

Third Party Payor Class Action Notice

If You are an entity who paid any amount of money for generic Valsartan, Valsartan HCTZ, Amlodipine Valsartan or Amlodipine Valsartan HCTZ, a class action lawsuit could affect Your rights.

A Federal Court authorized this notice. This is not a solicitation from a lawyer.

- The purpose of this notice is to provide information about a class action lawsuit, *In Re: Valsartan, Losartan, and Irbesartan Products Liability Litigation*, Case No. 1:19-md-02875 (the “Lawsuit”), brought by third-party payors (“TPPs”) who paid any amount of money for Valsartan or Valsartan Containing Drugs (“VCDs”) that were manufactured, distributed, produced, or sold by the Defendants listed below. This notice informs the entity that is receiving this notice (“You”) of Your legal rights and options.
- The Lawsuit asserts the Defendants violated state law by manufacturing, distributing, producing and/or selling Valsartan or VCDs that were contaminated with probable human carcinogens in the form of nitrosamines, N-nitrosodimethylamine (“NDMA”) and N-nitrosodiethylamine (“NDEA”). Defendants have denied any wrongdoing, have denied that the amounts of NDMA and NDEA in the Valsartan and VCDs at issue were or could be carcinogenic, and assert various legal and factual defenses.- The Court has not yet decided whether Plaintiffs’ claims have merit.
- **REGISTER FOR UPDATES:** You may visit the Case Website to sign up to receive updates regarding the litigation and any potential future recovery or benefits by TPP class members. Separate notice will be provided with regard to any settlement that is reached and preliminarily approved by the Court, and by signing up at the Case Website and updating Your contact information, we can ensure that You receive that notice.
- This portion of the Lawsuit only includes class action claims for economic losses.
- This Notice does not include or affect any personal injury claims.
- This Notice does not include any claims related to Losartan or Irbesartan.
- Your legal rights are affected regardless of whether You act or do not act. Please read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT		DEADLINE
DO NOTHING	If You do nothing, You will remain a part of the Lawsuit and You will be bound by any future judgment(s) of the Court.	NO DEADLINE
EXCLUDE YOURSELF FROM THE LAWSUIT	If You take the steps required to exclude yourself from the Lawsuit, You will not be bound by any future determinations made in the Lawsuit, including any judgments at trial; however, You will also not be eligible for payments or other benefits, if any, that are awarded by the Court. This is the only option that allows You to be part of any other lawsuit against the Released Parties for the legal claims made in this Lawsuit. See questions 11 and 12 for more information.	JANUARY 31, 2024

- These rights and options – and the deadlines to exercise them – are explained in this Notice.
- The Court in charge of this case has not decided in favor of the Plaintiffs or the Defendants.

CLASS DEFINITIONS

The Court has determined that the Lawsuit can proceed as a class action and has certified a number of detailed Classes and Subclasses by claim, defendant, and groupings of states. Below are summary class definitions authorized by the Court for the express purpose of providing this Notice. Please note that there are certain exclusions from the below summary class definitions. More detailed information regarding the various Classes and Subclasses certified by the Court may be viewed on the Case Website www.TPP.ValsartanMedicationLawsuit.com. The website will help You determine whether or not You are a class member, and if so, for which subclasses.

Included in this Notice

Third Party Payor (“TPP”) Class	All Third Party Payors that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in the United States and its territories and possessions for a Valsartan-Containing Drug (“VCD”) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Defendant, and distributed or sold in the United States by any Active Pharmaceutical Ingredient, Finished Dose, or Wholesaler Defendant. The detailed TPP Class and Subclass definitions are attached hereto as Exhibit A.
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Not Included in this Notice

For more information on the Consumer Economic Loss Class and Medical Monitoring Class, please review the separate Notice available at www.ValsartanMedicationLawsuit.com

Consumer Economic Loss Class	All individuals in the United States and its territories and possessions who, since at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money for a VCD (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Defendant, and distributed or sold in the United States by any Defendant. The detailed economic loss Class and Subclass definitions are attached hereto as Exhibit A.
Medical Monitoring Class	Individuals residing in the United States and its territories and possessions (except Mississippi, New Hampshire, North Carolina, and North Dakota) who consumed a sufficiently high Lifetime Cumulative Threshold (“LCT”) of NDMA or NDEA in generic VCDs manufactured by any Active Pharmaceutical Ingredient or Finished Dose Defendant, and marketed in the United States and its territories and possessions, at least since January 1, 2012. The detailed medical monitoring class and subclass definitions are attached hereto as Exhibit B.

