Court has scheduled a hearing to decide whether to approve the Settlement, the plan for allocating the Settlement Fund to Settlement Class Members, and any requests by the attorneys for reimbursement of expenses out of the Settlement Fund, payment of Service Awards to the Named Plaintiffs, with Court approval (the "Fairness Hearing"). The Fairness

In re Remicade Antitrust Litigation

Settlement Administrator
c/o Gilardi & Co. LLC
P.O. Box 6175
Novato, CA 94948-6175

LEGAL NOTICE



Postal Service: Please Do Not Mark Barcode

REI-«Claim8»-«CkDig»

Claim ID: «Claim8»

PIN: «PIN»

«FirstNAME» «LastNAME»

«Addr1» «Addr2»

«City», «State»«FProv» «Zip»«FZip»

«FCountry»

REI

Hearing is scheduled for Monday, February 27, 2023 at 2:00 p.m. CT before Judge: Marston at the United States District Court for the Eastern District of Pennsylvania, James A. Byrne U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106. The time and date of the Fairness Hearing may change without additional mailed Notice. For updated information on the Fairness Hearing, check www.RemicadeSettlement.com.

Who Is Included?

The Settlement Class is defined as follows:

- All persons and entities in the United States and its territories who indirectly purchased, paid and/or provided reimbursement for some or all of the purchase price of Defendants' infliximab (Remicade) from April 5, 2016 through February 28, 2022 (the "Class Period").
- The following groups are excluded from the Class: (a) Defendants, their officers, directors, management, employees, subsidiaries and affiliates; (b) all federal and state governmental entities except for cities, towns or municipalities with self-funded prescription drug plans; (c) all persons or entities who purchased Defendants' infliximab (Remicade) for purposes of resale or who purchased infliximab directly from Defendants; (d) fully insured health plans (i.e., health plans that purchased insurance covering 100% of their reimbursement obligation to members); (e) any "flat co-pay" consumers whose purchases of Defendants' infliximab (Remicade) were paid in part by a third-party payor and whose co-payment was the same regardless of the retail purchase price; (f) pharmacy benefit managers; (g) any judges or justices involved in this action and any members of their immediate families; and (h) any providers (including but not limited to hospitals, clinics, and physicians) who purchase Remicade and are later reimbursed for the provision of Remicade.

What Does The Class Action Settlement Provide?

Defendants will pay \$25,000,000 into a Settlement Fund to settle all claims in the lawsuit brought on behalf of consumers and health insurers (known as third-party payors). The Settlement Fund will be distributed pursuant to a Plan of Allocation, the latest version of which can be reviewed at www.RemicadeSettlement.com. The Plan of Allocation is subject to change until the Court approves it. Class Counsel will ask the Court to award attorneys' fees in an amount not to exceed one-third of the Settlement Fund, plus interest, litigation expenses and Service Award payments to the Named Plaintiffs National Employees Health Plan and Local 295 IBT Employer Group Welfare Fund. After these deductions, the remainder of the Settlement Fund will be distributed to Class Members who file a valid Claim Form, with the amount that each Class Member might receive varying, based on where that Class Member purchased and/or paid for Remicade. The precise amount that you might receive from the Net Settlement Fund will depend on how much you (and other Class Members) paid for Remicade.

Participate In The Settlement By Submitting A Claim Form

If you are a Settlement Class Member, then you will need to complete, sign and return a Claim Form in order to be eligible to obtain a share of the proposed Settlement. If you think you are a potential Settlement Class Member, please visit www.RemicadeSettlement.com for more information and to submit a Claim Form. You will be asked to provide information or data proving that you are a member of the Settlement Class. You also may be asked to provide data showing your eligible purchases. If you are unable to access to the settlement website identified above, please contact the Settlement Administrator at *In re Remicade Antitrust Litigation* Settlement Administrator, c/o Gilardi & Co. LLC, P.O. Box 6175, Novato, CA 94948-6175, contact info@RemicadeSettlement.com, or call 1-888-859-1912. The deadline for submitting a claim is **November 30, 2022**.

Exclude Yourself From The Settlement Class

You may choose to exclude yourself, or "opt out," from the Settlement Class if you believe you are a member of the Settlement Class. If you decide to exclude yourself, you will not be bound by any decision in this lawsuit relating to Defendants. This is the only option that allows you to ever be part of any lawsuit (other than this lawsuit) against Defendants relating to the legal claims against Defendants in this case. The deadline for opting out is **November 30, 2022**.

Stay In The Lawsuit But Object To The Settlement

If you object to all or any part of the proposed Settlement, you may write to the Court about why you do not like the proposed Settlement. You may object to the proposed Settlement only if you have not excluded yourself from the Settlement Class. The deadline for objecting is **November 30, 2022**.

Get More Information

If you would like to get more information about the case or the Settlement, you can send questions to the Settlement Administrator identified in this Notice and/or ask to attend the Fairness Hearing where the Court will evaluate the proposed Settlement. For more information and to submit a claim: call 1-888-859-1912 or visit www.RemicadeSettlement.com.

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

If You Purchased or Paid for REMICADE, A Class Action Settlement Could Affect You.

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

INFORMATION REGARDING CLASS ACTION SETTLEMENT

A proposed \$25,000,000 Settlement has been reached in a class action lawsuit on behalf of consumers and third-party payors regarding the prescription drug Remicade. The class action lawsuit (*In re Remicade Antitrust Litigation*, No. 2:17-cv-04326-KSM) claims that Defendants Johnson & Johnson and Janssen Biotech, Inc. violated federal and state antitrust and consumer-protection laws by taking action to block competition by new entrants in the infliximab market. Defendants deny any wrongdoing. The Court has not decided who is right.

The Court has preliminarily approved the proposed Settlement described in this Notice. To resolve the claims, the proposed Settlement will provide for \$25,000,000 to be paid by Defendants. As discussed below, Attorneys' Fees and Expenses and Service Awards may be deducted from this amount, with Court approval.

The Court has scheduled a hearing to decide whether to approve the Settlement, the plan for allocating the Settlement Fund to Settlement Class Members, and any requests by the attorneys for reimbursement of expenses out of the Settlement Fund, payment of Service Awards to the Named Plaintiffs, with Court approval (the "Fairness Hearing"). The Fairness Hearing is scheduled for **Monday, February 27, 2023 at 2:00 p.m. ET**, before Judge Marston at the United States District Court for the Eastern District of Pennsylvania, James A. Byrne U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106. The time and date of the Fairness Hearing may change without additional mailed Notice. For updated information on the Fairness Hearing, check www.RemicadeSettlement.com.

Who Is Included?

The Settlement Class is defined as follows:

- All persons and entities in the United States and its territories who indirectly purchased, paid and/or provided reimbursement for some or all of the purchase price of Defendants' infliximab (Remicade) from April 5, 2016 through February 28, 2022 (the "Class Period").
- The following groups are excluded from the Class: (a) Defendants, their officers, directors, management, employees, subsidiaries and affiliates; (b) all federal and state governmental entities except for cities, towns or municipalities with self-funded prescription drug plans; (c) all persons or entities who purchased Defendants' infliximab (Remicade) for purposes of resale or who purchased infliximab directly from Defendants; (d) fully insured health plans (*i.e.*, health plans that purchased insurance covering 100% of their reimbursement obligation to members); (e) any "flat co-pay" consumers whose purchases of Defendants' infliximab (Remicade) were paid in part by a third-party payor and whose co-payment was the same regardless of the retail purchase price; (f) pharmacy benefit managers; (g) any judges or justices involved in this action and any members of their immediate families; and (h) any providers (including but not limited to hospitals, clinics, and physicians) who purchase Remicade and are later reimbursed for the provision of Remicade.

What Does The Class Action Settlement Provide?

Defendants will pay \$25,000,000 into a Settlement Fund to settle all claims in the lawsuit brought on behalf of consumers and health insurers (known as third-party payors). The Settlement Fund will be distributed pursuant to a Plan of Allocation, the latest version of which can be reviewed at www.RemicadeSettlement.com.

