

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

**If you indirectly purchased, paid, or reimbursed for
branded Zetia or generic Zetia (ezetimibe) between November 15, 2014 and
November 18, 2019,**

*You Could Get a Payment from a Class Action Lawsuit.
A Federal Court Ordered this Class Notice.*

**YOUR LEGAL RIGHTS MAY BE AFFECTED WHETHER YOU ACT OR DO NOT ACT, SO
PLEASE READ THIS NOTICE CAREFULLY.**

This is not a solicitation from a lawyer. You are not being sued.

The purpose of this Notice is to alert you of a proposed settlement in a lawsuit regarding the prices paid for brand and/or generic Zetia by third-party payors filed against Defendants Merck & Co., Inc.; Merck Sharp & Dohme Corp.; Schering-Plough Corp.; Schering Corp.; MSP Singapore Co. LLC; (collectively “Merck”); Glenmark Pharmaceuticals, Ltd.; and Glenmark Pharmaceuticals Inc., USA incorrectly identified as Glenmark Generics Inc., USA (collectively “Glenmark”) (together with Merck, the “Defendants”). The case name is *In re Zetia (Ezetimibe) Antitrust Litigation*, Civil Action No. 2:18-md-2836 (E.D. Va.) (the “Lawsuit”). The Lawsuit, which is pending in the United States District Court for the Eastern District of Virginia, Norfolk Division alleges that Defendants harmed competition and violated state antitrust, consumer protection, and unjust enrichment laws in certain U.S. states. Plaintiffs allege that Defendants unlawfully delayed the availability of allegedly less-expensive generic versions of Zetia, and that Defendants’ alleged conduct caused third-party payors to pay too much for branded and generic Zetia in the states (defined below). Defendants deny any wrongdoing.

The Court previously determined that the Lawsuit can be a class action because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. The End-Payor Class (“End-Payor Class” or “EPP Class”) is defined as follows:

All Third-Party Payor entities (“TPPs”) within the Brand Subclass or the Generic Subclass defined herein that, for consumption by their members, employees, insureds, participants, or beneficiaries, and not for resale, indirectly purchased, paid, and/or provided reimbursement for some or all of the purchase price of Zetia or its AB-rated generic equivalents in any form, that was sold through a retail pharmacy, including mail-order pharmacies and long-term care pharmacies, in Alabama, Arizona, California, District of Columbia, Florida, Hawaii, Illinois, Iowa, Kansas, Maine, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Puerto Rico, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, and Wisconsin from November 15, 2014 (the “but-for generic entry date”) through November 18, 2019.

QUESTIONS? CALL 877-315-0588 OR VISIT WWW.INREZETIAANTITRUSTLITIGATION.COM.

Brand Subclass: TPPs that indirectly purchased, paid, and/or provided reimbursement for some or all of the purchase price of brand Zetia purchased between the but-for generic entry date and December 11, 2016, inclusive. Excluded from the Brand Subclass are Optum Health Part D Plans, Silverscript Part D Plans, Emblem Health Part D, Humana Part D Plans, Optum Health Managed Care Plans, and any TPPs that used one of these plans or OptumRx as its pharmacy benefits manager (“PBM”) during this subclass period.

Generic Subclass: TPPs that indirectly purchased, paid, and/or provided reimbursement for some or all of the purchase price of generic ezetimibe purchased between the generic entry date (December 12, 2016) and November 18, 2019, inclusive.

General Exclusions: The following entities are excluded from both subclasses:

- a. Defendants and their subsidiaries and affiliates;
- b. All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans;
- c. All entities who purchased Zetia or generic Zetia for purposes of resale or directly from Defendants or their affiliates;
- d. Fully-insured health plans (*i.e.*, health plans that purchased insurance from another third-party payor covering 100 percent of the plan’s reimbursement obligations to its members); and
- e. Pharmacy benefit managers.

The Court has preliminarily approved the proposed settlement between the End-Payor Class and Defendants (the “Settlement”). The proposed Settlement will provide for the payment of \$70 million (the “Settlement Fund”) to resolve the End-Payor Class’s claims against Defendants. The full text of the proposed Settlement Agreement dated as of April 19, 2023, is available at www.InReZetiaAntitrustLitigation.com.