Questions? Call 1-866-875-9644 or visit www.TPP.ValsartanMedicationLawsuit.com

BASIC INFORMATION

1. What is this Notice about?

A federal court directed that this Notice be provided to You because You have a right to know about this class action Lawsuit and about all of Your rights and options. This Notice explains the Class and Subclasses that have been certified, the Lawsuit, Your legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court presiding over this case is the United States District Court for the District of New Jersey. The Honorable Robert B. Kugler (“the Court”) is overseeing the class actions in the Lawsuit as part of a Multi-District Litigation (“MDL”) called *In re: Valsartan, Losartan, and Irbesartan Products Liability Litigation*, Case No. 1:19-md-02875-RBK-SAK. The entities that filed the Lawsuit are called the “Plaintiffs” and the companies they sued are called the “Defendants.” This part of the class action Lawsuit relates only to Valsartan, and does not involve Losartan or Irbesartan.

2. What is the Lawsuit about?

The Lawsuit alleges the Defendants violated state laws by manufacturing, distributing, producing, and/or selling Valsartan or VCDs that were contaminated with probable human carcinogens in the form of nitrosamines, NDMA and NDEA. Defendants deny all allegations of fault, wrongdoing, or liability made in the Lawsuit, have denied that the amounts of NDMA and NDEA in the Valsartan and VCDs at issue were or could be carcinogenic, and have asserted various legal and factual defenses.

3. What is a class action?

In a class action, one or more individuals or entities sue on behalf of other people with similar claims. These individuals or entities are known as “Class Representatives” or “Plaintiffs.” Together, the individuals or entities included in the class action are called a “class” or “class members.” One court resolves a class action lawsuit for all class members, except for those who opt out of the litigation. The Plaintiffs and the Defendants are the Parties (the “Parties”) in the Litigation. The names of the Plaintiffs for the TPP Class are listed in question 17 and the Defendants for the TPP Classes are listed in question 5.

4. Is there money available?

No money or other benefits are available now because the Court has not decided the merits of the Plaintiffs’ claims or whether the Defendants have valid defenses to those claims, and the Parties have not reached any Court-approved settlement. There is no guarantee that money or benefits ever will be obtained. If money or benefits become available either by way of settlement or if the Plaintiffs prevail at trial or through legal motions, class members may have to take additional steps, such as submitting a claim form or providing other evidence, in order to determine whether they are eligible to recover any money or benefits. In that event, You will be notified of whatever additional steps You must take. You can learn more details about the Lawsuit by visiting the Case Website at www.TPP.ValsartanMedicationLawsuit.com. You are not required to but may also register to be informed about case updates at the Case Website.

Questions? Call 1-866-875-9644 or visit www.TPP.ValsartanMedicationLawsuit.com

WHO IS INCLUDED IN THE LAWSUIT?

5. Who are the Defendants?

TPP Class Defendants

Manufacturer Defendants:

- Zhejiang Huahai Pharmaceutical Co., Ltd.; Huahai US Inc.; Princeton Pharmaceutical Inc. d/b/a Solco Healthcare LLC; Solco Healthcare US, LLC, Torrent Pharmaceuticals Ltd.; Torrent Pharma Inc.; Teva Pharmaceutical Industries Ltd.; Teva Pharmaceuticals USA, Inc.; Actavis Pharma, Inc.; Actavis, LLC.; Mylan Laboratories, Ltd.; Mylan N.V.; Mylan Pharmaceuticals, Inc.; Hetero Labs, Ltd.; Hetero Drugs, Limited; Hetero USA Inc.; Camber Pharmaceuticals, Inc.; Aurobindo Pharma, Ltd.; Aurobindo Pharma USA, Inc.; and Aurolife Pharma, LLC

Wholesaler Defendants

- Cardinal Health, Inc.; McKesson Corporation; and AmerisourceBergen Corporation

6. Who is included in the Third Party Payor Class?

All Third Party Payors that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in the United States and its territories and possessions for a VCD that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Defendant, and distributed or sold in the United States by any Active Pharmaceutical Ingredient, Finished Dose, or Wholesaler Defendant. The detailed TPP Class and Subclass definitions are attached hereto as Exhibit A.

7. Can I be in more than one class?

No. If You as an entity are a member of the TPP Class, You cannot be a member of the Consumer Economic Loss Class or Medical Monitoring Class, although You can be a member of more than one Subclass depending on the state or states in which You paid for Valsartan or VCDs.

