

**Robbins Geller  
Rudman & Dowd LLP**

Boca Raton  
Chicago  
Manhattan

Melville  
Nashville  
Philadelphia

San Diego  
San Francisco  
Washington, D.C.

Alexandra S. Bernay  
xanb@rgrdlaw.com

February 6, 2023

VIA ECF

The Honorable Karen S. Marston  
United States District Court  
Eastern District of Pennsylvania  
601 Market Street, Room 5614  
Philadelphia, PA 19106

Re: *In re Remicade Antitrust Litig.*,  
No. 2:17-cv-04326-KSM (E.D. Pa.)

Your Honor:

In accordance with the Court's Preliminary Approval Order (ECF 178, ¶9) the Settlement Administrator, Gilardi & Co. LLC, here files proof with the Court that the notice program was executed in accordance with the Settlement Agreement and Preliminary Approval Order. *See* Ex. A (Final Declaration of Derek Smith Re: Settlement Notice Plan), attached hereto.

Respectfully submitted,



ALEXANDRA S. BERNAY

ASB:sl  
Exhibit A

cc: All Counsel of Record (via ECF)

# EXHIBIT A

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

In re REMICADE ANTITRUST LITIGATION	Civil Action No. 2:17-cv-04326-KSM <b>(Consolidated)</b>
This Document Relates To:  INDIRECT PURCHASER ACTIONS	<u>CLASS ACTION</u> The Honorable Karen S. Marston FINAL DECLARATION OF DEREK SMITH RE: SETTLEMENT NOTICE PLAN

**FINAL DECLARATION OF DEREK SMITH RE: 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. I make this declaration pursuant to the Court’s Preliminary Approval Order (ECF 178) ¶9 which requires that the “Settlement Administrator will file proof with the Court that notice was provided in accordance with the Agreement and this Order by February 6, 2022.”

2. As detailed in my October 31, 2022 Declaration in Support of Settlement Notice Plan (“October 31, 2022 Declaration”) (ECF 195-4), each element of the Court-approved settlement notice program (the “Notice Plan”) was implemented as of that date. Pursuant to the Court’s December 8, 2022 Order (ECF 204), Gilardi undertook additional notice to Settlement Class members in Illinois and Massachusetts, using a combination of individual mailed notice, paid digital notice placements on the online version of the *Chicago Tribune* and digital notices placed on a variety of websites to reach the Illinois-based third-party payors (“TPPs”) and

consumers, as well as targeted notice placements in the online version of the *Boston Globe* and digital notices placed on a variety of websites to reach the Massachusetts consumer portion of the Settlement Class.

3. Consistent with other court-approved class notice programs that Gilardi has designed and implemented for purposes of class-action settlements, all notice efforts ordered by the Court and undertaken in this Action fairly and adequately covered the Settlement Class as intended.

4. My October 31, 2022 Declaration sets forth the relevant details and “proofs of performance” of the Notice Plan activities undertaken to that date. My January 9, 2023 Declaration sets forth the relevant details and “proofs of performance of the Notice Plan activities to that date. This Declaration describes the relevant details and “proofs of performance” undertaken since January 9, 2023.

#### ***Response Mechanisms***

5. As set forth in my October 31, 2022 Declaration, on September 2, 2022, the informational settlement website [www.RemicadeSettlement.com](http://www.RemicadeSettlement.com), along with its online Claim Form submission, Settlement information, Court documents, and toll-free telephone number, was made live. The website remained live for Illinois and Massachusetts Settlement Class members to submit claims, as ordered by the Court, between December 1, 2022 and December 27, 2022. Settlement Class members were directed to the website address and toll-free telephone number through all additional Illinois and Massachusetts Notice efforts detailed in the January 9, 2023 Declaration.

6. The deadline for Settlement Class members to request to be excluded from the settlement was November 30, 2022. As of today’s date, Gilardi has not received any exclusion requests.

7. Upon final Settlement approval by the Court, Gilardi will undertake a thorough review of Claims submitted for Class inclusion, and to confirm Claims are accurate and properly supported by documentation. Thereafter, consistent with the Amended Plan of Allocation and

Distribution, and with the Court's approval, Gilardi will commence distribution of Settlement Funds to Settlement Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 6th day of February 2023 at Petaluma, California.



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DEREK SMITH