Class Counsel will ask the Court to award attorneys' fees in an amount not to exceed one-third of the Settlement Fund, plus interest, litigation expenses and Service Award payments to the Named Plaintiffs National Employees Health Plan and Local 295 IBT Employer Group Welfare Fund. After these deductions, the remainder of the Settlement Fund (the "Net Settlement Fund") will be distributed to Class Members who file a valid Claim Form, with the amount that each Class Member might receive varying, based on where that Class Member purchased and/or paid for Remicade. The precise amount that you might receive from the Net Settlement Fund will depend on how much you (and other Class Members) indirectly paid or reimbursed for Remicade.

The Plan of Allocation provides for distribution of the Settlement Fund as follows:

- The Settlement Administrator will first calculate the Net Settlement Fund amount by subtracting any Court-approved award of attorneys' fees and expenses, Service Awards, settlement administrators' costs, taxes and tax expenses, and any other Court-approved deductions from the total Settlement Fund of \$25,000,000.

- The Net Settlement Fund amount will be shared by all Class Members. Each Class Member's claim on the Settlement Fund will be determined under only one of the three categories below, based on whether the Class Member resides or has a principal place of business in a Selected State and whether the Class Member made purchases of, or reimbursements for, Remicade in a Selected State.¹ Each Class Member's claim will be used by the Settlement Administrator to calculate that Class Member's percentage share of the Net Settlement Fund.
 - Class Members who reside or have their principal place of business in a Selected State will have a claim on the Net Settlement Fund equal to that Class Member's total Remicade purchases and reimbursements.
 - Class Members who do not reside or have their principal place of business in a Selected State, but who did purchase or reimburse for Remicade in one or more of the Selected States, will have a claim on the Net Settlement Fund equal to the sum of that Class Member's total Remicade purchases and reimbursements in the Selected States, plus 1% of that Class Member's total Remicade purchases and reimbursements outside of those states.
 - Class Members who do not reside or have their principal place of business in a Selected State, and who did not purchase or reimburse for Remicade in any of the Selected States, will have a claim on the Net Settlement Fund equal to 1% of that Class Member's total Remicade purchases and reimbursements.
- Each Class Member's payment from the Net Settlement Fund will be determined as follows:

$$\frac{(\text{Net Settlement Fund Amount}) \times (\text{Class Member's Claim on the Net Settlement Fund})}{\text{(Sum of all Class Members' Claims on the Net Settlement Fund)}}$$

(Sum of all Class Members' Claims on the Net Settlement Fund)

The Plan of Allocation is subject to change until the Court approves it. To view the most current version of the Plan of Allocation visit www.RemicadeSettlement.com.

¹ The Selected States are Arizona, Arkansas, California, District of Columbia, Florida, Hawaii, Iowa, Kansas, Maine, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Dakota, Tennessee, Utah, Vermont, West Virginia and Wisconsin.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

PARTICIPATE IN THE SETTLEMENT BY SUBMITTING A CLAIM FORM	<p>If you are a Settlement Class Member and want to participate in the Settlement, then you will need to submit a Claim Form in order to be eligible to obtain a share of the proposed Settlement.</p> <p>If you think you are a potential Settlement Class Member, please visit www.RemicadeSettlement.com for more information and to submit a Claim.</p> <p>You will be asked to provide information or data proving that you are a member of the Settlement Class. You also may be asked to provide data showing your eligible purchases.</p> <p>If you are unable to access to the settlement website identified above, please contact the Settlement Administrator at <i>In re Remicade Antitrust Litigation</i> Settlement Administrator, c/o Gilardi & Co. LLC, P.O. Box 6175, Novato, CA 94948-6175, contact info@RemicadeSettlement.com, or call 1-888-859-1912.</p>
EXCLUDE YOURSELF FROM THE SETTLEMENT CLASS	<p>You may choose to exclude yourself, or “opt out,” from the Settlement Class if you believe you are a member of the Settlement Class. If you decide to exclude yourself, you will not be bound by any decision in this lawsuit relating to Defendants. This is the only option that allows you to ever be part of any lawsuit (other than this lawsuit) against Defendants relating to the legal claims against Defendants in this case. The deadline for opting out is November 30, 2022.</p>
STAY IN THE LAWSUIT BUT OBJECT TO THE SETTLEMENT	<p>If you object to all or any part of the proposed Settlement, you may write to the Court about why you do not like the proposed Settlement. You may object to the proposed Settlement only if you have not excluded yourself from the Settlement Class. The deadline for objecting is November 30, 2022.</p>
GET MORE INFORMATION	<p>If you would like to get more information about the case or the Settlement, you can send questions to the lawyers or the Settlement Administrator identified in this Notice and/or ask to attend the Fairness Hearing where the Court will evaluate the proposed Settlement.</p>

How Do I Get A Payment?

You must submit a Claim Form by **November 30, 2022** to be eligible for a payment. If the Court grants final approval to the Settlement and any resulting appeals are resolved, the Court will approve a Plan of Allocation to distribute the Settlement Fund.

If you do not exclude yourself from the Settlement Class, you will need to submit a Claim Form to request your share of the Net Settlement Fund.

- If you received a Notice in the mail and want to participate in the Settlement, then you will need to submit a Claim Form in order to be eligible to obtain a share of the proposed Settlement. If think you are a potential Settlement Class Member, please visit www.RemicadeSettlement.com for more information and to submit a Claim. You will be asked to provide information or data proving that you are a member of the Settlement Class. You also may be asked to provide data showing your eligible purchases.
- If you did not receive a Notice in the mail, and you think you are a potential Settlement Class Member, then you will need to submit a Claim Form in order to be eligible to obtain a share of the proposed Settlement. If you think you are a potential Settlement Class Member, please visit www.RemicadeSettlement.com for more information and to submit a Claim. You will be asked to provide information or data proving that you are a member of the Settlement Class. You also may be asked to provide data showing your eligible purchases.
- If you are unable to access the settlement website identified above, please contact the Settlement Administrator at *In re Remicade Antitrust Litigation* Settlement Administrator, c/o Gilardi & Co. LLC, P.O. Box 6175, Novato, CA 94948-6175, contact info@RemicadeSettlement.com, or call 1-888-859-1912.
- When and whether you get your payment depends on several matters, including whether and when the Court grants final approval of the Settlement. The Net Settlement Fund will be allocated to Settlement Class Members as soon as possible after the Court grants final approval of the Settlement. If the proposed Settlement is given final approval, but there is an appeal of the final approval, the appeal could take several years to resolve. Any accrued interest on the Settlement Fund will be included, *pro rata*, in the amount paid to Settlement Class Members.

What Are My Other Rights?

If you are a member of the Settlement Class and you do not want to be legally bound by the Settlement, you must exclude yourself. The exclusion deadline is **November 30, 2022**. If you do not exclude yourself, you will not be able to sue the Defendants for any claim relating to the lawsuit. If you do not exclude yourself from the Settlement Class, you may object to the Settlement by **November 30, 2022**.

To exclude yourself from the Settlement Class: You must send a letter via first-class U.S. mail stating you want to exclude yourself from the Settlement Class in the case *In re Remicade Antitrust Litigation*. Mail the letter to: *In re Remicade Antitrust Litigation* Settlement Administrator, c/o Gilardi & Co. LLC, P.O. Box 6175, Novato, CA 94948-6175. Be sure to include your name, address, email address, telephone number, and your signature. Your letter requesting exclusion must be postmarked no later than **November 30, 2022**.

To object to the Settlement: If you are a Settlement Class Member and you have not excluded yourself from the Settlement Class, you can object to all or any part of the proposed Settlement and/or any application for attorneys' fees, for reimbursement of costs and expenses, and/or Service Awards to the Named Plaintiffs. You can give reasons why you think the Court should not approve it, and the Court will consider your views.