8. What if I purchased drugs from more than one Defendant?

You may be a member of different Subclasses for different Defendants. If You do not exclude yourself, You will remain a part of each applicable Subclass for each Defendant, and You will be bound by any future judgment(s) of the Court as to each Subclass and will be eligible to participate in any future settlement or judgment for each Subclass.

9. Are there exceptions to being a Class Member?

Yes. Excluded from all of the TPPs Subclasses are the following: (i) TPP Defendants and their affiliated entities; (ii) TPP Defendants and their assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) Pharmacy Benefit Managers (“PBMs”); (v) TPPs whose only VCD purchases, who would otherwise meet

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this Class Definition, were for Hetero Defendants' VCDs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

10. How can I get help in determining if I am eligible and register for updates?

If You need help in determining Your eligibility, You can visit the Case Website at www.TPP.ValsartanMedicationLawsuit.com and answer a few simple questions. You can also call 1-866-875-9644 or email info@ValsartanMedicationLawsuit.com for more information. If You believe you are eligible, You can complete a simple form on the Case Website to be informed about case updates. This will help us contact You in the event of any future settlement or judgment.

CAN I OPT-OUT AND EXCLUDE MYSELF?

11. Can I opt-out of the lawsuit?

Yes, You can choose to opt-out, or exclude yourself, from the Lawsuit entirely. If You do so, You will not be eligible to participate in or receive any benefits from any potential future judgments or settlements awarded to any Subclass by the Court. You will retain Your right to sue the Defendants yourself, but those rights may be time limited, and You should consult Your own attorney regarding Your ability to bring Your own lawsuit if You opt-out from the Class and Lawsuit.

12. How do I exclude myself?

If You want to keep Your right, if any, to separately sue the Defendants, You must take steps to exclude yourself from the Lawsuit. This is called "opting out" of the Class. The deadline for requesting exclusion from the Lawsuit is **January 31, 2024**.

To exclude yourself, You must submit a written request for exclusion that includes the following information:

- The name of the Lawsuit: In re: Valsartan, Losartan, and Irbesartan Products Liability Litigation, Case No. 1:19-md-02875-RBK-SAK (D.N.J.);
- Your name and current address;
- Your signature; and
- A statement clearly indicating Your intent to be excluded from the Lawsuit.

A printable exclusion request form is available on the Case Website www.TPP.ValsartanMedicationLawsuit.com. Your request for exclusion must be mailed to the address below so it is postmarked no later than **January 31, 2024**.

Valsartan Class Administrator
ATTN: Exclusion Request
PO Box 3376
Baton Rouge, LA 70821

Questions? Call 1-866-875-9644 or visit www.TPP.ValsartanMedicationLawsuit.com

You may also email a scanned copy of Your signed exclusion request form to info@ValsartanMedicationLawsuit.com. You must download, print, complete, and sign the PDF exclusion form found on the Case Website to qualify for email submission of Your exclusion request.

By electing to be excluded: (1) You will not share in any potential recovery that might be obtained by the Subclasses as a result of trial, legal motion, or settlement in the Lawsuit; (2) You will not be bound by any decision in the Lawsuit that is either favorable to the Classes or favorable to the Defendants; and (3) You may present any claims You have against the Defendants by filing Your own lawsuit.

13. If I exclude myself, can I still get a payment?

No. If You exclude yourself, You are telling the Court that You do not want to be part of the TPP Class or Lawsuit. You can only get a payment through this Lawsuit if You stay in the Lawsuit and a final judgment in favor of the TPP Class (either by settlement or trial verdict) approves economic loss payments at a later date.

14. If I do not exclude myself, can I still sue the Defendants?

No. If You stay in the Lawsuit (i.e., do nothing or do not exclude yourself), You give up any right to separately sue any of the Defendants for the claims made in this Lawsuit.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this case?

Yes, if You do not exclude yourself by opting out. The Court has appointed the following law firms to represent the Classes (“Class Counsel”). You will not be charged for their services.

