

**If you are a Third-Party Payor which indirectly purchased, paid, or provided reimbursement for some or all of the price of brand Zetia or its AB-rated generic equivalents, you could receive a payment from a class action lawsuit.**

Your rights may be affected by a proposed settlement in a class action 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; Glenmark Pharmaceuticals, Ltd.; and Glenmark Pharmaceuticals Inc., USA incorrectly identified as Glenmark Generics Inc., USA (collectively, 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 that they engaged in any wrongdoing or that any party or member of the Class was damaged by Defendants’ conduct.

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 claims against Defendants. The full text of the proposed Settlement Agreement, which is dated as of April 19, 2023, is available at [www.InReZetiaAntitrustLitigation.com](http://www.InReZetiaAntitrustLitigation.com).

The Court has scheduled a hearing to decide whether to approve the Settlement, the plan for allocating the Settlement Fund to Class Members, and the request of Class Counsel for payment of attorneys’ fees, reimbursement of expenses, and incentive awards to the Class Representative Plaintiffs out of the Settlement Fund (the “Fairness Hearing”). 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.

### **Who Is Included?**

You may be a member of the End-Payor Class if you are a third-party payor and you purchased, paid, and/or provided reimbursement for brand 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.

A more detailed notice, including the exact End-Payor Class definitions and exceptions to End-Payor Class membership, is available at [www.InReZetiaAntitrustLitigation.com](http://www.InReZetiaAntitrustLitigation.com).

### **Your Rights and Options**

**DO NOTHING:** If you did not request exclusion from the End-Payor Class by May 10, 2022, you are a member of the End-Payor Class and 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.

**SUBMIT A CLAIM FORM:** 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, you will need to complete and return a Claim Form to obtain a share of the Net Settlement Fund. The Claim Form, and information on how to submit it, are available on the

Settlement website, [www.InReZetiaAntitrustLitigation.com](http://www.InReZetiaAntitrustLitigation.com). Claim Forms must be postmarked (if mailed) or received (if submitted online) on or before August 7, 2023.

**OBJECT TO THE SETTLEMENT:** If you object to all or any part of the Settlement, the request for attorneys' fees, reimbursement of expenses, or the award of incentive payments 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 Defendants by August 7, 2023.

### **Want More Information?**

Go to [www.InReZetiaAntitrustLitigation.com](http://www.InReZetiaAntitrustLitigation.com), call 1-877-315-0588, email [info@InReZetiaAntitrustLitigation.com](mailto:info@InReZetiaAntitrustLitigation.com), or write to *In re Zetia Antitrust Litigation*, P.O. Box 173046, Milwaukee, WI 53217.

The deadlines contained in this Notice may be amended by Court Order, so check the Settlement website for any updates. Please *do not* call the Court or the Clerk of the Court for information about the Settlement.