To object to the proposed Settlement, you must send a letter via first-class U.S. mail stating that you object to the Settlement in *In re Remicade Antitrust Litigation*, No. 2:17-cv-04326-KSM (E.D. Pa.), with the following information:

- (a) your name, address, and any attorney representing you; (b) the legal or factual basis for your objection; (c) documentation sufficient to prove your membership in the Settlement Class (such as evidence of your Remicade purchases or payments); (d) a list of any witnesses, exhibits, or legal authority that you intend to offer; (e) whether you intend to appear, either in person or through counsel, at the Fairness Hearing; (f) whether your objection applies only to yourself, to a subset of the Class, or to the Class as a whole; and (g) a list of all class action settlements to which you and/or your counsel have previously objected.

Mail any objections to the Clerk of the United States District Court for the Eastern District of Pennsylvania, James A. Byrne U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106 with a copy to Alexandra S. Bernay, Robbins Geller Rudman & Dowd LLP, 655 West Broadway, Suite 1900, San Diego, CA 92101.

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter via first-class U.S. mail stating that it is your "Notice of Intention to Appear in *In re Remicade Antitrust Litigation*, No. 2:17-cv-04326-KSM (E.D. Pa.)." Be sure to include your name, address, email address, telephone number, and your signature. Your Notice of Intention to Appear must be postmarked no later than **November 30, 2022** and must be sent to the Clerk of the Court, to Class Counsel, and to Defendants' Counsel at the addresses listed below. You may not speak at the Fairness Hearing if you have excluded yourself as a Settlement Class Member or if you do not send a Notice of Intention to Appear.

The Lawyers Representing the Class

The Court has appointed Robbins Geller Rudman & Dowd LLP as Class Counsel. You may contact the following lawyer regarding questions: Alexandra S. Bernay, Robbins Geller Rudman & Dowd LLP, 655 West Broadway, Suite 1900, San Diego, CA 92101 or xanb@rgrdlaw.com.

The Lawyers for the Defendants

Defendants are represented by: William F. Cavanaugh, Jr. and Stephanie Teplin, Patterson Belknap Webb & Tyler LLP, 1133 Avenue of the Americas, New York, NY 10036-6710 or wfcavanaugh@pbwt.com and steplin@pbwt.com.

If You Want More Information

If you have questions about this case or want additional information, you may call or write to the lawyer representing the Class, listed above; call 1-888-859-1912; or visit www.RemicadeSettlement.com. This Notice is only a summary of the proposed Settlement and is qualified in its entirety by the terms of the Settlement Agreement. Copies of the Settlement Agreement are on public file with the United States District Court for the Eastern District of Pennsylvania, James A. Byrne U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106. The Settlement Agreement is also available on the settlement website: www.RemicadeSettlement.com. You may also call the Settlement Administrator at 1-888-859-1912 with questions.

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE
TO INQUIRE ABOUT THE SETTLEMENT OR THE CLAIMS PROCESS.**

In re Remicade Antitrust Litigation
 Settlement Administrator
 c/o Gilardi & Co. LLC
 P.O. Box 6175
 Novato, CA 94948-6175

REI

«Barcode»

Postal Service: Please do not mark barcode

Claim#: REI-«Claim8»-«CkDig»

«FirstNAME» «LastNAME»

«Addr1» «Addr2»

«City», «State»«FProv» «Zip»«FZip»

«FCountry»

IN RE REMICADE ANTITRUST LITIGATION
 UNITED STATES DISTRICT COURT,
 EASTERN DISTRICT OF PENNSYLVANIA
 Case No. 2:17-cv-04326-KSM

**Must Be Postmarked
 No Later Than
 November 30, 2022**

Claim ID: <<Claim8>>

PIN: <<PIN>>

Third-Party Payor Claim Form

CHANGE OF ADDRESS (ONLY IF DIFFERENT FROM ABOVE)

Primary Address

Primary Address Continued

City

State

ZIP Code

Foreign Province

Foreign Postal Code

Foreign Country Name/Abbreviation

YOUR CLAIM MUST BE POSTMARKED OR FILED ELECTRONICALLY ON OR BEFORE NOVEMBER 30, 2022.

Mail your claim to:

In re Remicade Antitrust Litigation
 Settlement Administrator
 c/o Gilardi & Co. LLC
 P.O. Box 6175
 Novato, CA 94948-6175

OR

Submit a Claim Form online at www.RemicadeSettlement.com.

Section A: General Information

The Settlement Administrator will use this information for all communications regarding this Claim Form. If this information changes, you MUST notify the Settlement Administrator in writing at the address above.

Settlement Class Member Name (i.e., the entity that paid for Remicade)

Agent/Legal Representative (if any)

Area Code - Telephone Number

Tax Identification Number

Email Address



FOR CLAIMS
 PROCESSING
 ONLY

OB

CB

☐ DOC
☐ LC
☐ REV

☐ RED
☐ A
☐ B



Settlement Class Member's Name

Settlement Class Member's FEIN

Primary Address

City

State

ZIP Code

Settlement Class Member's Name

Settlement Class Member's FEIN

Primary Address

City

State

ZIP Code

Section C: Purchase Information

Please provide the total amount paid or reimbursed for branded Remicade, net of co-pays, deductibles, and co-insurance, from April 5, 2016 through February 28, 2022, inclusive.

Please note that certain groups are excluded from the Class and are not eligible to file a Claim Form and receive a cash distribution from the proposed Settlement, even if they otherwise meet the definition above. The following groups are excluded from the Class: a) Defendants, their officers, directors, management, employees, subsidiaries, and affiliates; b) all federal and state governmental entities except for cities, towns, or municipalities with self-funded prescription drug plans; c) all persons or entities who purchased Remicade for purposes of resale or who purchased Remicade directly from Defendants; d) fully insured health plans (i.e., health plans that purchased insurance covering 100% of their reimbursement obligation to members); e) any "flat co-pay" consumers whose purchases of Remicade were paid in part by a third-party payor and whose co-payment was the same regardless of the retail purchase price; f) pharmacy benefit managers; g) any judges or justices involved in this action and any members of their immediate families; h) any providers (including but not limited to hospitals, clinics, and physicians) who purchase Remicade and are later reimbursed for the provision of Remicade; and i) any person or entity who has previously opted out of the Class in this case.

Settlement Class Member Name

Total Amount Spent On Remicade

Settlement Class Member Name

Total Amount Spent On Remicade

Settlement Class Member Name

Total Amount Spent On Remicade



Section D: Documentation

You do not need to provide any documentation at this time unless the purchase amount exceeds \$1,000. However, the Settlement Administrator may ask for additional proof of purchase.

Section E: Certification

I (We) have read and am (are) familiar with the contents of this Claim Form. I (We) certify that the information I (we) have set forth above and in any documents attached by me (us) are true, correct, and complete to the best of my (our) knowledge. I (We) certify that I (we) or the Class Member(s) I (we) represent paid the total amount set forth above in expenditures for purchases or reimbursements of branded Remicade in the United States and its territories from April 5, 2016 through February 28, 2022, inclusive.

I (We) further certify that I (we) or the Class Member(s) I (we) represent did not opt out of the certified Class in this Action. Nor did I (we) or the represented Class Member(s) purchase such Remicade for purposes of resale. In addition, I (we): (a) have not (or the represented Class Member has not) served as an officer, director, management, employee of any of the Defendants, or a corporate parent, subsidiary, affiliate, or other related entity thereof; (b) am not submitting this claim on behalf of any federal or state governmental entity except on behalf of a city, town or municipality with a self-funded prescription drug plan; (c) have not (or the represented Class Member has not) purchased Remicade for purposes of resale, or directly from Defendants; (d) am not (nor is the represented Class Member) a fully insured health plan (i.e., a health plan that purchased insurance covering 100% of their reimbursement obligation to members); (e) did not only purchase Remicade via a fixed dollar co-payment that is the same without regard to any prescription purchased (e.g, \$20 co-payment for any and all prescriptions); (f) am not (nor is the represented Class Member(s)) a pharmacy benefit manager, or own or otherwise function as a pharmacy benefit manager or control an entity that functions as a pharmacy benefit manager; (g) am not (nor is the represented Class Member(s)) a judge or justice involved in this action or a member of any of their immediate families; and (h) am not (nor is the represented Class Member(s)) a provider (including but not limited to hospitals, clinics, and physicians) who purchased Remicade and is later reimbursed for Remicade.