The Court has scheduled a hearing (the “Fairness Hearing”) to decide whether to approve the Settlement, the plan for allocating the Settlement Fund to members of the End-Payor Class (“Class Members”) (summarized in Question _ below), and the request of the attorneys for the End-Payor Class for payment of attorneys’ fees, reimbursement of expenses, and incentive awards for the 8 Class Representatives, out of the Settlement Fund. The Fairness Hearing is scheduled for September 21, 2023, at 12:00 p.m., before Judge Rebecca Beach Smith and/or Magistrate Judge Douglas E. Miller at Walter E. Hoffman United States Courthouse, 600 Granby St., Norfolk, Virginia 23510.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

DO NOTHING	<p>If you are a member of the End-Payor Class, by doing nothing you will remain in the End-Payor Class but will not be entitled to share in any distribution from the Settlement Fund. You will be bound by any decision of the Court in this Lawsuit, including rulings on the Settlement. <i>See</i> Question 11.</p>
SUBMIT A CLAIM FORM	<p>If you did not exclude yourself from the End-Payor Class prior to the May 10, 2022 deadline and believe you are a Class Member, and want to participate in the distribution of the Net Settlement Fund, you will need to complete and return a Claim Form to obtain a share of the Settlement Fund. The Claim Form, and information on how to submit it, are available on the Settlement website. Claim Forms must be postmarked (if mailed) or received (if submitted online) on or before August 7, 2023. <i>See</i> Question 7 for more information.</p>
OBJECT TO THE SETTLEMENT OR SPEAK AT THE FAIRNESS HEARING	<p>If you object to all or any part of the Settlement, request for attorneys' fees, reimbursement of expenses, or incentive awards to the Class Representatives, or desire to speak in person at the Fairness Hearing, you must file a written letter of objection and/or a notice of intention to speak along with a summary statement with the Court and with Co-Lead Counsel and counsel for the Defendant by August 7, 2023. <i>See</i> Question 10.</p>
GET MORE INFORMATION	<p>If you would like more information about the Lawsuit, you can review this Notice and send questions to the Notice and Claims Administrator and/or Co-Lead Counsel. <i>See</i> Question 18.</p> <p>DO NOT CONTACT THE COURT OR THE DEFENDANTS IF YOU HAVE QUESTIONS REGARDING THIS NOTICE.</p>

This Notice incorporates by reference the definitions in the Settlement Agreement. The Settlement Agreement and the Court's Preliminary Approval Order are posted on the Settlement website, www.InReZetiaAntitrustLitigation.com. All capitalized terms used, but not defined, shall have the same meanings as in the Settlement Agreement and the Court's Preliminary Approval Order.

QUESTIONS? CALL 877-315-0588 OR VISIT WWW.INREZETIAANTITRUSTLITIGATION.COM.

<u>BASIC INFORMATION</u>	5
1. <u>Why did I receive this Notice?</u>	5
2. <u>What is the Lawsuit about?</u>	5
3. <u>Why is this Lawsuit a class action?</u>	6
4. <u>Why is there a Settlement with Defendants?</u>	6
<u>WHO CAN PARTICIPATE IN THE SETTLEMENT?</u>	7
5. <u>Am I part of the End-Payor Class?</u>	7
<u>THE SETTLEMENT BENEFITS</u>	8
6. <u>What does the Settlement with the Defendants provide?</u>	8
<u>HOW YOU GET A PAYMENT: SUBMITTING A CLAIM FORM</u>	9
7. <u>How can I get a payment?</u>	9
8. <u>How much will my payment be?</u>	9
9. <u>When would I get my payment?</u>	9
<u>OBJECTING TO THE SETTLEMENT</u>	10
10. <u>How do I tell the Court what I think about the Settlement?</u>	10
<u>IF YOU DO NOTHING</u>	10
11. <u>What happens if I do nothing at all?</u>	10
<u>THE LAWYERS REPRESENTING THE CLASS</u>	11
12. <u>Do I have a lawyer in this case?</u>	11
13. <u>Should I hire my own lawyer?</u>	11
14. <u>How will the lawyers be paid?</u>	11
<u>THE FAIRNESS HEARING</u>	12
15. <u>When and where will the Court decide whether to approve the Settlement?</u>	12
16. <u>Do I have to come to the hearing?</u>	12
17. <u>May I speak at the hearing?</u>	12
<u>GETTING MORE INFORMATION</u>	13
18. <u>Are more details available?</u>	13

