

Did You Purchase, Pay for, or Provide Reimbursement for Effexor XR and/or Its Generic Equivalent? You Could Get Money from a Settlement

A federal court authorized this Notice. You are not being sued.

*Para conseguir una notificación en español, llame a 1-877-933-2882 o visite el sitio web:
www.EffexorXRIndirectSettlement.com.*

- There is a class-action lawsuit against Wyeth (also known as Wyeth LLC and formerly known as Wyeth, Inc. and American Home Products); Wyeth Pharmaceuticals, Inc.; Wyeth-Whitehall Pharmaceuticals; and Wyeth Pharmaceuticals Company (collectively, “Wyeth”), Teva Pharmaceuticals USA, Inc., and Teva Pharmaceutical Industries Ltd. (collectively, “Teva”). The lawsuit claims that Wyeth and Teva unlawfully kept generic versions of Effexor XR off the market, so consumers and third-party payors paid more for brand and generic Effexor XR than they should have. Wyeth and Teva deny that they did anything wrong.
- There has been a settlement with Wyeth (the “Settlement”). The case against Teva is still ongoing. You may be notified again if the case against Teva progresses. This Notice concerns only the Settlement with Wyeth.
- Generally, you are included in the Settlement if you purchased, paid for, and/or reimbursed some or all of the cost of Effexor XR or AB-rated generic versions of Effexor XR in certain states from June 14, 2008 through May 31, 2011. The included states are: Arizona, California, Florida, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New Mexico, New York, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, West Virginia, and Wisconsin. You may be able to get money from this Settlement.
- A \$25.5 million Settlement Fund will pay (1) money to eligible Class Members; (2) notice and administration costs; (3) service awards to the class representatives who brought the lawsuit; and (4) attorneys’ fees, costs, and expenses.
- **Your legal rights are affected even if you do nothing. Please read this Notice carefully.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT		DEADLINE
SUBMIT A CLAIM	The only way to get a payment from the Settlement.	September 16, 2024
EXCLUDE YOURSELF	You will not be bound by the Settlement and will not receive any benefits from the Settlement. You keep any rights to sue Wyeth on your own for the same legal claims made in this lawsuit.	July 29, 2024
OBJECT	Write to the Court about why you do not like the Settlement. Whether or not you object, you must still file a claim by the deadline above to receive money from the Settlement.	July 29, 2024
GO TO A HEARING	Attend a hearing to speak in Court about your opinion of the Settlement.	September 12, 2024
DO NOTHING	You will not get a payment and will give up your right to sue Wyeth on your own for the same legal claims made in this lawsuit.	

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court in charge of this case still must decide whether to approve the Settlement.
- Payments will be made to those who qualify only after the Court approves the Settlement and any appeals are resolved. Please be patient.

Basic Information

1. Why was this Notice issued?

The Court authorized this Notice because you have a right to know about a proposed Settlement, your rights, and your options before the Court decides whether to approve the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights. Your legal rights are affected whether you act or not.

Judge Peter G. Sheridan of the United States District Court for the District of New Jersey is overseeing this case. This lawsuit is known as *In re Effexor XR Antitrust Litigation*, Master Docket No. 3:11-cv-05479. The people who sued are called the “Plaintiffs.” Wyeth and Teva are the “Defendants.”

2. What is this lawsuit about?

The consumers and third-party payors who brought the lawsuit (the “Plaintiffs”) claim that Wyeth took several actions to keep generic versions of Effexor XR off the market, causing brand and generic Effexor XR prices to be higher than they otherwise would have been. This meant that consumers and third-party payors paid more for brand Effexor XR and generic Effexor XR than they should have.

The lawsuit says that Wyeth violated the law when it obtained three patents covering Effexor XR that it should not have and used those patents to wrongfully sue manufacturers who were applying to make, use, or sell a generic version of Effexor XR, in order to delay generic versions from coming to the market. It claims Wyeth then settled those lawsuits by agreeing to pay the generic manufacturers *if* those manufacturers agreed to delay selling their generic versions of Effexor XR.