To the extent I (we) have been given authority to submit this Claim Form by a Class Member(s) on its behalf, and accordingly am submitting this Proof of Claim in the capacity of an Authorized Agent with authority to submit it by the Class Member(s) identified on a separate sheet of paper submitted with this form, and to the extent I (we) have been authorized to receive payment on behalf of this Class Member(s). In the event amounts from the Settlement Fund are distributed to me (us) and a Class Member(s) later claims that I (we) did not have authority to claim and/or receive such amounts on its behalf, I (we) and/or my (our) employer will hold the Class, counsel for the Class, and the Settlement Administrator harmless with respect to any claims made by the Class Member(s).

I (We) hereby submit to the jurisdiction of the United States District Court for the Eastern District of Pennsylvania for all purposes connected with the Proof of Claim, including resolution of disputes relating to this Proof of Claim. I (We) acknowledge that any false information or representations contained herein may subject me (us) to sanctions, including the possibility of criminal prosecution. I (We) agree to supplement this Proof of Claim by furnishing documentary backup for the information provided herein, upon request of the Settlement Administrator.

I (We) certify that the above information supplied by the undersigned is true and correct to the best of our knowledge and that this Claim Form was executed this _____ day of _____, 2022.

Signature: _____

Dated (mm/dd/yyyy): _____

Print Name: _____

Electronically file or mail the completed Claim Form postmarked on or before November 30, 2022, to the following address:

In re Remicade Antitrust Litigation
Settlement Administrator
c/o Gilardi & Co. LLC
P.O. Box 6175
Novato, CA 94948-6175

REMINDER CHECKLIST:

1. Please complete and sign the above Claim Form.
2. Keep a copy of your Claim Form and supporting documentation for your records.
3. If you would also like acknowledgement of receipt of your Claim Form, please complete the form online or mail this form via Certified Mail, Return Receipt Requested.
4. If you move and/or your name changes, please send your new address and/or your new name or contact information to the Settlement Administrator via the settlement website or U.S. Mail.



In re Remicade Antitrust Litigation
 Settlement Administrator
 c/o Gilardi & Co. LLC
 P.O. Box 6175
 Novato, CA 94948-6175

REI

«Barcode»

Postal Service: Please do not mark barcode

Claim#: REI-«Claim8»-«CkDig»

«FirstNAME» «LastNAME»

«Addr1» «Addr2»

«City», «State»«FProv» «Zip»«FZip»

«FCountry»

IN RE REMICADE ANTITRUST LITIGATION
 UNITED STATES DISTRICT COURT,
 EASTERN DISTRICT OF PENNSYLVANIA
 Case No. 2:17-cv-04326-KSM

**Must Be Postmarked
 No Later Than
 November 30, 2022**

Claim ID: <<Claim8>>

PIN: <<PIN>>

Consumer Claim Form

CHANGE OF ADDRESS (ONLY IF DIFFERENT FROM ABOVE)

Primary Address

Primary Address Continued

City

State

ZIP Code

Foreign Province

Foreign Postal Code

Foreign Country Name/Abbreviation

YOUR CLAIM MUST BE POSTMARKED OR FILED ELECTRONICALLY ON OR BEFORE NOVEMBER 30, 2022.

Mail your claim to:

In re Remicade Antitrust Litigation
 Settlement Administrator
 c/o Gilardi & Co. LLC
 P.O. Box 6175
 Novato, CA 94948-6175

OR

Submit a Claim Form online at www.RemicadeSettlement.com.

Section A: General Information

The Settlement Administrator will use this information for all communications regarding this Claim Form. If this information changes, you MUST notify the Settlement Administrator in writing at the address above.

Settlement Class Member Name (i.e., the person that paid for Remicade)

Agent/Legal Representative (if any)

Area Code - Telephone Number

Tax Identification Number

Email Address



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Section C: Purchase Information

Section E: Certification

To the extent I have been given authority to submit this Claim Form by a Class Member on its behalf, and accordingly am submitting this Claim Form in the capacity of an Authorized Agent with authority to submit it by the Class Member and to the extent I have been authorized to receive payment on behalf of this Class Member. In the event amounts from the Settlement Fund are distributed to me and a Class Member later claims that I did not have authority to claim and/or receive such amounts on its behalf, I and/or my employer will hold the Class, counsel for the Class, and the Settlement Administrator harmless with respect to any claims made by the Class Member.



I hereby submit to the jurisdiction of the United States District Court for the Eastern District of Pennsylvania for all purposes connected with the Proof of Claim, including resolution of disputes relating to this Proof of Claim. I acknowledge that any false information or representations contained herein may subject me (us) to sanctions, including the possibility of criminal prosecution. I agree to supplement this Proof of Claim by furnishing documentary backup for the information provided herein, upon request of the Settlement Administrator.

I certify that the above information supplied by the undersigned is true and correct to the best of my knowledge and that this Claim Form was executed this _____ day of _____, 2022.

Signature: _____

Dated (mm/dd/yyyy): _____

Print Name: _____

Electronically file or mail the completed Claim Form postmarked on or before **November 30, 2022**, to the following address:

In re Remicade Antitrust Litigation
Settlement Administrator
c/o Gilardi & Co. LLC
P.O. Box 6175
Novato, CA 94948-6175

REMINDER CHECKLIST:

1. Please complete and sign the above Claim Form.
2. Keep a copy of your Claim Form and supporting documentation for your records.
3. If you would also like acknowledgement of receipt of your Claim Form, please complete the form online or mail this form via Certified Mail, Return Receipt Requested.
4. If you move and/or your name changes, please send your new address and/or your new name or contact information to the Settlement Administrator via the settlement website or U.S. Mail.



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By Jack Zenger and Joseph Folkman
September 2, 2022



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Feedback



Republicans Need to Get Serious About Social Security

By Ramesh Ponnuru

○ Commentary

📅 September 01, 2022 at 02:05 PM

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We've reached the point in the midterm election campaign where Democrats insist that Republicans are itching to destroy Social Security. The usual gambit is to take stray comments from one or two Republicans and pretend that they represent a secret and sinister plan.

In October 2018, Senate Republican leader Mitch McConnell observed that "there's a bipartisan reluctance to tackle entitlement changes." His Democratic counterpart, Chuck Schumer, said he had "showed who the Republican Party really is."

Schumer even got some reporters to buy the spin that McConnell had said "the GOP will push to cut spending on Medicare, Medicaid and Social Security" if it retained control of the Senate. In the elections a few weeks later, Republicans expanded their control of the Senate. They did not move to cut any of those programs.

Republicans are not plotting to undermine Social Security. They don't even have a plan to fix it. Which is a pity, since benefits are still growing beyond the program's revenues.

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Newsletters



Life Health > Long-Term Care Planning

7 Reasons New York's \$26M John Hancock LTCI Action Matters for Advisors

By Allison Bell



○ Commentary

📅 August 22, 2022 at 10:34 AM

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State Medicaid could start to go after insurers and other financial services companies that fail to live up to agreements with people who end up using Medicaid to pay nursing home bills.

New York state insurance regulators raised that possibility last week, when they announced a **\$26.3 million consent agreement with Manulife's John Hancock unit.**

John Hancock paid a \$2.5 million penalty, \$21.6 million in extra benefits to policyholders and their beneficiaries — and \$2.2 million to the state Medicaid program — to rectify problems with how it calculated the end of long-term care insurance benefit payments for 156 users of John Hancock LTCI policies.

John Hancock designed the policies to fit with the New York State Partnership for Long-Term Care program. Policyholders who used the coverage and ran out of private benefits could exclude more assets than usual from eligibility calculations if they applied for Medicaid nursing home benefits.

Here are seven implications of the consent agreement for clients and their advisors.

1. Regulators like saying that they've been tough on insurers.

New York regulators said they began looking into the issue in 2019 because of a consumer complaint.