BASIC INFORMATION

1. Why did I receive this Notice?

You received this Notice because, according to available records, you may have indirectly purchased, paid, and/or provided reimbursement for some or all of the purchase price for brand Zetia or its AB-rated generic equivalents, at some point from November 15, 2014 (the “but-for generic entry date”) through November 18, 2019. A prior notice about the Lawsuit and the Court’s decision to certify the End-Payor Class was mailed to you on or about March 11, 2022. This second Notice is being sent to you because a proposed Settlement with the Defendants has been reached in this Lawsuit.

A federal court authorized this Notice because you have a right to know that you may be part of the certified End-Payor Class and about all of your options under the proposed Settlement. This Notice explains the Lawsuit and the Settlement; describes the certified Class whose rights may be affected by the Settlement; and explains your legal rights. Note that you may have received this Notice in error; simply receiving this Notice does not mean that you are definitely a member of the End-Payor Class. You may confirm that you are a member of the End-Payor Class by reviewing the criteria set forth in **Question 5** below. You may also call, email, or write to the lawyers in this case at the telephone numbers or addresses listed in **Question 12** below.

2. What is the Lawsuit about?

Plaintiffs, The City of Providence Rhode Island, International Union of Operating Engineers Local 49 Health & Welfare Fund, Painters District Council No. 30 Health & Welfare Fund, Philadelphia Federation of Teachers Health & Welfare Fund, The Uniformed Firefighters’ Association of Greater New York Security Fund and the Retired Firefighters’ Security Benefit Fund of the Uniformed Firefighters’ Association, Sergeants Benevolent Association Health & Welfare Fund, and United Food and Commercial Workers Local 1500 Welfare Fund (collectively, the “Plaintiffs”), filed lawsuits individually and as representatives of all persons or entities in the End-Payor Class. The Court has appointed them as Class Representatives.

Plaintiffs allege that Defendants violated state antitrust, consumer protection, and unjust enrichment laws by allegedly participating in an unlawful scheme to delay and impede the market entry of less expensive, generic versions of Zetia. Specifically, Plaintiffs allege that the Merck Defendants entered into unlawful agreement with the Glenmark Defendants, whereby the Merck Defendants agreed to pay the Glenmark Defendants in exchange for the Glenmark Defendants agreeing to delay selling their generic version of Zetia. Plaintiffs allege that they and other members of the End-Payor Class were injured by being overcharged on their Zetia branded and generic purchases during the class period resulting from Defendants’ alleged anticompetitive conduct. A copy of the End-Payor Plaintiffs’ Consolidated Class Action Complaint is available at www.InReZetiaAntitrustLitigation.com.

Defendants deny all of these allegations, including that their alleged conduct violated any applicable laws or regulations. Defendants also deny that any member of the End-Payor Class was damaged or is entitled to damages or other relief.

QUESTIONS? CALL 877-315-0588 OR VISIT WWW.INREZETIAANTITRUSTLITIGATION.COM.

Following the completion of fact discovery, expert discovery, class certification, summary judgment motions, and motions determining the admissibility of testimony, and following extensive negotiations, Plaintiffs, individually and on behalf of the End-Payor Class, entered into the Settlement with Defendants. The Settlement Agreement is available for review on the Settlement website. The Settlement is not an admission of wrongdoing by Defendants or an admission by End-Payor Plaintiffs of any lack of merit in their claims.

THE COURT HAS NOT DECIDED WHETHER DEFENDANTS VIOLATED ANY LAWS. THIS NOTICE IS NOT AN EXPRESSION OF ANY OPINION BY THE COURT AS TO THE MERITS OF PLAINTIFFS' CLAIMS OR THE DEFENSES ASSERTED BY DEFENDANTS.