The lawsuit also says Wyeth entered into an unlawful agreement, called a horizontal market-allocation and price-fixing agreement, in which Wyeth paid generic manufacturer Teva to delay entering the market with its generic version of Effexor XR. Specifically, the lawsuit claims that Wyeth agreed to delay selling Wyeth’s own generic version of Effexor XR once Teva was permitted to enter the market. This meant that Teva was allowed to sell its generic version of Effexor XR without any generic competitors for a longer time than it normally would have and could charge higher prices than it would have otherwise.

Plaintiffs allege that, if Wyeth did not take these actions, generic versions of Effexor XR would have been available sooner. Because of the delay in generic competition, people were not able to purchase lower-cost generic versions of Effexor XR and were overcharged.

Wyeth denies all these allegations, including that the Plaintiffs or Class Members are entitled to damages or any other relief.

There has been no determination by the Court or a jury that the allegations against Wyeth have been proven or that, if proven, Wyeth’s conduct caused harm to the Class. This Notice is not an expression of any opinion by the Court as to the claims against Wyeth or Teva or the defenses asserted by Wyeth or Teva.

This lawsuit is not about the safety or efficacy of Effexor XR, and the Settlement does not involve any claims about the safety or efficacy of Effexor XR.

This Notice is only a summary. More detail is provided in the Settlement Agreement, available at www.EffexorXRIndirectSettlement.com.

3. Why is this a class action?

In a class action, one or more people or entities called “class representatives” (in this case, A. F. of L. – A.G.C. Building Trades Welfare Plan, IBEW - NECA Local 505 Health & Welfare Plan, Louisiana Health Service & Indemnity Company doing business as Blue Cross and Blue Shield of Louisiana, New Mexico United Food and Commercial Workers Union’s and Employers’ Health and Welfare Trust Fund, Painters District Council No. 30 Health and Welfare Fund, Plumbers and Pipefitters Local 572 Health and Welfare Fund, City of Providence, Rhode Island, Sergeants Benevolent Association Health and Welfare Fund, and Patricia Sutter) sue on behalf of those who have similar claims. Together, all these people and entities are a “class” or “class members.” One court and one case resolve the issues for all class members, except for those who exclude themselves from (“opt out” of) the class.

4. Why is there a Settlement?

The Court has not decided in favor of the Plaintiffs or Wyeth. Instead, Plaintiffs and Wyeth have agreed to settle Plaintiffs’ claims against Wyeth. By agreeing to the Settlement, Plaintiffs and Wyeth avoid the costs and uncertainty of a trial, and Class Members receive the benefits described in this Notice. The proposed Settlement does not mean that any law was broken or that Wyeth did anything wrong. The parties believe the Settlement is best for all Class Members.

Who is in the Settlement?

If you received a mailed Notice, then you may be a Class Member. But even if you did not receive a mailed Notice, you may be a Class Member, as described below.

5. Who is included in the Settlement?

You are included in the Settlement if, you:

Are a person or entity that purchased, paid for, and/or reimbursed some or all of the cost of Effexor XR or AB-rated generic versions of Effexor XR for yourself, your family, or your members, employees, insureds, participants or beneficiaries, from June 14, 2008 through May 31, 2011, in the following states: Arizona, California, Florida, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New Mexico, New York, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, West Virginia, and Wisconsin.

6. Who is a not included in the class?

The Class does not include:

- Wyeth and Teva and their subsidiaries and affiliates;
- State and local governments who by state law can only make claims by the state Attorney General, or are prohibited by law from being represented in legal matters by private counsel on a contingent fee basis;
- Anyone who purchased Effexor XR or its generic equivalent for resale;
- Anyone who purchased Effexor XR or its generic equivalent directly from Wyeth, Teva, or their affiliates;
- Fully insured health plans (*i.e.*, plans that purchased insurance from another third-party payor that covered 100% of the plan’s reimbursement for its members);
- Pharmaceutical benefit managers;
- The judges in this case and any members of their immediate families; and
- Anyone that properly excludes themselves from the Class (*see* Question 13).

7. What if I am still not sure if I am included?

If you are not sure whether you are a Class Member, or have any other questions about the Settlement, visit the website, www.EffexorXRIndirectSettlement.com, or call the toll-free number, 1-877-933-2882. You may also send questions to the Claims Administrator at Effexor XR Indirect Purchaser Settlement, c/o A.B. Data, Ltd., P.O. Box 173005, Milwaukee, WI 53217.