EXHIBIT 3

SHRM's HR Daily

Aug. 30, 2022



Finding a New Job via Social Media After a Layoff

As layoffs start to emerge in the current economy, people are being less shy about sharing their situations online. Some have even learned to reap benefits from going public about career setbacks. Here are tips for talking about being laid off and finding a new job.

For the latest news and analysis on how economic conditions are impacting HR, see SHRM's new Featured Resource Page on [Working Through an Unstable Economy](#).

Helping Caregivers and Employees with Disabilities Select the Right Benefits

Open enrollment is an opportunity to help employees with disabilities and those who are caregivers understand how available benefits can improve the quality of their lives.

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ON-DEMAND WEBINAR

ginger Elevating the EAP:
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Four Diversity and Inclusion Initiatives You Can Start Immediately

Proof of employee engagement can be the ultimate deciding factor in a job applicant's decision to work for your company. And if your company is to compete in the global economy, diversity and inclusion must be embedded in the company culture. These actionable tips will give your company an edge in the fight for talent while also tapping into undiscovered or overlooked candidates.

OFCCP Clarifies Federal Contractors' Compensation Compliance

The Office of Federal Contract Compliance Programs (OFCCP) has issued a revised directive on compensation compliance, addressing concerns federal contractors had about a previous directive issued earlier this year.

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Unionized Starbucks Workers Were Allegedly Unlawfully Denied Raises

Starbucks unlawfully denied unionized workers raises that it provided to its nonunionized employees, the National Labor Relations Board maintained in a complaint.

New York Bill Would Curtail No-Fault Attendance Policies

A bill that recently passed the New York state legislature would clarify that businesses with no-fault attendance policies cannot discipline or punish employees who take time off that is legally protected under federal, state or local laws.

California Increases Enforcement of Indoor Heat Safety Regulations

Despite having no formal standard on heat illness prevention, the California Division of Occupational Safety and Health is stepping up enforcement of indoor heat hazards, likely under the federal Occupational Safety and Health Administration's National Emphasis Program for outdoor and indoor heat-related hazards.

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SHRM's THRIVE360 program starts with a multifaceted analysis of an organization's HR function to deliver a tailored road map of where to prioritize resources and initiatives to take your people function from survive to thrive.

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SHRM WEBCASTS COMING SOON

The Evolution of HR Tech

Aug. 31, 4 p.m. ET / 1 p.m. PT

Sponsor: [Microsoft](#)

When, where and how we work is fundamentally changing. As both a technology leader and employer, Microsoft is in a unique position to understand the secular trends that are reshaping the future of work today and for decades to come. This session will empower you in navigating and thriving in digital transformation, with a focus on people, culture and the latest technology.

4 Must-Have Strategies to Promote Women in the Workplace

Sept. 9, noon ET / 9 a.m. PT

Sponsor: [BizLibrary](#)

In this power-packed program, we'll share what it takes to identify, develop and inspire women to move into leadership positions in your organization. You'll gain valuable information and walk away with a personal plan of action to develop the right culture, build the right program, and create ownership and engagement that diversifies your leadership team for long-term success.

The Future of Work

Sept. 13, 2 p.m. ET / 11 a.m. PT

Sponsor: [Microsoft](#)

The evolution of the hybrid workplace continues to challenge managers. This program will explore the future of flexible work, what leaders can do to make the office worth the commute and how to rebuild social capital in the modern workplace.

The Value of Investing in Mental Health and Mindfulness

Sept. 14, 4 p.m. ET / 1 p.m. PT

Sponsor: [Headspace Health](#)

Employees need to feel supported in every step of their mental health journey. Learn how to build a mindful culture that supports your employees' mental health, using scientific research to validate the benefits of mental health and mindfulness programs.

Why Family Care Benefits Are Your Best Defense Against Employee Turnover

Sept. 15, noon ET / 9 a.m. PT

Sponsor: [Care.com for Business](#)

Benefits to support employees and their loved ones—including children, adults and pets—are on the rise. This program explores how care benefits can be a key to driving productivity and supporting the needs of your diverse workforce and how to maximize your existing benefits to improve employee satisfaction and employer brand.

View the complete schedule of [SHRM webcasts](#).

HR JOB OF THE DAY

Need to hire highly qualified HR candidates or looking to move your own HR career forward? SHRM HR Jobs can help you reach your goals by connecting top employers with premier HR professionals. Now more user-friendly and with new features added, like the ability to filter candidates by SHRM credentials. [Visit SHRM HR Jobs to learn more.](#)

- [Human Resources Director](#) - Encompass Health - Lubbock, Texas

EXPRESS REQUEST

ICE Invites Comments on I-9 Virtual Review Proposed Rule

Employers could have more options when examining I-9 documents presented by new hires during the employment eligibility verification process, according to a proposed rule issued by Immigration and Customs Enforcement (ICE). The deadline for public comments is Oct. 17. Visit SHRM's [Form I-9 Remote Verification](#) Express Request.

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The Definitive Guide to Remote Onboarding

OFFERED BY: allwhere

Download this white paper to learn how to onboard distributed teams—whether hybrid or remote—to ensure remote team members are set up for success from the start.

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Benefits That Power Your Retention and Recruiting

OFFERED BY: arriva

Travel benefits can show employees that companies care about their well-being, whether they're work-from-home, hybrid or on paid time off. Download this white paper on how employer-sponsored travel rewards and benefits can help companies recruit, retain and engage workers in a highly competitive labor market.

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Our top story today is about opportunities to help employers compensate workers for their labor.

– Allison Bell, Editor, ThinkAdvisor Life/Health



Q&A



Better Service Means Better Retirement Security: Mutual of America's Brian Severin

BY ALLISON BELL

The Mutual of America marketing executive wants to help workers understand the importance of compound interest.

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Help Retirement Plan Sponsors Measure and Plan

BY KATIE SHELIGA

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**Nearly Half of Plan Sponsors
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BY MICHAEL S. FISCHER

Retirement plan sponsors want more expertise from their advisors and will search for a better experience.

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NAIFA Adds Benefits Resource

BY ALLISON BELL

A new center will help advisors serve group insurance and worksite marketing program sponsors.

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Settlement Could Affect You. A \$25MM settlement has been reached in a class action lawsuit on behalf of consumers and third-party payors regarding the prescription drug Remicade. For more information, call 1-888-859-1912 or visit www.RemicadeSettlement.com. [READ MORE](#)



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COVID-19 Kept U.S. Q1 Group Life Death Claims High

BY ALLISON BELL

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BY JEFF BERMAN

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A MESSAGE FROM THE EDITOR

Maybe our top story today is, deep down, about how a lot of sellers, and potential buyers, of life insurance were a little foggy this summer.

– Allison Bell, Editor, ThinkAdvisor Life/Health



MEDIUM DATA



Summer Blahs Hit U.S. Individual Life Market

BY ALLISON BELL

Sales are slumping as uncertainty lingers about the COVID-19 pandemic.

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Q&A



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BY ALLISON BELL

The president of Allianz Life Financial Services says talking about accumulating assets is not enough.

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BY ROBIN S. WEINBERGER AND PETER N. KATZ

Life settlement players say too many clients have no idea what they're losing.

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BY MELANIE WADDELL

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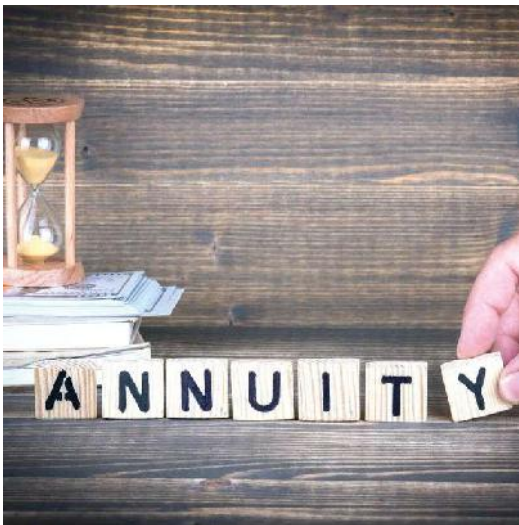
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BY CALEB BROWN

Idea: Help students get experience, and cash, by hiring them to enter data for experienced advisors.