3. Why is this Lawsuit a class action?

In a class action, one or more entities called “Class Representatives” sue on behalf of other entities with similar claims. In this case, the Class Representatives are The City of Providence Rhode Island, International Union of Operating Engineers Local 49 Health & Welfare Fund, Painters District Council No. 30 Health & Welfare Fund, Philadelphia Federation of Teachers Health & Welfare Fund, The Uniformed Firefighters’ Association of Greater New York Security Fund and the Retired Firefighters’ Security Benefit Fund of the Uniformed Firefighters’ Association, Sergeants Benevolent Association Health & Welfare Fund, and United Food and Commercial Workers Local 1500 Welfare Fund. The Class Representatives and the entities on whose behalf they have sued together constitute the “End-Payor Class.”

The companies that have been sued are called the “Defendants.” In this case, the Defendants are Merck & Co., Inc.; Merck Sharp & Dohme Corp.; Schering-Plough Corp.; Schering Corp.; MSP Singapore Co. LLC; Glenmark Pharmaceuticals, Ltd.; and Glenmark Pharmaceuticals Inc., USA incorrectly identified as Glenmark Generics Inc., USA. In a class action lawsuit, one court resolves the issues for everyone in the Class, except for those class members who exclude themselves (*i.e.*, “opt out”) from the Class. The Court, by Order dated August 20, 2021, determined that the Lawsuit between End-Payor Class Plaintiffs and Defendants can proceed as a class action.

The case does not involve the safety or efficacy of Zetia or generic Zetia.

4. Why is there a Settlement with Defendants?

The Settlement is the product of extensive negotiations between Co-Lead Counsel for the End-Payor Class and counsel for the Defendants, with mediation and after lengthy, hard-fought litigation. At the time of the Settlement, discovery was complete, motion for class certification filed, expert reports had been exchanged and experts examined, and motions for summary judgment and to determine the admissibility of testimony had been decided, and End-Payor Plaintiffs and Defendants began jury selection in April 2023. By settling, the End-Payor Class and Defendants avoid the cost and risks of trial and possible appeals. For the End-Payor Class, the Settlement, if approved by the Court, ensures that the Class Members will receive compensation for damages arising from Defendants’ alleged scheme to delay and impede the market entry of less expensive, generic versions of Zetia. Co-Lead Counsel and the Class Representatives believe that the terms of the Settlement, including payment by the Merck Defendants of

\$56 million and payment by the Glenmark Defendants of \$14 million in exchange for a release of End-Payor Plaintiffs' and the End-Payor Class's claims against the Defendants, are fair, reasonable, and adequate, and in the best interests of the Class.

WHO CAN PARTICIPATE IN THE SETTLEMENT?

To see if you are in the End-Payor Class and, if so, how you will be able to share in the Settlement Fund, you need to determine whether you may be a Class Member.

5. Am I part of the End-Payor Class?

You may be a member of the End-Payor Class if, during the period between November 15, 2014 and November 18, 2019 (the "Class Period"), as a Third-Party Payor, you indirectly purchased, paid, and/or provided reimbursement for some or all of the purchase price for branded Zetia or generic Zetia in Alabama, Arizona, California, District of Columbia, Florida, Hawaii, Illinois, Iowa, Kansas, Maine, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Puerto Rico, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, and Wisconsin, for consumption by yourselves, or your members, employees, insureds, participants, or beneficiaries.

Third-Party Payors are entities (besides the patient or the health care provider) that provide reimbursement for health care expenses, like prescription drug benefits. They include entities such as health insurance companies and self-insured health and welfare plans that make payments from their own funds, and other health benefit providers and entities with self-funded plans that contract with a health insurer or administrator to administer their prescription drug benefits. Third-Party Payors include such private entities that may provide prescription drug benefits for current or former public employees and/or public benefits programs, but only to the extent that such a private entity purchased brand Zetia or its AB-rated generic equivalents for consumption by its members, employees, insureds, participants, or beneficiaries.

As a Third-Party Payor, you are **NOT** a member of the End-Payor Class if you are among any of the following:

- a. Defendants and their subsidiaries and affiliates;
- b. All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans;
- c. All entities who purchased Zetia or generic Zetia for purposes of resale or directly from Defendants or their affiliates;
- d. Fully-insured health plans (*i.e.*, health plans that purchased insurance from another third-party payor covering 100 percent of the plan's reimbursement obligations to its members); and
- e. Pharmacy benefit managers.