QUESTIONS? CALL TOLL-FREE 1-877-933-2882 OR VISIT WWW.EFFEXORXRINDIRECTSETTLEMENT.COM

The Benefits of the Settlement

8. What does the Settlement provide?

If the Settlement is approved and becomes final, it will provide money to Class Members. Wyeth will pay \$25.5 million into a Settlement Fund for:

- Payments to eligible Class Members;
- Attorneys' fees of up to 34% of the Settlement Fund, costs, and expenses;
- Notice and administration costs and expenses; and
- Service awards to the Class Representatives.

The Settlement Agreement and Plan of Allocation, available at www.EffexorXRIndirectSettlement.com, have more information.

9. What can I get from the Settlement?

You can get money from the Settlement. To get a payment, you must submit a valid Claim Form (*see* Question 11). At this time, it is unknown how much each individual or entity who submits a valid claim will receive. The amount of your payment will depend on the amount of Effexor XR or AB-rated generic versions of Effexor XR you purchased and the number of claims that are filed. Complete details of how your recovery will be calculated are in the detailed Plan of Allocation, which can be viewed at www.EffexorXRIndirectSettlement.com.

10. When will 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 Claims Administrator must also complete its processing of all the Claim Forms and determine distribution amounts. This process can take several months. Please be patient.

How to Get a Payment

11. How can I get a payment?

To apply for a payment from the Settlement, you must complete and submit a valid Claim Form. If you are a consumer and unless you consent, your identity will not be made public during any part of the claims process. Claim Forms should be mailed to the address below and must be postmarked by **September 16, 2024**. You can get a Claim Form at www.EffexorXRIndirectSettlement.com or by calling 1-877-933-2882 or writing the address below and requesting a Claim Form.

Effexor XR Indirect Purchaser Settlement
c/o A.B. Data, Ltd.
P.O. Box 173005
Milwaukee, WI 53217

You may also submit a Claim Form online at www.EffexorXRIndirectSettlement.com. If you submit a Claim Form online, you must do so by **September 16, 2024**. Absent consent by the consumer, all Claim Form submissions will be kept confidential.

Excluding Yourself from the Settlement

If you do not want a payment from this Settlement, but you want to keep the right to sue or continue to sue Wyeth on your own about the legal issues in this case, then you must take steps to get out of the Class. This is called excluding yourself and is sometimes referred to as "opting out" of the Class.

QUESTIONS? CALL TOLL-FREE 1-877-933-2882 OR VISIT WWW.EFFEXORXRINDIRECTSETTLEMENT.COM

12. What am I giving up if I stay in the Settlement?

If the Settlement becomes final, you will give up your right to sue Wyeth on your own for the claims being resolved by this Settlement. Unless you exclude yourself, the Court's decisions will bind you.

The specific claims you are giving up (the "released claims") against Wyeth are described in the Settlement Agreement, available at www.EffexorXRIndirectSettlement.com. The Settlement Agreement describes the released claims in detail, so please read it carefully.

If you have any questions, you can talk to the lawyers listed in Question 16 for free, or you can talk to your own lawyer if you have questions about what this means.

13. What if I do not want to be a part of the Class?

If you decide not to participate in the lawsuit, you must exclude yourself from the Class. If you exclude yourself, you will not receive any benefits that may result from this lawsuit, but you will keep your right to sue Wyeth on your own for the claims in this lawsuit.

To exclude yourself from the Class, you must email or mail a letter to the Claims Administrator stating that you want to exclude yourself from the Class. The Claims Administrator's email address is info@EffexorXRIndirectSettlement.com, and its mailing address is:

Effexor XR Indirect Purchaser Settlement
EXCLUSIONS
c/o A.B. Data, Ltd.,
P.O. Box 173005
Milwaukee, WI 53217

Your email or letter must include:

- Your full name, current mailing address, and telephone number,
- A statement that you want to be excluded from the Class in *In re Effexor XR Antitrust Litigation*, No. 3:11-cv-05479; and
- Your signature (NOTE: You must personally sign the letter).

You must mail or email your letter so that it is postmarked or submitted by **July 29, 2024**. This will be the only opportunity you will have to exclude yourself from the Class.