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By Allison Bell

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CAREER MOVES

SIFMA Picks NYSE Exec as General Counsel

By Melanie Waddell

Saima Ahmed, director of NYSE Regulation, will replace Ira Hammerman, who is retiring.

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By Allison Bell

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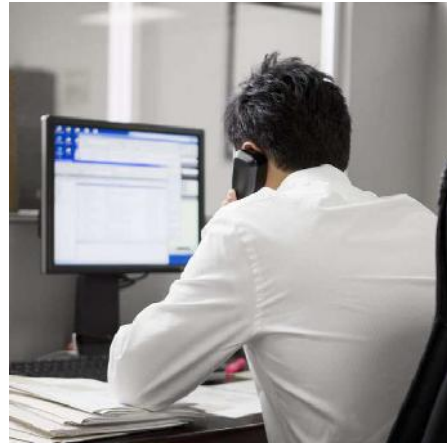


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By Melanie Waddell

The bill will be part of the Senate's Secure 2.0 package, which must be reconciled with the House version. [Read More](#)

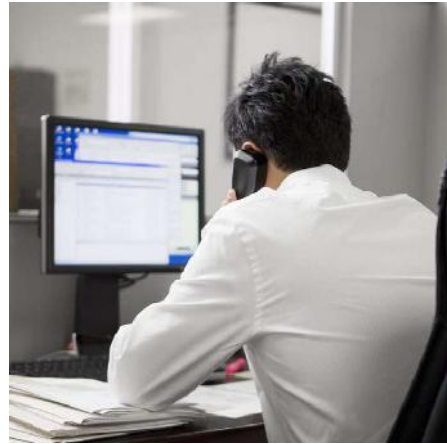


NEWS

State Regulators Want Insurers to Keep Tabs on Vendors: NAIC Watchers

By Allison Bell

Locke Lorde lawyers say regulators also want insurers to cooperate with efforts related to concerns about discrimination. [Read More](#)



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Here are the 13 industry VIPs selecting the 2021 winners of our new awards program, The ThinkAdvisor LUMINARIES. [Learn More](#)



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Going independent doesn't mean you have to give up critical resources and support. Download this white paper to learn about key aspects of managing your own firm, what resources you may need and how independence can put the power of your business in your own hands. [Learn More](#)

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The Three Keys to a Successful B2B ABM Program

Find out how B2B marketers in the legal, financial, insurance, and commercial real estate markets are using ABM to successfully drive leads and get business from key accounts. [Learn More](#)



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SHRM's HR Daily

Sept. 22, 2022



Workplace Help May Be Key to Preventing Suicide

Employers don't want to talk about suicide, despite its prevalence among working-age adults. Learn the reasons why companies avoid mentioning the word "suicide" and what they can do to support people with mental health problems.

[SHRM's Mental Health Resource Hub Page](#) can help employers better understand their obligations and support their workers' mental health.

The Pros and Cons of Open Leave and Set Vacation Days

As employers and employees figure out work/life balance, it's worth taking the time to weigh the pros and cons of open leave and limited vacation days.

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HR technology checklist for supporting critical skills

Exposing your people to a wide variety of roles will help them gain a greater range of skills, be more collaborative across business areas and be more productive. And you'll experience a massive increase in time-to-productivity as your "new" hires will already have most or all of their corporate onboarding done before even assuming the new role. Using your own people as a talent pool for filling job requisitions has a ton of great benefits. Use this checklist as a reference guide to ensure your organization has the tools it needs to plan, facilitate and execute a great internal talent mobility program.

[Download now](#)

MORE FROM SHRM ONLINE



Adrienne Salvaggio: Learning to Train and Training to Learn

Adrienne Salvaggio, SHRM-SCP, is a career changer who used training and employee career development as an introduction to HR in New Orleans, where she serves as a volunteer leader with the Boy Scouts of America and her local SHRM chapter. Listen to her story in the latest episode of SHRM's HR Storytellers podcast.

New York City Removes Vaccine Requirement for Private Employers

New York City will no longer require private employers to direct their workers to be vaccinated for COVID-19.

For news and advice on handling communicable diseases in the workplace, visit [SHRM's COVID-19 and Communicable Diseases Resource Hub Page](#).

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Dress Codes Evolve Following Pandemic

As more employees return to worksites, some employers are rethinking their dress codes. That doesn't mean giving up requirements entirely, but handling violations can be tricky.

The Benefits of Using Inclusive Photos on Your Website

Using website photos that highlight workforce diversity is one way for companies to meet diversity, equity and inclusion objectives. Here are different ways that inclusive imagery can support business goals.

The Vital Role of Older Workers

National Employ Older Workers Week, held during the last full week of September, is a federal observance that aims to reinforce the importance of these workers and encourage innovative strategies to hire and retain them.

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SHRM WEBCASTS COMING SOON

How People Science Can Empower Your Organization

Sept. 23, 2 p.m. ET / 11 a.m. PT

Sponsor: [Culture Amp](#)

In the world of HR, the term "people science" is often talked about as a tool for leveraging data to make decisions, yet many HR leaders are still trying to grasp what it means and how they can use it to attract and retain the right people. Join this webcast for an "Ask Me Anything" session as we discuss the role of the people scientist and how a partnership with people science can transform your business.

Why You Need Blended Learning

Sept. 27, noon ET / 9 a.m. PT

Sponsor: [Talogy](#)

Are you providing your employees with the tools they need to succeed in their current roles, advance their careers and contribute to your organization's bottom line? In this program,

you will find out how you can implement a turnkey talent development solution that lets you tailor blended learning solutions to individual, team and companywide needs; fit learning and development into employees' busy work schedules; and achieve development-fueled business results like increased revenue and profit.

No Longer One-Size-Fits-All: How a Holistic View of Mental Health Can Improve Workplace Culture

Sept. 29, 2 p.m. ET / 11 a.m. PT

Sponsor: [Aetna, a CVS Health company](#)

Cara McNulty, president, behavioral health and mental well-being, for CVS Health; Arianna Huffington, founder and CEO of Thrive Global; and SHRM president and CEO Johnny C. Taylor, Jr., SHRM-SCP; lead a panel discussion on how to engage teams around mental well-being and develop a resilient culture. The discussion will cover the current mental well-being landscape and how external stressors such as the pandemic can impact the workplace, tips on how to develop a holistic view of mental well-being and improve workplace culture and resilience, and much more.

The Five Connections Every Employee Should Have

Sept. 29, 4 p.m. ET / 1 p.m. PT

Sponsor: [Mystery](#)

Most companies invest in employee happiness in one way or another: team events, swag, benefits, etc. But are these efforts effective in increasing employee engagement? In this webcast, you will learn how to identify what your workforce needs to feel most connected—to their peers, managers and leadership, and the company in general—and what you can do to make your employees as happy as they can possibly be at work.

How to Develop a Video Interview Strategy

Oct. 3, 4 p.m. ET / 1 p.m. PT

Sponsor: [Spark Hire](#)

Now that video interviewing has become a staple of the hiring process, it's important you understand all the ways you can use video interviews to engage top talent, streamline operations and make lasting hires—much faster than ever before. In this program, we will discuss how to structure your virtual interview process, tips to provide a stellar candidate experience, the questions to ask candidates, how to boost team collaboration throughout the hiring process and real-world examples of organizations thriving with video interviews.

View the complete schedule of [SHRM webcasts](#).

HR JOB OF THE DAY

Need to hire highly qualified HR candidates or looking to move your own HR career forward? SHRM HR Jobs can help you reach your goals by connecting top employers with premier HR professionals. Now more user-friendly and with new features added, like the ability to filter candidates by SHRM credentials. [Visit SHRM HR Jobs to learn more.](#)

- [VP Employee Experience](#) - Coastal Credit Union - Raleigh, N.C.

EXPRESS REQUEST

Medicare Part D Notice Due by Oct. 14

Employers that offer prescription drug coverage in 2023 must provide notices of "creditable" or "noncreditable" coverage to Medicare-eligible employees or covered dependents before the annual Medicare Part D enrollment period begins. This year, the final day to provide this notice is Friday, Oct. 14. Visit SHRM's [Medicare Part D Participant Notice](#) Express Request.

USEFUL LINKS

- [Try Again on This HR Quiz: Are Your Employee Benefits Competitive?](#)
- [Improve Your Score on This Quiz: Are You Fostering a Culture of Care and Well-Being for Your Employees?](#)
- [SHRM 401\(k\) Solutions by Raymond James](#) is a program built for small businesses that takes some of the burden of 401(k)s off your shoulders.

FEATURED WHITE PAPERS



6 Reasons to Streamline Your Health Care Benefits

OFFERED BY: Eden Health

Organizations are partnering with a single vendor that simplifies health care for employees in a collaborative model. In this free e-book, we dive into how collaborative care can save your company time and money, boost employment engagement, and more.

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Legacy HRMS Management

OFFERED BY:
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This white paper addresses how legacy human resource management systems (HRMSs) can help improve employee service, strengthen data security, and reduce costs through enterprisewide data archiving and application decommissioning.

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EXHIBIT 4

If You Purchased or Paid for REMICADE, A Class Action Settlement Could Affect You

NEWS PROVIDED BY

Robbins Geller Rudman & Dowd LLP →

Aug 16, 2022, 08:00 ET

PHILADELPHIA, Aug. 16, 2022 /PRNewswire/ -- Robbins Geller Rudman & Dowd LLP announces a proposed \$25,000,000 settlement has been reached in a class-action lawsuit on behalf of consumers and third-party payors regarding the prescription drug Remicade. The class-action lawsuit (*In re Remicade Antitrust Litigation*, No. 2:17-cv-04326-KSM) claims that Defendants Johnson & Johnson and Janssen Biotech, Inc. violated federal and state antitrust and consumer-protection laws by taking action to block competition by new entrants in the infliximab market. Defendants deny any wrongdoing. The Court has not decided who is right.

You are included in the settlement as a Settlement Class Member if you are a person or entity in the United States and its territories who indirectly purchased, paid and/or provided reimbursement for some or all of the purchase price of Defendants' infliximab (Remicade) from April 5, 2016 through February 28, 2022, and are not otherwise excluded from the Settlement Class. Information about the Settlement Class and exclusions is available at www.RemicadeSettlement.com.

The Defendants will pay \$25,000,000 into a Settlement Fund to settle all claims in the lawsuit. If you are a Settlement Class Member and seek a share of the proposed Settlement, you will need to complete, sign and return a Claim Form by **November 30, 2022**, in order to be eligible to obtain a share of the proposed Settlement. Claim Forms are available at www.RemicadeSettlement.com.

If you are a Settlement Class Member, you may also (1) write to the Court about why you do not like the proposed Settlement, or (2) exclude yourself from the Settlement Class. The deadline for either option is **November 30, 2022**. Descriptions about the effects of these options, and instructions on how to exercise them, are available at www.RemicadeSettlement.com.

The Court has scheduled a hearing on **February 27, 2023, at 2:00 p.m. ET** to consider whether to approve the Settlement, any requests by the attorneys for an attorney fee award, reimbursement of expenses, and Service Awards payments to Plaintiffs, as well as any objections. You do not need to attend, but you or your attorney may do so at your own expense.

FOR MORE INFORMATION AND TO SUBMIT A CLAIM:

CALL 1-888-859-1912 OR VISIT WWW.REMICADESETTLEMENT.COM

SOURCE Robbins Geller Rudman & Dowd LLP

EXHIBIT 5

Legal Notice**If You Purchased or Paid for REMICADE, A Class Action Settlement Could Affect You**

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

A proposed \$25,000,000 settlement has been reached in a class-action lawsuit on behalf of consumers and third-party payors regarding the prescription drug Remicade. The class-action lawsuit (*In re Remicade Antitrust Litigation*, No. 2:17-cv-04326-KSM) claims that Defendants Johnson & Johnson and Janssen Biotech, Inc. violated federal and state antitrust and consumer-protection laws by taking action to block competition by new entrants in the infliximab market. Defendants deny any wrongdoing. The Court has not decided who is right.

Who Is Included? The Settlement Class includes all persons and entities in the United States and its territories who indirectly purchased, paid and/or provided reimbursement for some or all of the purchase price of Defendants' infliximab (Remicade) from April 5, 2016 through February 28, 2022 (the "Class Period"), and are not otherwise excluded.

What Does The Settlement Provide? The Defendants will pay \$25,000,000 into a Settlement Fund to settle all claims in the lawsuit.

Your Legal Rights And Options In This Settlement. If you seek a share of the proposed Settlement, and you are a Settlement Class Member, then you will need to submit a Claim Form in order to be eligible to obtain a share of the proposed Settlement. For more information about the Settlement Class and exclusions, and/or to submit a Claim Form, please go to www.RemicadeSettlement.com, or contact the Settlement Administrator at 1-888-859-1912. Claim Forms are due by **November 30, 2022**.

If you are a Settlement Class Member, you may choose to exclude yourself from the Settlement Class. If you exclude yourself, you will not be bound by any decision in this lawsuit relating to Defendants and you will no longer be eligible to receive a share of the proposed Settlement. Excluding yourself is the only option that allows you to ever be part of any lawsuit (other than this lawsuit) against Defendants relating to the legal claims against Defendants in this case. Exclusions are due **November 30, 2022**.

If you are a Settlement Class Member and you do not exclude yourself from the Settlement Class, you may object to all or any part of the proposed Settlement. Objections are due **November 30, 2022**.

The Court has scheduled a hearing on **February 27, 2023, at 2:00 p.m. ET** to consider whether to approve the Settlement, attorneys' fees (up to one-third of the Settlement Fund), litigation expenses, and Service Award payments to Plaintiffs. If approved, these amounts will be deducted from the Settlement Fund before making payments to eligible Settlement Class Members. You do not need to attend this hearing, but you or your attorney may do so at your own expense.

**FOR MORE INFORMATION
AND TO SUBMIT A CLAIM,
CALL 1-888-859-1912 OR VISIT
WWW.REMICADESETTLEMENT.COM**



Reiser and Bloom try to keep a show on the laugh track.

HULU | Reboot

Not-so-good times for a sitcom project

COMEDY Writer Hannah (*Crazy Ex-Girlfriend*'s Rachel Bloom) successfully pitches her idea to the executives at Hulu: It's a reboot of a formulaic old sitcom, *Step Right Up!*, featuring the original cast. Her vision for the show is edgy ("I f--- with it but in a fun way"), but *Step 2.0* is quickly tamed and nudged back to formula. At least the aging performers return (one describes his most recent credit as "the voice of a hemorrhoid"). Like *The Comeback*, *Reboot* has fun sending up Hollywood's anxious egotism. And the ensemble—Keegan-Michael Key, Judy Greer, Paul Reiser—is a sitcom writer's dream. (*First three episodes launch Sept. 20*)

**'Tell Me Lies'
Grace Van Patten**

The 25-year-old New York City native, who appeared with Nicole Kidman in *Nine Perfect Strangers* in 2021, stars in a new Hulu drama about Lucy, a young woman in a toxic relationship. The actress, whose dad is acclaimed TV director Timothy Van Patten, loved the emotional role: "Lucy's a very strong person." But she also found it hard to shake. "By the end I had to take a huge, huge breath." —ALEXIS JONES



With costar Jackson White.

one to watch

CLOCKWISE FROM TOP RIGHT: VINCENT SANDOVAL/GETTY IMAGES; SOPHIE GIRAUD/HULU; JOSH STRINGER/HULU; HULU

EXHIBIT 6

*In re Remicade Antitrust
Litigation*
Digital Media Screenshots

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By JOCELYN GECKER AND DYLAN LOVAN


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By BECKY BOHRER


16m



Rudy Giuliani set to testify in Georgia 2020 election probe

By KATE BRUMBACK

20m



Underdogs no more, the Chicago Sky carry confidence into the WNBA playoffs as they seek a 2nd straight title

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Meet the parents: See the first photo of the Addams family from Tim Burton's 'Wednesday'