TPP Class Counsel

- Jorge Mestre, Rivero Mestre LLP
- Gregory Hansel, Preti Flaherty Beliveau & Pachios Chartered LLP

If Class Counsel achieves a recovery for any of the Classes, for example by way of settlement or by trial verdict and judgment, the Court will be asked to approve reasonable attorneys’ fees for, as well as reimbursement of expenses to, Class Counsel and other Court-appointed Counsel who are members of the Plaintiffs’ Executive Committee and the Plaintiffs’ Steering Committee appointed by the Court in the MDL and who have advanced time and money on behalf of the Classes. If the Court grants Counsels’ requests, fees and expenses would either be deducted from any money obtained for the Classes, or the Court may, if applicable state law permits, order the Defendants to pay attorneys’ fees and costs in addition to any damage award to the Classes. Class members will not have to pay any attorneys’ fees or expenses themselves, because any fees or expenses paid will only be taken out of money obtained from Defendants, and only to the extent approved by the Court prior to their payment.

16. Can I have my own lawyer?

If You do not exclude yourself, you do not need to hire Your own lawyer because Class Counsel works for You. If You want to be represented by Your own lawyer, You may hire one at Your own expense and have them appear on Your behalf in the Lawsuit.

17. Who Brought this Lawsuit?

This Lawsuit was brought by TPPs or the assignee of TPPs on behalf of classes of other entities. Those TPPs appointed by the Court to represent a class are called Class Representatives and act to represent the interests of all other TPPs in the class, called class members. The TPP Class Representatives appointed by the Court are:

TPP Plaintiffs:

- MSP Recovery Claims, Series LLC (“MSPRC”)
- Maine Automobile Dealers Association, Inc. Insurance Trust (“MADA”)

THE COURT PROCESS

18. How and when will the Court decide who is right?

If the claims against the Defendants are not resolved by a settlement or otherwise at some future date, Class Counsel and other Court-appointed counsel who are members of the Plaintiffs’ Executive Committee and the Plaintiffs’ Steering Committee in the MDL will have to prove claims alleged on behalf of the TPP Class at trial. There is no guarantee that Plaintiffs will win, or that they will get any money or other benefits for the TPP Class. Any judgment will be binding on all class members who have not opted out, regardless of who wins. There are no Losartan or Irbesartan claims included in the certified Class at this time. Those claims will be addressed at a later time.

19. Do I have to come to the trial?

You do not need to attend the trial. Class Counsel and other Court Appointed Counsel who are members of the Plaintiffs’ Executive Committee and the Plaintiffs’ Steering Committee will present the case on Your behalf, and counsel for the Defendants will present Defendants’ defenses. You and/or Your own lawyer may attend the trial at Your own expense. If any Class to which You belong obtains money or benefits as a result of the trial or a settlement, You will be notified about how to participate. We do not know how long this Lawsuit will take but will continue to update the website as information is received. Visit the Case Website to register to be informed about case updates.

IF YOU DO NOTHING

20. What happens if I do nothing at all?

If You do nothing, You will automatically be part of the Lawsuit if You qualify as a class member. Plaintiffs and their attorneys will act as Your representative and counsel, and if they prevail in the Lawsuit or a settlement is reached and You are confirmed as a class member, You must file a claim for Your proportionate share of any money or other benefits obtained for the Class. If the Defendants prevail on any claims, however, You will be bound by that judgment and will not be able to separately sue the Defendants regarding the claims brought in the Lawsuit.

GET MORE INFORMATION

21. How do I get more information?

For more information about the Lawsuit, including assistance in determining whether You qualify as a Class Member of any of the Subclasses for the TPP Class, please visit the Case Website www.TPP.ValsartanMedicationLawsuit.com. You may contact the Class Administrator by email at info@ValsartanMedicationLawsuit.com, by phone at 1-866-875-9644 or by mail at:

Valsartan Class Administrator
P.O. Box 3376
Baton Rouge, LA 70821

PLEASE DO NOT WRITE OR CALL THE COURT OR THE CLERK'S OFFICE FOR INFORMATION.

Exhibit A

Third Party Payor
Class/ Subclass
Definitions

Third-Party Payer (“TPP”) Classes
Breach of Express Warranties Subclasses

- a. A breach of express warranty subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Alaska, Arizona, California, Colorado, Delaware, District of Columbia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Missouri, New Jersey, New Mexico, Oklahoma, Pennsylvania, Puerto Rico, South Dakota, Virginia, Washington, or West Virginia, for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants’ assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) Pharmacy Benefit Managers (“PBMs”); (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants’ valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

- b. A breach of express warranty subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Alabama, Arkansas, Florida, Georgia, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New York, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, Texas, Utah, Vermont, Wisconsin, or Wyoming for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants’ assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants’ valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

- c. A breach of express warranty subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Connecticut, Kentucky, or North Dakota for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants’ assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants’ valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

- d. A breach of express warranty subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Tennessee for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

Breach of Implied Warranties of Merchantability and Fitness Subclasses

- a. A breach of implied warranty subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Alaska, California, Colorado, Delaware, District of Columbia, Hawaii, Indiana, Maine, Massachusetts, New Jersey, New Mexico, Oklahoma, Puerto Rico, Rhode Island, South Dakota, Virginia, or West Virginia for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) Pharmacy Benefit Managers ("PBMs"); (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.
- b. A breach of implied warranty subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Arkansas, Georgia, Maryland, Michigan, Minnesota, Missouri, Mississippi, Montana, Nebraska, Nevada, New Hampshire, North Dakota, South Carolina, Texas, or Wyoming for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.
- c. A breach of implied warranty subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Arizona, Connecticut, Florida, Idaho, Illinois, Iowa, Kansas, Kentucky, North Carolina, or Washington for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.
- d. A breach of implied warranty subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Alabama, New York, Ohio, Oregon, Tennessee, Utah, or Vermont for a valsartan-containing drug (intended for personal or household use) that was manufactured by any

Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

Fraud Class

- a. A fraud class of all TPPs, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in California, Connecticut, Delaware, Georgia, Indiana, Kansas, Kentucky, Maine, Maryland, Michigan, Nebraska, New Hampshire, New Mexico, Pennsylvania, South Carolina, Tennessee, Texas, Utah, West Virginia, or Wisconsin for a valsartan- containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) Pharmacy Benefit Managers ("PBMs"); (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

- b. A fraud class of all TPPs, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Alabama, Arizona, Hawaii, Illinois, Mississippi, Missouri, Montana, Nevada, or Oregon for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

- c. A fraud class of all TPPs, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Alaska, Arkansas, Colorado, District of Columbia, Florida, Idaho, Iowa, Louisiana, Massachusetts, Minnesota, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Dakota, Vermont, Virginia, Washington, Wyoming, or Puerto Rico for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

Violation of State Consumer Protection Laws Subclasses

- a. A violation of state consumer protection laws subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Alaska, Arizona, California, Connecticut, Florida, Hawaii, Idaho, Louisiana, Missouri, Nebraska, New Hampshire, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, or Washington that for a valsartan-containing drug that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) Pharmacy Benefit Managers ("PBMs"); (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

- b. A violation of state consumer protection laws subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Delaware or Minnesota for a valsartan-containing drug that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

- c. A violation of state consumer protection laws subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Maine, Massachusetts, or Texas for a valsartan-containing drug that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

- d. A violation of state consumer protection laws subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Colorado, Illinois, Kentucky, New Mexico, South Dakota, or Virginia for a valsartan-containing drug that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or

counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

Unjust Enrichment Subclasses¹

- a. An unjust enrichment subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Alabama, Connecticut, or Montana for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant and was distributed or sold by any Wholesaler Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) Pharmacy Benefit Managers ("PBMs"); (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

- b. An unjust enrichment subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Texas for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant and was distributed or sold by any Wholesaler Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

- c. An unjust enrichment subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Alaska, , Idaho, Nebraska, New Jersey, North Dakota, Pennsylvania, Virginia, or Washington for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant and was distributed or sold by any Wholesaler Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

- d. An unjust enrichment subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Arizona, Arkansas, Maryland, Minnesota, Rhode Island, Vermont, or Wyoming for a valsartan-

¹ For the Unjust Enrichment claims, the Order appears to make revisions to subclasses as defined by the consumer plaintiffs, and not the TPP plaintiffs. To account for that, we applied the revisions that the Court made to the consumer subclasses to the TPP subclasses. *See* D.E. 1747-1 at 61-64 for Consumer Subclasses.

containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant and was distributed or sold by any Wholesaler Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

- e. An unjust enrichment subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in District of Columbia, Georgia, Hawaii, Illinois, Iowa, Kansas, Louisiana, Maine, Massachusetts, Mississippi, Missouri, Nevada, New Mexico, New York, North Carolina, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Utah, or Puerto Rico for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant and was distributed or sold by any Wholesaler Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.
- f. An unjust enrichment subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in California, Colorado, Delaware, Florida, Indiana or Ohio for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant and was distributed or sold by any Wholesaler Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.