Third-party payors wishing to exclude themselves from the Class must also submit data (i) sufficient to establish Class membership, and (ii) reflecting their purchases of, and payments for, branded and generic Effexor XR. Class Members shall not be permitted to exclude other Class Members. Moreover, group or class-wide exclusions shall not be permitted. A request for exclusion must be submitted by each Class Member on an individual basis, and any request for exclusion by a purported authorized agent or representative of a Class Member must include proof of the representative's legal authority and authorization to act and request exclusion on behalf of each Class Member they seek to opt out.

You cannot exclude yourself over the telephone. Consumer identities will not be made public as part of the exclusion process. Absent consent by the consumer, the Claims Administrator, the Court, Class Counsel, and Defense Counsel will keep that information confidential.

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

No. You will not get a payment if you exclude yourself from the Settlement.

15. If I do not exclude myself, can I sue Wyeth for the same thing later?

No. If the Court approves the proposed Settlement and you do not exclude yourself from the Class, you give up (or “release”) the right to sue Wyeth for the claims made in this lawsuit. The specific claims you are giving up against Wyeth are described in detail in the Settlement Agreement, available at www.EffexorXRIndirectSettlement.com. Please read the Settlement Agreement carefully.

The Lawyers Representing You

16. Do I have a lawyer in the case?

Yes. The Court has appointed lawyers to represent you and the other Class Members. These lawyers are called “Class Counsel”:

CLASS COUNSEL	
James E. Cecchi Carella, Byrne, Cecchi, Brody & Agnello, P.C. 5 Becker Farm Road Roseland, NJ 07068	Michael M. Buchman Motley Rice LLC 800 Third Avenue New York, NY 10017
Kenneth A. Wexler Wexler Boley & Elgersma LLP 311 S. Wacker Drive Suite 5450 Chicago, IL 60606	Richard J. Burke Quantum Legal LLC 2801 Lakeside Drive Suite 100 Bannockburn, IL 60015
Jeffrey L. Kodroff Spector, Roseman & Kodroff, P.C. 2001 Market Street, Suite 3420 Philadelphia, PA 19103	James R. Dugan, II The Dugan Law Firm, PLC One Canal Place 365 Canal Street, Suite 1000 New Orleans, LA 70130
Marvin A. Miller Miller Law LLC 53 W. Jackson Blvd., Suite 1320 Chicago, IL 60604	

You will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one at your own expense.

17. How will the lawyers be paid?

Class Counsel have not been paid anything to date for their work on this case. Class Counsel will ask the Court for attorneys’ fees of up to 34% of the Settlement Fund, plus costs and expenses. Class Counsel will also ask the Court for service awards for the Class Representatives of up to \$15,000.00 each for their work on behalf of the Class. Any attorneys’ fees, expenses, costs, and service awards approved by the Court will be paid out of the Settlement Fund.

Objecting to the Settlement

18. How do I comment on or object to the Settlement?

To comment on or object to the Settlement, you (or your lawyer if you have one) must send a written comment or objection to the Court and the counsel identified below, by way of the Court’s electronic filing system or by first-class mail. You must send your comment or objection postmarked on or before **July 29, 2024**. Your written comment or objection must include all grounds for your objection and can include any supporting materials, papers, or briefs that you want the Court to consider. Your written comment or objection must include:

- Your name, address, telephone number, and an explanation of your objection;
- The case name and number: *In re Effexor XR Antitrust Litigation*, No. 3:11-cv-05479;
- The name, address, and telephone number of any counsel representing you in connection with your objection;
- A statement as to whether you intend to appear at the Fairness Hearing (discussed further in Questions 20-22, below) and the identities of any counsel who will be appearing on your behalf;
- A list of all other objections submitted by you, or your counsel, to any class-action settlements submitted in any court in the United States in the previous five (5) years, including the full case name, the jurisdiction in which it was filed, and the docket numbers (or a statement that there are no such objections); and
- Documentation demonstrating that you are a member of the Class and/or this statement, followed by your signature: “I declare under penalty of perjury under the laws of the United States of America that [insert your name] is a member of the Class.”

You must mail your comment or objection to the Court and mail copies to Class Counsel and Wyeth’s Counsel (mailing addresses below). All comments and objections must be postmarked by **July 29, 2024**.