Tommy Dorfman thinks she would have transitioned 'a lot sooner' if not for '13 Reasons Why'




'P-Valley' star Elarica Johnson says it was time for Autumn to move on



Tommy Dorfman thinks she would have transitioned 'a lot sooner' if not for '13 Reasons Why'

Video // TV // 11 hours ago




'She-Hulk: Attorney at Law' is Marvel's horniest

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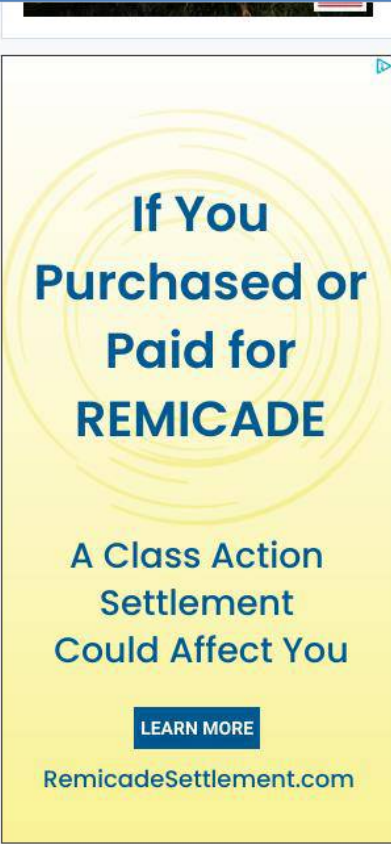
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PennDOT announces alternative to license suspension for some drivers

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Lake Metroparks Farmpark corn maze to provide visitors with “a very good challenge” starting Aug. 20

Visitors to the Lake Metroparks Farmpark can test their ability to navigate three acres of winding paths and dead ends when the park's corn maze opens on Aug. 20. Farmpark Event Manager Andy McGovern said that this year's maze will provide a more traditional experience and "a very good challenge," in contrast to previous years that have had themes or...



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DAILY NEWS

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'JUST A SHOCK': Family of woman killed by falling tree while swimming in Bronx pool struggles for answers (EXCLUSIVE)

Donna Douglas, 59, was dead after the tree fell with such force that one neighbor thought a bomb had exploded near the pool around 1:35 p.m. Monday.


By THOMAS TRACY and LARRY MCSHANE

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- Tree falls into Bronx pool, killing swimmer




Dr. Oz mocked by John Fetterman over clueless grocery shopping video



Alabama inmate suffered lengthy and painful execution, independent autopsy shows



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A new culinary approach

A photograph of two men in chef uniforms standing in front of a stone wall. The man on the left is wearing glasses and a white shirt under his blue jacket. The man on the right is wearing a white shirt under his blue jacket. They are both smiling and have their arms crossed.

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As Texas Targets Trans Youth, a Family Leaves in Search of a Better Future



The Education of David Hogg






After Visiting Both Ends of the Earth, I Realized How Much Trouble We're In

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Transitions shifts focus as new school year begins


A Quincy school that has taught kids with developmental disabilities for more than 50 years is opening it's doors today with a new focus.



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The image shows a Facebook news feed advertisement. At the top is the Facebook navigation bar with icons for home, search, marketplace, and others. The ad itself has a yellow background with concentric circles. The text on the ad reads: "In re Remicade Antitrust Litigation", "Sponsored (demo) · ⚙️", "If You Purchased or Paid for REMICADE, A Class Action Settlement Could Affect You", and "RemicadeSettlement.com". Below the ad, there is a section for "REMICADESETTLEMENT.COM" with the title "In re Remicade Antitrust Litigation" and a description: "A proposed \$25,000,000 Settlement has been reached in a class action laws...". There is a "Learn More" button next to the description. At the bottom of the ad, there are icons for "Like", "Comment", and "Share".

In re Remicade Antitrust Litigation
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Placement: Facebook App



The image shows a mobile application interface for a Facebook Story advertisement. At the top, a dark grey header bar contains a yellow circular icon with a white dot, the text "In re Remicade Antitrust Litigation", a three-dot menu icon, and a close icon (X). Below the header, the main content area has a yellow background with faint concentric circles. The text "If You Purchased or Paid for REMICADE," is in a large, bold, dark blue font. Below it, "A Class Action Settlement Could Affect You" is in a smaller, dark blue font. Further down, "RemicadeSettlement.com" is displayed in a dark blue font. At the bottom, a dark grey footer bar contains the text "If You Purchased or Paid for REMICADE, A Class Action Settlement Could Affect You" in white, a small upward-pointing arrow icon, and a rounded rectangular button with the text "Learn more" in white.

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8/29/2022	Crohn's & Colitis Foundation	https://www.crohnscolitisfoundation.org/
8/29/2022	Crohn's and Colitis Awareness	https://www.facebook.com/CrohnsColitisAwareness/
8/29/2022	My Crohn's and Colitis Team	https://www.mycrohnsandcolitisteam.com/
8/29/2022	My RA Team	https://www.myrateam.com/
8/29/2022	REMICADE (infliximab) Users and Support	https://www.facebook.com/groups/2359013994376320/
8/29/2022	Remicade / Infliximab saved my life !!!	https://www.facebook.com/groups/337885059734336/
8/29/2022	Remicade moms	https://www.facebook.com/groups/434564860516757/
8/29/2022	Rheumatoid Arthritis Foundation	https://www.helpfightra.org/
8/29/2022	Rheumatoid Arthritis Support	https://www.facebook.com/RheumatoidArthritisSupport/
8/29/2022	Rheumatoid Arthritis Support Network	https://www.rheumatoidarthritis.org/
8/29/2022	Rheumatology Research Foundation	https://www.rheumresearch.org/
8/29/2022	Systemic JIA Foundation	https://www.systemicjia.org/
9/1/2022	Ankylosing Spondylitis	https://www.facebook.com/groups/2246013961/
9/1/2022	AnkylosingSpondylitis.net	https://www.facebook.com/AnkylosingSpondylitisDotNet/
9/1/2022	Business Insider	https://www.businessinsider.com/
9/1/2022	Crohn's Forum	https://crohnsforum.com/
9/1/2022	Fierce Pharma	https://www.fiercepharma.com/
9/1/2022	Kaiser Health News	https://khn.org/
9/1/2022	Living With Ankylosing Spondylitis	https://www.facebook.com/groups/6856176878/
9/1/2022	My Psoriasis Team	https://www.mypsoriasisteam.com/
9/1/2022	My Spondylitis Team	https://www.myspondylitisteam.com/
9/1/2022	National Psoriasis Foundation	https://www.psoriasis.org/
9/1/2022	Overcoming Psoriasis and Psoriatic Arthritis	https://www.facebook.com/PsoWhat/
9/1/2022	Remicade (and Biosimilars)	https://www.facebook.com/groups/remicadegroup/
9/1/2022	Spondylitis Association of America	https://spondylitis.org/
9/1/2022	The Arthritis Connection	https://www.thearthritisconnection.com/

Hello,

I am writing to you today to inform you about a class action settlement affecting consumers and third-party payors regarding the prescription drug Remicade. I am also asking for your assistance in sharing this important information with your members and other interested persons.

The Settlement includes persons or entities in the United States and its territories who indirectly purchased, paid and/or provided reimbursement for some or all of the purchase price of Defendants' infliximab (Remicade) from April 5, 2016 through February 28, 2022. Information about the Settlement Class and exclusions is available at www.RemicadeSettlement.com.

Settlement Class Members may seek a share of the proposed \$25M Settlement. Claim Forms are available at www.RemicadeSettlement.com and must be completed by November 30, 2022.

For more information and to submit a claim, call 1-888-859-1912 or visit www.RemicadeSettlement.com.

Images, digital files, videos, and PSA scripts may be provided upon request. Simply respond to this email to request files for use and distribution.

Please let me know if and how you distribute this information, as well as any feedback you receive. Thank you for your assistance with this very important matter.

Gilardi & Co. LLC

Settlement Administrator for *In re Remicade Antitrust Litigation*