In addition, you are excluded from the Brand Subclass if you are among any of the following: Optum Health Part D Plans, Silverscript Part D Plans, Emblem Health Part D, Humana Part D Plans, Optum

QUESTIONS? CALL 877-315-0588 OR VISIT WWW.INREZETIAANTITRUSTLITIGATION.COM.

Health Managed Care Plans, and any Third-Party Payors that used one of these plans or OptumRx as its pharmacy benefits manager (“PBM”) during this subclass period.

Entities that submitted a valid exclusion request before the May 10, 2022, exclusion deadline described in the previous Notice of this Lawsuit sent to Class Members are also excluded.

If you are not sure whether you are included, you may call, email, or write to the Notice and Claims Administrator or lawyers in this case at the telephone numbers, email addresses, or addresses listed in **Question 12** below.

THE SETTLEMENT BENEFITS

6. What does the Settlement with the Defendants provide?

The Merck Defendants will, within the later of 7 days after the preliminary approval of the Settlement or 60 days from April 19, 2023, pay \$56 million into an interest-bearing escrow account established by Co-Lead Counsel. The Glenmark Defendants shall pay into the escrow account the sum of Fourteen Million Dollars (\$14,000,000) the later of 7 days after preliminary approval of the settlement or April 19, 2024. The funds will be held in escrow for the benefit of the End-Payor Class (including any interest that accrues) pending the Court’s approval of the Settlement and Co-Lead Counsel’s plan to distribute the Settlement Fund to Class Members.

If the Settlement is approved by the Court and becomes final, Co-Lead Counsel will seek approval from the Court to obtain from the Settlement Fund: (i) attorneys’ fees for all class counsel of at least one-third of the Settlement Fund; (ii) reimbursement of reasonable costs and expenses incurred by Co-Lead Counsel in connection with the litigation; (iii) payment for incentive awards to the Class Representative Plaintiffs in recognition of their efforts to date on behalf of the Class; (iv) and may seek additional attorneys’ fees and reimbursement of expenses under a common benefit award. The remainder after payment of the above expenses and payment of any Administration Expenses (the “Net Settlement Fund”) will be divided among Class Members that timely return valid, approved claim forms pursuant to the Plan of Allocation set forth following this Notice.

In exchange, the End-Payor Class’s claims against Defendants will be dismissed with prejudice, and Defendants will be released by Class Members from all claims concerning the subject matter of or acts, omissions, or other conduct alleged in the End-Payor Plaintiffs’ Consolidated Class Action Complaint. The full text of the release is included in the Settlement Agreement available at www.InReZetiaAntitrustLitigation.com.

The Settlement may be terminated under the conditions set forth in the Settlement Agreement, paragraph 13. If the Settlement is terminated, the Lawsuit will proceed against Defendants as if the Settlement had not been reached.

HOW YOU GET A PAYMENT: SUBMITTING A CLAIM FORM

7. How can I get a payment?

To be eligible to receive a payment if the Court approves the Settlement, all Class Members must complete and submit a valid Claim Form to request their *pro rata* shares of the Net Settlement Fund. You will not be responsible for calculating the amount you are entitled to receive. You can get a Claim Form at www.InReZetiaAntitrustLitigation.com or by calling 1-877-315-0588 or writing to the address below and requesting a Claim Form. Claim Forms must be received (if submitted online) or postmarked (if mailed) by **August 7, 2023**, and may be submitted online at www.InReZetiaAntitrustLitigation.com or mailed to the address below:

In re Zetia Antitrust Litigation
c/o A.B. Data, Ltd.
P.O. Box 173046
Milwaukee, WI 53217

8. How much will my payment be?

Each Class Member's share of the Net Settlement Fund will be based on its qualifying purchases of brand and/or generic Zetia, and will be determined according to the End-Payor Plaintiffs' proposed Plan of Allocation, if approved by the Court. Payments will be based on a number of factors, including the number of valid claims filed by all members of the End-Payor Class and the dollar value of each member of the End-Payor Class's purchases in proportion to the total claims filed. Complete details of how your recovery will be calculated are in the detailed Plan of Allocation, which can be viewed at www.InReZetiaAntitrustLitigation.com.

9. When would I get my payment?

The Court must approve the Settlement and any appeals of that decision must be resolved before any money is distributed to Class Members. The Notice and Claims Administrator must also complete processing of all of the Claim Forms and determine distribution amounts. This process can take several months.

QUESTIONS? CALL 877-315-0588 OR VISIT WWW.INREZETIAANTITRUSTLITIGATION.COM.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with any part of the Settlement and/or Co-Lead Counsel's request for attorneys' fees, reimbursement of expenses, or the request for incentive awards to the Class Representatives by filing an objection.

10. How do I tell the Court what I think about the Settlement?

If you are a Class Member, you can ask the Court to deny approval of the Settlement by filing an objection. You may tell the Court that you object, entirely or in part, to the Settlement and/or Co-Lead Counsel's request for attorneys' fees, reimbursement of expenses, or Plaintiffs' request for incentive awards. You cannot ask the Court to order a different Settlement; the Court can only approve or reject the proposed Settlement. If the Court denies approval, no Settlement payments will be sent out and the Lawsuit against the Defendants will continue. If that is what you want to happen, you must object. You may also ask the Court to speak in person at the Fairness Hearing.

Any objection or request to speak in person at the Fairness Hearing must be in writing. If you file a timely written objection, you may, but are not required to, appear at the Fairness Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney. All written objections and supporting papers and/or requests to speak in person at the Fairness Hearing must: (a) include your name, address, telephone number, and signature and clearly identify the case name and number (*In re Zetia (Ezetimibe) Antitrust Litigation*, Civil Action No. 2:18-md-2836 (E.D. Va.)); (b) provide a summary statement outlining the position to be asserted and the grounds for the objection, including whether the objection applies only to you, together with copies of any supporting papers or briefs; (c) be submitted to the Court either by electronic filing via the Court's Case Management/Electronic Case Files (CM/ECF) system or by mailing it to the Clerk of the United States District Court for the Eastern District of Virginia, Norfolk Division, Walter E. Hoffman United States Courthouse, 600 Granby St., Norfolk, Virginia 23510 on or before **August 7, 2023**; and (d) also be mailed and delivered by **August 7, 2023**, to Co-Lead Counsel and to Defense Counsel listed in **Question 12**.

IF YOU DO NOTHING

11. What happens if I do nothing at all?

If you are a Class Member and you do nothing, you will remain in the End-Payor Class and be bound by the decision in the Action and on the Settlement, but you may not participate in the Settlement as described in this Notice, if the Settlement is approved. To participate in the Settlement, you must complete, sign, and return the Claim Form before the claims filing deadline provided on the Claim Form and on the Settlement website to be eligible to receive a payment.

QUESTIONS? CALL 877-315-0588 OR VISIT WWW.INREZETIAANTITRUSTLITIGATION.COM.

THE LAWYERS REPRESENTING THE CLASS

12. Do I have a lawyer in this case?

The law firms listed below have been appointed by the Court as Co-Lead Counsel. Co-Lead Counsel are experienced in handling similar cases against other pharmaceutical companies. Co-Lead Counsel are:

Co-Lead Counsel	
Marvin A. Miller Miller Law LLC 145 S. Wells St., 18 th Floor Chicago, IL 60606	Michael M. Buchman Motley Rice LLC 777 Third Avenue, 27 th Floor New York, NY 10017

The law firms listed below represent the Defendants:

Defense Counsel	
Samuel Liversidge Eric Stock Gibson, Dunn & Crutcher LLP 333 South Grand Avenue Los Angeles, CA 90071	Devora Allon Kirkland & Ellis LLP 601 Lexington Avenue New York, NY 10022

You will not be personally charged for the services of these lawyers in litigating this case against the Defendants.

13. Should I hire my own lawyer?

You do not need to hire your own lawyer because the lawyers appointed by the Court are working on your behalf. You may hire a lawyer and enter an appearance through your lawyer at your own expense if you so desire.

14. How will the lawyers be paid?

If the Court approves the Settlement, Co-Lead Counsel will ask the Court for an award of attorneys' fees of one-third (1/3) from the Settlement Fund (plus a proportionate share of the interest and any portion of the funds received from the common benefit fund to be created pursuant to Court Order), and reimbursement of litigation expenses incurred prior to the Settlement. Co-Lead Counsel will also ask for incentive awards for the Class Representatives in the aggregate sum of \$300,000.00 to be paid from the Settlement Fund for their efforts to date on behalf of the End-Payor Class. Co-Lead Counsel may also request additional attorneys' fees and reimbursement of expenses in connection with the administration and preservation of the Settlement Fund. If the Court grants Co-Lead Counsel's requests, these amounts would be deducted from the Settlement Fund. You will not have to pay these fees, expenses, and costs out

of your own pocket. The Administrative Expenses for the Settlement will also be paid out of the Settlement Fund.

Co-Lead Counsel's request for an award of attorneys' fees, reimbursement of expenses, and for incentive awards for the Class Representatives will be filed with the Court and made available for download or viewing on or before September 14, 2023, on the Settlement website, and at the office of the Clerk of the United States District Court for the Eastern District of Virginia, Norfolk Division, Walter E. Hoffman United States Courthouse, 600 Granby St., Norfolk, Virginia 23510, which can be visited between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays. You can tell the Court you do not agree with Co-Lead Counsel's request for attorneys' fees and expenses, or for incentive awards for the Class Representatives, by filing an objection as described in **Question 10**.

THE FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Settlement. You may attend and you may ask to speak, but you do not have to.

15. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Fairness Hearing at 12:00 p.m. on September 21, 2023, before Judge Rebecca Beach Smith and/or Magistrate Judge Douglas E. Miller in Courtroom 4 at the U.S. District Court for the Eastern District of Virginia, Norfolk Division, Walter E. Hoffman United States Courthouse, 600 Granby St., Norfolk, Virginia 23510. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. After the hearing, the Court will decide whether to give final approval to the proposed Settlement. We do not know how long the decision will take.

The time and date of the Fairness Hearing may change without additional mailed or publication notice. For updated information on the hearing, visit www.InReZetiaAntitrustLitigation.com.

16. Do I have to come to the hearing?

No. Co-Lead Counsel will answer questions posed by the Court. But you are welcome to attend the hearing at your own expense. If you send an objection, you do not have to appear in Court to talk about it; as long as you mail your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary. Attendance is not necessary to receive a *pro rata* share of the Settlement Fund, provided you submitted a valid and timely Claim Form.

17. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing, either in person or through your own attorney, if you file a request to speak in person. See **Question 10**. If you appear through your own attorney, you are responsible for paying that attorney.

GETTING MORE INFORMATION

18. Are more details available?

For more detailed information about this litigation, please refer to the papers on file in this litigation, which may be inspected at the Office of the Clerk, United States District Court for the Eastern District of Virginia, Norfolk Division, Walter E. Hoffman United States Courthouse, 600 Granby St., Norfolk, Virginia 23510 during regular business hours of each business day. You may also get additional information by writing to Co-Lead Counsel as indicated above (*See Question 12*), by visiting www.InReZetiaAntitrustLitigation.com (which provides copies of some key pleadings), or by contacting the Notice and Claims Administrator, A.B. Data, Ltd., at the following:

In re Zetia Antitrust Litigation
c/o A.B. Data, Ltd.
P.O. Box 173046
Milwaukee, WI 53217
1-877-315-0588
info@InReZetiaAntitrustLitigation.com

PLEASE DO NOT WRITE TO OR CALL THE COURT OR THE CLERK'S OFFICE FOR INFORMATION. INSTEAD, PLEASE DIRECT ANY INQUIRIES TO THE NOTICE AND CLAIMS ADMINISTRATOR OR TO CO-LEAD COUNSEL LISTED ABOVE IN QUESTION 12.

DATED: June 27, 2023

**BY ORDER OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA, NORFOLK
DIVISION**

QUESTIONS? CALL 877-315-0588 OR VISIT WWW.INREZETIAANTITRUSTLITIGATION.COM.