Individual consumers who do not want their identities to be put on the public record as part of the objection process may send their objection only to the Claims Administrator (mailing address also included below), who will redact (or “black out”) such consumers’ names, addresses, and telephone numbers and then provide such redacted versions to the Court for filing on the public court docket. The Claims Administrator will also send copies of the original, unredacted objections to the Court, Class Counsel, and Wyeth’s Counsel. How the Judge and the parties treat the merits of your objection does not depend on whether you keep your identifying information off the public record.

Court	Class Counsel	Wyeth’s Counsel	Claims Administrator
Clerk United States District Court District of New Jersey Clarkson S. Fisher Building & U.S. Courthouse 402 East State Street Room 2020 Trenton, NJ 08608	James E. Cecchi Carella, Byrne, Cecchi, Brody & Agnello, P.C. 5 Becker Farm Road Roseland, NJ 07068 jcecchi@carellabyrne.com	Raj Gandesha White & Case LLP 1221 Avenue of the Americas New York, NY 10020 rgandesha@whitecase.com	Effexor XR Indirect Purchaser Settlement OBJECTIONS c/o A.B. Data, Ltd., P.O. Box 173005 Milwaukee, WI 53217

Any lawyer representing a Class Member for the purpose of making comments or objections must also file a Notice of Appearance with the Court using the Court’s Case Management/Electronic Case Files (CM/ECF) system.

You may file a claim even if you object to, or comment on, the Settlement. Whether or not you object, you must still file a claim by the deadline in Question 11 above to receive money from the Settlement.

19. What is the difference between objecting and asking to be excluded?

Objecting is simply telling the Court that you do not like something about the Settlement. You can only object if you stay in the Class. If you object to the Settlement, you are still a Class Member, and you can submit a Claim Form.

Excluding yourself is telling the Court that you do not want to be a part of the Class. If you exclude yourself, you cannot receive a payment from the Settlement. You will also have no basis to object to the Settlement and appear at the Fairness Hearing (discussed below) because it no longer affects you.

The Fairness Hearing

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

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

The Court will hold a Fairness Hearing on **September 12, 2024 at 11:00 a.m.** Eastern in Courtroom 1 of the United States District Court for the District of New Jersey, Clarkson S. Fisher Building & U. S. Courthouse, 402 East State Street, Trenton, New Jersey. The hearing may be moved to a different date, time, or location without additional notice, so it is a good idea to check www.EffexorXRIndirectSettlement.com for updates.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them and will listen to people who have asked to speak at the Hearing. The Court may also decide whether to award attorneys' fees, costs, and expenses, as well as service awards to the Class Representatives. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

21. Do I have to come to the Fairness Hearing?

No. Class Counsel will answer questions the Court may have at the Fairness Hearing. But you are welcome to come at your own expense. If you send an objection, you do not have to come to Fairness Hearing to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

22. May I speak at the Fairness Hearing?

Yes, you may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send or email a letter stating that it is your "Notice of Intention to Appear in *In re Effexor XR Antitrust Litigation*, No. 3:11-cv-05479." Be sure to include your name, address, telephone number, and your signature, along with copies of any papers, exhibits, or other evidence and the identity of all witnesses you intend to present to the Court in connection with the Fairness Hearing. Your Notice of Intention to Appear must be postmarked no later than **July 29, 2024**, and must be emailed or sent to the addresses listed in Question 18.

If You Do Nothing

23. What happens if I do nothing?

If you do nothing, you will not get any money from the Settlement and will remain in the Class. You will be legally bound by the Court's orders, good or bad. You will not be able to sue Wyeth on your own for the claims in this lawsuit. To receive a payment, you must complete and submit a Claim Form by **September 16, 2024** (see Question 11).

Getting More Information

24. How do I get more information?

This notice is only a summary. More details are in the Settlement Agreement, available at www.EffexorXRIndirectSettlement.com. You also may write with questions to the Claim Administrator at Effexor XR Indirect Purchaser Settlement, c/o A.B. Data, Ltd., PO Box 173005, Milwaukee, WI 53217 or call the toll-free number at 1-877-933-2882.

Complete copies of public pleadings, Court rulings, and other filings are available for review and copying at the Clerk's office during normal business hours. The address is United States District Court for the District of New Jersey, 402 East State Street, Trenton, NJ 08608.

Please do not contact the Court or the Judge regarding this Notice.

DATED: JUNE 14, 2024

BY ORDER OF THE COURT
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY