

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<b>IN RE NAMENDA DIRECT PURCHASER ANTITRUST LITIGATION</b>  <b>THIS DOCUMENT RELATES TO: All Direct Purchaser Actions</b>	<b>Case No. 1:15-cv-07488-CM-RWL</b>
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**SUPPLEMENTAL DECLARATION OF BRUCE E. GERSTEIN IN SUPPORT OF  
CLASS COUNSEL'S MOTION FOR ATTORNEYS' FEES, REIMBURSEMENT OF  
EXPENSES AND INCENTIVE AWARDS FOR THE NAMED PLAINTIFFS**

1. I am the same Bruce E. Gerstein who previously submitted a declaration in support of Class counsel's motion seeking approval of:

- (1) an award of attorneys' fees from the Settlement;
- (2) reimbursement of expenses incurred in the prosecution of Plaintiffs' claims against Forest; and
- (3) incentive awards to the named Class representatives, J M Smith Corporation d/b/a Smith Drug Company ("Smith") and Rochester Drug Co-Operative, Inc. ("RDC").

ECF No. 927 (the "First Gerstein Decl.").

2. Between the March 13, 2020 filing of the First Gerstein Decl. and today, the firms comprising Class counsel have addressed clerical errors in their time records and brought their time current (through April 15, 2020). We have not billed for any time relating to our fee request or any objection thereto.

3. As a result of the changes described above, Class counsel hereby amend the table included in paragraph 70 of the First Gerstein Declaration as follows:

Ex.	Firm Name	Hours	Lodestar (At 2019 Rates)	Expenses (Litigation Fund Contributions and Otherwise)
A	Berger Montague PC	12,491.00	\$ 7,398,856.10	\$ 1,091,301.87
B	Faruqi & Faruqi LLP	9,705.40	6,712,175.00	873,203.86
C	Garwin Gerstein & Fisher LLP	9,217.50	7,909,741.25	1,020,625.89
D	Heim Payne & Chorush LLP	4,233.30	2,785,695.75	951,166.79
E	Odom & Des Roches	10,122.00	6,202,000.00	940,397.65
F	Smith Segura Raphael & Leger LLP	6,293.00	3,730,246.00	947,232.85
	<b>TOTALS</b>	<b>52,062.20</b>	<b>\$ 34,738,714.10</b>	<b>\$5,823,928.91</b>

4. Supplemental firm declarations are appended hereto as Exhibits A-F.

5. As a result of these changes, Class counsel's overall hours billed have decreased by 50.45 hours and the total lodestar has decreased by \$30,294.25. Based on a fee request of

21% of the gross settlement fund (in place of the original request of 27.5%), the requested lodestar multiplier has decreased from 5.9 to 4.53.

6. In addition, several class members have written in support of final approval and Class counsel's fee request. Their letters are appended hereto as Exhibits G-N.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the above is true and correct.

Dated: April 21, 2020

/s/ Bruce E. Gerstein  
BRUCE E. GERSTEIN

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<b>IN RE NAMENDA DIRECT PURCHASER ANTITRUST LITIGATION</b>  <b>THIS DOCUMENT RELATES TO: All Direct Purchaser Actions</b>	<b>Case No. 1:15-cv-07488-CM-RWL</b>
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**SUPPLEMENTAL DECLARATION OF DAVID F. SORENSEN ON BEHALF OF  
BERGER MONTAGUE PC IN SUPPORT OF CLASS COUNSEL’S MOTION FOR  
ATTORNEYS’ FEES, REIMBURSEMENT OF EXPENSES AND INCENTIVE AWARDS  
FOR THE NAMED PLAINTIFFS**

David F. Sorensen, subject to the penalties of perjury provided by 18 U.S.C. § 1746, does hereby declare as follows:

1. I am a Managing Shareholder in the law firm Berger Montague PC, attorneys for Plaintiff Rochester Drug Co-Operative, Inc. and Co-Lead Counsel for the Direct Purchaser Class in the above-captioned case. I am admitted to practice *pro hac vice* in this matter.

2. I submit this declaration to supplement my prior declaration (ECF No. 982-1) in support of Class Counsel’s Motion for Attorneys’ Fees, Reimbursement of Expenses, and Incentive Awards for the Named Plaintiffs.

3. This supplemental declaration brings my firm’s time to April 15, 2020, and corrects clerical errors located during a re-review of daily billing records, adding a total of 20.20 hours and \$7,323.50 in lodestar (at 2019 rates) to the totals contained in my prior declaration:

<b>Professional’s Name</b>	<b>Position/Status</b>	<b>Total Hours</b>	<b>Hourly Rate as of Dec. 31, 2019</b>	<b>Total Lodestar</b>
Sorensen, David	Managing Shareholder	1,443.30	\$940	\$1,356,702.00

Professional's Name	Position/Status	Total Hours	Hourly Rate as of Dec. 31, 2019	Total Lodestar
Parker, Phyllis	Shareholder	1,878.10	\$635	\$1,192,593.5
Noteware, Ellen	Shareholder	1,151.90	\$705	\$812,089.50
Coslett, Caitlin	Shareholder	74.40	\$590	\$43,896.00
Curley, Andrew	Shareholder	7.3	\$645	\$4,708.50
Clairmont, Joy	Shareholder	0.3	\$635	\$190.50
Simons, Daniel	Senior Counsel	3,502.90	\$640	\$2,241,856.00
Schwartz, Richard	Senior Counsel	8.3	\$510	\$4,233.00
Urban, Nicholas	Associate	1,023.5	\$530	\$542,455.00
Ripley, Josh	Associate	15.9	\$420	\$6,678.00
Chaudhury, Aurelia	Associate	13.3	\$400	\$5,320.00
Sauder, Karissa	Former Associate (as of 1/20)	3.2	\$410	\$1,312.00
Listwa, Daniel	Staff Attorney	523.9	\$500	\$261,950.00
Bucher, Matthew	Contract Attorney	131	\$360	\$47,160.00
Tyson, Steven	Contract Attorney	45.3	\$400	\$18,120.00
Shappell, David	Former Paralegal (as of 6/19)	921.2	\$310	\$285,572.00
Werwinski, Diane	Paralegal	714.1	\$340	\$242,794.00
Arteaga, Alexandra	Paralegal	181	\$310	\$56,110.00
Frohbergh, Patricia	Former Paralegal (Contract Paralegal as of 5/17)	417.8	\$345	\$144,141.00
Kerr, Joseph	Former Paralegal (as of 7/18)	275.5	\$305 (2018 rate)	\$84,027.50
Matteo, Shawn	Former Paralegal (as of 7/17)	88	\$330 (2017 rate)	\$29,040.00
York, Elizabeth	Paralegal	22.3	\$340	\$7,582.00
Stein, Mark	Director of Research	13.5	\$340	\$4,590.00
Choe, Caroline	Paralegal	2.3	\$300	\$690.00
Filbert, David	Paralegal	0.7	\$340	\$238.00
Green, Ruben	Paralegal	3.5	\$285	\$997.50
Magnus, Eleanor	Legal Assistant	20.1	\$160	\$3,216.00
Fox, Barry	Senior Software Engineer	5	\$83.49	\$417.45
Rajendran, Arun	Database Analyst	1.3	\$43	\$55.90
McCollum, Sandy	Litigation Support Manager	2.1	\$57.50	\$120.75
<b>Totals:</b>		<b>12,491.00</b>		<b>\$7,398,856.10</b>

4. Pursuant to 28 U.S.C. § 1746, I declare under the penalties of perjury that the foregoing is true and correct.

Executed this 20th day of April, 2020.

A handwritten signature in blue ink, appearing to read "David F. Sorensen", with a long horizontal flourish extending to the right.

David F. Sorensen

# **EXHIBIT B**



**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<b>IN RE NAMENDA DIRECT PURCHASER ANTITRUST LITIGATION</b>	<b>Case No. 1:15-cv-07488-CM-RWL</b>
<b>THIS DOCUMENT RELATES TO: All Direct Purchaser Actions</b>	

**SUPPLEMENTAL DECLARATION OF PETER KOHN  
ON BEHALF OF FARUQI & FARUQI LLP  
IN SUPPORT OF DIRECT PURCHASER CLASS COUNSEL’S MOTION FOR  
ATTORNEYS’ FEES, REIMBURSEMENT OF EXPENSES AND INCENTIVE AWARDS  
FOR THE NAMED PLAINTIFFS**

Peter Kohn, subject to the penalties of perjury provided by 18 U.S.C. § 1746, does hereby declare as follows:

1. I am a partner in the law firm Faruqi & Faruqi LLP, attorneys for Plaintiff Rochester Drug Co-Operative, Inc. (“RDC”), and one of the firms representing the Direct Purchaser Class in the above-captioned case. I am admitted to practice *pro hac vice* in this matter.

2. I submit this declaration to supplement my prior declaration (ECF No. 927-2) in support of Class Counsel’s Motion for Attorneys’ Fees, Reimbursement of Expenses, and Incentive Awards for the Named Plaintiffs.

3. This supplemental declaration brings my firm’s time to April 15, 2020, and corrects clerical errors located during a re-review of daily billing records, adding a total of 5.9 hours (\$3,685.00) to the total contained in my prior declaration:

<b>Professional’s Name</b>	<b>Position/Status</b>	<b>Total Hours</b>	<b>Hourly Rate as of 2019</b>	<b>Total Lodestar</b>
Peter Kohn	Partner	1012.60	\$925.00	\$936,655.00
Joseph Lukens	Partner	2852.80	\$900.00	\$2,567,520.00

<b>Professional's Name</b>	<b>Position/Status</b>	<b>Total Hours</b>	<b>Hourly Rate as of 2019</b>	<b>Total Lodestar</b>
Adam Steinfeld	Partner	469.80	\$750.00	\$352,350.00
Bradley Demuth	Partner	34.20	\$775.00	\$26,505.00
Stephen Doherty	Counsel	1730.50	\$650.00	\$1,124,825.00
Neill Clark	Counsel	292.80	\$750.00	\$219,600.00
Elizabeth Silva	Former Associate	151.60	\$500.00	\$75,800.00
David Calvello	Associate	435.90	\$475.00	\$207,052.50
Kristyn Fields	Associate	2093.20	\$475.00	\$994,270.00
Andrew Coyle	Former Associate	173.00	\$400.00	\$69,200.00
Derek Behnke	Paralegal	31.70	\$400.00	\$12,680.00
Daniela Mercado	Former Paralegal	27.70	\$325.00	\$9,002.50
Michael LoBosco	Former Paralegal	23.30	\$325.00	\$7,572.50
Michelle Moyes	Former Paralegal	2.00	\$275.00	\$550.00
Anthony Aloise	Paralegal	41.50	\$350.00	\$14,525.00
Julianna Dietz	Former Paralegal	101.90	\$300.00	\$30,570.00
Timothy Thompson	Paralegal	225.50	\$275.00	\$62,012.50
Brian Giacalone	Paralegal	5.40	\$275.00	\$1,485.00
<b>Totals:</b>		<b>9705.40</b>		<b>\$6,712,175.00</b>

4. Pursuant to 28 U.S.C. § 1746, I declare under the penalties of perjury that the foregoing is true and correct.

Executed this 16th day of April, 2020.




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PETER KOHN

# **EXHIBIT C**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<b>IN RE NAMENDA DIRECT PURCHASER ANTITRUST LITIGATION</b>	<b>Case No. 1:15-cv-07488-CM-RWL</b>
<b>THIS DOCUMENT RELATES TO: All Direct Purchaser Actions</b>	

**SUPPLEMENTAL DECLARATION OF BRUCE E. GERSTEIN ON BEHALF OF  
GARWIN GERSTEIN & FISHER LLP IN SUPPORT OF CLASS COUNSEL’S MOTION  
FOR ATTORNEYS’ FEES, REIMBURSEMENT OF EXPENSES AND INCENTIVE  
AWARDS FOR THE NAMED PLAINTIFFS**

I, Bruce E. Gerstein, subject to the penalties of perjury provided by 18 U.S.C. § 1746, do hereby declare as follows:

1. I am the managing partner in the law firm Garwin Gerstein & Fisher LLP (“GGF”), one of the law firms appointed as Co-Lead Counsel for the Direct Purchaser Class in the above-captioned case.
2. I submit this declaration to supplement my prior declaration (ECF No. 927-3) in support of Class Counsel’s Motion for Attorneys’ Fees, Reimbursement of Expenses, and Incentive Awards for the Named Plaintiffs.
3. This supplemental declaration brings my firm’s time to April 15, 2020, and corrects clerical errors located during a re-review of daily billing records, resulting in a net decrease of 50.65 hours and a net decrease in lodestar of \$33,662.50 to the total contained in my prior declaration.

<b>Professional's Name</b>	<b>Position/Status</b>	<b>Total Hours</b>	<b>2019 Hourly Rate</b>	<b>Total Lodestar</b>
Bruce E. Gerstein	Partner	1,029.75	\$1,280	\$ 1,318,080.00
Jonathan M. Gerstein	Partner	91.50	\$800	\$73,200.00
Kimberly M. Hennings	Partner	220.50	\$800	\$176,400.00
Dan Litvin	Partner	3,560.50	\$800	\$2,848,400.00
Joseph Oppen	Partner	1,590.00	\$1,125	\$1,788,750.00
Noah H. Silverman	Partner	618.00	\$1,050	\$648,900.00
Scott Levy	Former Associate	370.75	\$725.00	\$268,793.75
Anna Tydniouk	Associate	311.50	\$750	\$233,625.00
Aakruti Vakharia	Associate	328.00	\$435	\$142,680.00
Claire Cimino	Paralegal	55.00	\$425	\$23,375.00
Rimma Neman	Legal Assistant	11.5	\$275	\$3,162.50
Susan Roth	Legal Assistant/Paralegal	627.75	\$425	\$266,793.75
Apolinar Uriarte	Paralegal	244.50	\$400.00	\$97,800.00
Avery Wolff	Legal Assistant	158.25	\$125	\$19,781.25
<b>Totals:</b>		<b>9,217.50</b>		<b>\$7,909,741.25</b>

4. Pursuant to 28 U.S.C. § 1746, I declare under the penalties of perjury that the foregoing is true and correct.

Executed this 16th day of April, 2020.

/s/ Bruce E. Gerstein  
Bruce E. Gerstein

# **EXHIBIT D**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<b>IN RE NAMENDA DIRECT PURCHASER ANTITRUST LITIGATION</b>  <b>THIS DOCUMENT RELATES TO: All Direct Purchaser Actions</b>	<b>Case No. 1:15-cv-07488-CM-RWL</b>
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**SUPPLEMENTAL DECLARATION OF RUSSELL A. CHORUSH  
ON BEHALF OF HEIM, PAYNE & CHORUSH, LLP IN SUPPORT OF  
CLASS COUNSEL'S MOTION FOR ATTORNEYS' FEES, REIMBURSEMENT OF  
EXPENSES AND INCENTIVE AWARDS FOR THE NAMED PLAINTIFFS**

I, Russell A. Chorush, subject to the penalties of perjury provided by 18 U.S.C. § 1746, do hereby declare as follows:

1. I am a partner in the law firm Heim, Payne & Chorush, LLP ("HPC"), attorneys for Plaintiff J M Smith Corporation and one of the firms representing the Direct Purchaser Class in the above-captioned case. I am admitted to practice *pro hac vice* in this matter.

2. I submit this declaration to supplement my prior declaration (ECF No. 927-4) in support of Class Counsel's Motion for Attorneys' Fees, Reimbursement of Expenses, and Incentive Awards for the Named Plaintiffs.

3. This supplemental declaration corrects clerical errors located during a re-review of daily billing records, deleting a total of 10.5 hours (\$3,387.50) from the total contained in my prior declaration:

<b>Professional's Name</b>	<b>Position/Status</b>	<b>Total Hours</b>	<b>2019 Hourly Rate</b>	<b>Total Lodestar</b>
Russell A. Chorush	Partner	1,879.00	\$865.00	\$1,625,335.00
Michael F. Heim	Partner	369.75	\$915.00	\$338,321.25

Professional's Name	Position/Status	Total Hours	2019 Hourly Rate	Total Lodestar
Eric J. Enger	Partner	269.75	\$650.00	\$175,337.50
Miranda Y. Jones	Former Partner	511.95	\$650.00	\$332,767.50
Blaine A. Larson	Partner	161.15	\$450.00	\$72,517.50
Alden G. Harris	Partner	2.50	\$450.00	\$1,125.00
Chris M. First	Partner	3.00	\$435.00	\$1,305.00
Carlos R. Ruiz	Associate	21.00	\$295.00	\$6,195.00
Emma W. Perry	Former Associate	271.00	\$275.00	\$74,525.00
Carrie J. Anderson	Paralegal	56.75	\$250.00	\$14,187.50
Amber L. Branum	Legal Assistant/Paralegal	658.95	\$210.00	\$138,379.50
Natasha M. Baudoin	Legal Assistant/Paralegal	27.50	\$200.00	\$5,500.00
Ericka Torres	Former Legal Assistant	1.00	\$200.00	\$200.00
<b>Totals:</b>		<b>4,233.30</b>		<b>\$2,785,695.75</b>

4. Pursuant to 28 U.S.C. § 1746, I declare under the penalties of perjury that the foregoing is true and correct.

Executed this 16th day of April, 2020.



Russell A. Chorush



# **EXHIBIT E**

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<b>IN RE NAMENDA DIRECT PURCHASER ANTITRUST LITIGATION</b>  <b>THIS DOCUMENT RELATES TO: All Direct Purchaser Actions</b>	<b>Case No. 1:15-cv-07488-CM-RWL</b>
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**SUPPLEMENTAL DECLARATION OF STUART E. DES ROCHES ON BEHALF OF  
ODOM & DES ROCHES, LLC IN SUPPORT OF MOTION FOR APPROVAL OF  
SETTLEMENT AND MOTION FOR AN AWARD OF ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES, AND INCENTIVE AWARDS  
FOR THE NAMED PLAINTIFFS**

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Stuart E. Des Roches, subject to the penalties of perjury provided by 18 U.S.C. § 1746,  
does hereby declare as follows:

1. I am a managing member of the law firm of Odom & Des Roches, LLC, and one of the lawyers representing the Direct Purchaser Class in the above-captioned case. I am admitted to practice *pro hac vice* in this matter.
2. I submit this declaration to supplement my prior declaration (ECF No. 927-5) in support of Class Counsel's Motion for Approval of Settlement and Motion for An Award of Attorneys' Fees, Reimbursement of Expenses, and Incentive Awards for the Named Plaintiffs.

3. This supplemental declaration brings my firm's time to April 15, 2020, and corrects clerical errors located during a re-review of daily billing records, deducting a total of 13.6 hours (\$3,356.25) from the total contained in my prior declaration:

Name & Position	Hourly Rate	Total Hours	Lodestar
Stuart E. Des Roches (Partner)	\$950	1637.00	\$1,555,150.00
Andrew W. Kelly (Partner)	\$900	535.00	\$481,500.00
Chris Letter (Partner)	\$750	1642.00	\$1,231,500.00
Craig Glantz (Of Counsel)	\$650	238.50	\$155,025.00
Annie M. Schmidt (Associate)	\$500	290.75	\$145,375.00
Dan C. Chiorean (Associate)	\$625	2033.00	\$1,270,625.00
Chris Stow-Serge (Associate)	\$550	1188.75	\$653,812.50
John E. Fitzpatrick (Associate)	\$400	237.00	\$94,800.00
Amy Kennelly (Paralegal)	\$250	951.50	\$237,875.00
Kim Fontenot (Paralegal)	\$275	1368.50	\$376,337.50
		Total Hours: 10,122.00	Total Lodestar: \$6,202,000.00

4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of April, 2020.

/s/ Stuart E. Des Roches

Stuart E. Des Roches

# **EXHIBIT F**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<b>IN RE NAMENDA DIRECT PURCHASER ANTITRUST LITIGATION</b>  <b>THIS DOCUMENT RELATES TO: All Direct Purchaser Actions</b>	<b>Case No. 1:15-cv-07488-CM-RWL</b>
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**SUPPLEMENTAL DECLARATION OF DAVID RAPHAEL ON BEHALF OF  
SMITH SEGURA RAPHAEL & LEGER, LLP IN SUPPORT OF CLASS COUNSEL’S  
MOTION FOR ATTORNEYS’ FEES, REIMBURSEMENT OF EXPENSES AND  
INCENTIVE AWARDS FOR THE NAMED PLAINTIFFS**

I, David C. Raphael, Jr., subject to the penalties of perjury provided by 18 U.S.C. § 1746, do hereby declare as follows:

1. I am a partner in the law firm Smith Segura Raphael & Leger, LLP, attorneys for Plaintiff J M Smith Corporation d/b/a Smith Drug Co. and one of the firms representing the Direct Purchaser Class in the above-captioned case. I am admitted to practice *pro hac vice* in this matter.

2. I submit this declaration to supplement my prior declaration (ECF No. 927-6) in support of Class Counsel’s Motion for Attorneys’ Fees, Reimbursement of Expense, and Incentive Awards for the Namenda Plaintiffs.

3. This supplemental declaration brings my firm’s time to April 15, 2020 and corrects clerical errors located during a re-review of daily billing records, deducting a total of 1.80 hours (\$896.50) from the total contained in my prior declaration:

<b>Name</b>	<b>Status</b>	<b>Total Hours</b>	<b>Current Hourly Rate</b>	<b>Total Lodestar</b>
David P. Smith	Partner	11.10	\$800	\$8,880.00
Susan C. Segura	Partner	917.90	\$710	\$651,709.00
David C. Raphael, Jr.	Partner	1,840.80	\$710	\$1,306,968.00
Erin R. Leger	Partner	2,004.90	\$600	\$1,202,765.00
Brian D. Brooks	Former Partner	42.20	\$575	\$24,265.00
Mittie J. Bolton	Former Associate	337.30	\$500	\$168,650.00
Olga Fort	Contract Attorney	60.40	\$400	\$24,160.00
Michael L. Martin	Contract Attorney	705.50	\$375	\$264,562.50
Nancy Blackwell	Paralegal	263.40	\$225	\$59,265.00
Mark Windham	Former Paralegal	37.40	\$200	\$7,480.00
Megan Lord	Former Paralegal	36.60	\$165	\$6,039.00
Donna Thompson	Paralegal	35.50	\$155	\$5,502.50
<b>Totals:</b>		<b>6,293.00</b>		<b>\$3,730,246.00</b>

4. Pursuant to 28 U.S.C. § 1746, I declare under the penalties of perjury that the foregoing is true and correct.

Executed this 16th day of April, 2020.

/s/ David C. Raphael, Jr.  
David C. Raphael, Jr.

# **EXHIBIT G**



April 6, 2020

Honorable Colleen McMahon  
United States District Court for the  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *In Re Namenda Direct Purchaser Litigation, No. 1:15-cv-07488-CM-RWL*

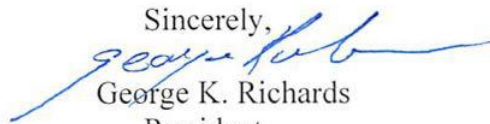
Dear Judge McMahon:

I am writing in my capacity as President of Capital Wholesale Drug Company ("Capital Wholesale"), a pharmaceutical wholesale business based in Columbus, Ohio, in support of the pending motions seeking final approval of the proposed settlement and an attorneys' fee award for Class Counsel in the above-captioned litigation.

Capital Wholesale is a class member in the above-described case, and I understand that it will have a claim to recovery out of the Settlement Fund. Class Counsel has fully informed Capital Wholesale of the facts and circumstances of the case including the legal hurdles and other risks involved. I understand that the \$750 million settlement for the direct purchaser class represents the largest ever settlement of a drug antitrust case against a single defendant under Section 4 of the Clayton Act. Capital Wholesale is satisfied that the proposed \$750 million settlement is fair and adequate and that the proposed attorneys' fee award of 27.5% of the settlement amount is appropriate in this case. In addition to the value of the \$750 million settlement achieved on behalf of the class, Capital Wholesale believes that this award is justified by the time and expense that class counsel put into prosecuting and favorably resolving this complex litigation.

For these reasons, Capital Wholesale asks the Court to approve the settlement and supports Class Counsel's application for attorneys' fees and reimbursement of costs.

Sincerely,



George K. Richards  
President,



# **EXHIBIT H**



1101 Lund Boulevard  
Anoka, MN 55303-1091  
Phone (763) 432-4333 • Fax (763) 421-0661

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April 6, 2020

Honorable Colleen McMahon  
United States District Court for the  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *In Re Namenda Direct Purchaser Litigation, No. 1:15-cv-07488-CM-RWL*

Dear Judge McMahon:

I am writing in my capacity as General Counsel of Dakota Drug, Inc., a pharmaceutical wholesaler based in Anoka, Minnesota, in support of the pending motions seeking final approval of the proposed settlement and an attorneys' fee award for Class Counsel in the above-captioned litigation.

Dakota Drug is a class member in the above-described case, and I understand that it will have a claim to recovery out of the Settlement Fund. Class Counsel has fully informed Dakota Drug of the facts and circumstances of the case including the legal hurdles and other risks involved. I understand that the \$750 million settlement for the direct purchaser class represents the largest ever settlement of a drug antitrust case against a single defendant under Section 4 of the Clayton Act. Dakota Drug is satisfied that the proposed \$750 million settlement is fair and adequate and that the proposed attorneys' fee award of 27.5% of the settlement amount is appropriate in this case. In addition to the value of the \$750 million settlement achieved on behalf of the class, Dakota Drug believes that this award is justified by the time and expense that class counsel put into prosecuting and favorably resolving this complex litigation.

For these reasons, Dakota Drug asks the Court to approve the settlement and supports Class Counsel's application for attorneys' fees and reimbursement of costs.

Very truly yours,

  
Matthew Kipp

# **EXHIBIT I**

April 7, 2020

Honorable Colleen McMahon  
United States District Court for the  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *In Re Namenda Direct Purchaser Litigation, No. 1:15-cv-07488-CM-RWL*

Dear Judge McMahon:

I am writing in my capacity as Executive Vice-President and General Manager of Drogueria Betances, Inc., a pharmaceutical wholesale business based in Caguas, Puerto Rico, in support of the pending motions seeking final approval of the proposed settlement and an attorneys' fee award for Class Counsel in the above-captioned litigation.

Drogueria Betances is a class member in the above-described case, and I understand that it will have a claim to recovery out of the Settlement Fund. Class Counsel has fully informed Drogueria Betances of the facts and circumstances of the case including the legal hurdles and other risks involved. I understand that the \$750 million settlement for the direct purchaser class represents the largest ever settlement of a drug antitrust case against a single defendant under Section 4 of the Clayton Act. Drogueria Betances is satisfied that the proposed \$750 million settlement is fair and adequate and that the proposed attorneys' fee award of 27.5% of the settlement amount is appropriate in this case. In addition to the value of the \$750 million settlement achieved on behalf of the class, Drogueria Betances believes that this award is justified by the time and expense that class counsel put into prosecuting and favorably resolving this complex litigation.

For these reasons, Drogueria Betances asks the Court to approve the settlement and supports Class Counsel's application for attorneys' fees and reimbursement of costs.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'J. Hernandez', is written over a light blue circular stamp.

---

Juan Carlos Hernandez  
Executive VP/General Manager

# **EXHIBIT J**

# Louisiana Wholesale Drug Co., Inc.



2085 I-49 S. Service Road • P.O. Box 500 • Sunset, Louisiana 70584  
Phone (337) 662-1040 • Fax (337) 662-5784

April 17, 2020

Honorable Colleen McMahon  
United States District Court for the  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *In Re Namenda Direct Purchaser Litigation, No. 1:15-cv-07488-CM-RWL*

Dear Judge McMahon:

I am writing in my capacity as President/CEO of Louisiana Wholesale Drug Co., Inc. ("LWD"), a pharmaceutical wholesale business based in Sunset, Louisiana, in support of the pending motions seeking final approval of the proposed settlement and an attorneys' fee award for Class Counsel in the above-captioned litigation.

LWD is a class member in the above-described case, and I understand that it will have a claim to recovery out of the Settlement Fund. Class Counsel has fully informed LWD of the facts and circumstances of the case including the legal hurdles and other risks involved. I understand that the \$750 million settlement for the direct purchaser class represents the largest ever settlement of a drug antitrust case against a single defendant under Section 4 of the Clayton Act. LWD is satisfied that the proposed \$750 million settlement is fair and adequate and that the proposed attorneys' fee award of 27.5% of the settlement amount is appropriate in this case. In addition to the value of the \$750 million settlement achieved on behalf of the class, LWD believes that this award is justified by the time and expense that class counsel put into prosecuting and favorably resolving this complex litigation.

For these reasons, LWD asks the Court to approve the settlement and supports Class Counsel's application for attorneys' fees and reimbursement of costs.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Chad Gielen", is written over a horizontal line.

Chad Gielen

# **EXHIBIT K**



April 14, 2020

Honorable Colleen McMahon  
United States District Court for the  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *In Re Namenda Direct Purchaser Litigation, No. 1:15-cv-07488-CM-RWL*

Dear Judge McMahon:

I am writing in my capacity as co-CEO/CFO of North Carolina Mutual Wholesale Drug Co. ("Mutual Drug"), a pharmaceutical wholesale business based in Durham, North Carolina, in support of the pending motions seeking final approval of the proposed settlement and an attorneys' fee award for Class Counsel in the above-captioned litigation.

Mutual Drug is a class member in the above-described case, and I understand that it will have a claim to recovery out of the Settlement Fund. Class Counsel has fully informed Mutual Drug of the facts and circumstances of the case including the legal hurdles and other risks involved. I understand that the \$750 million settlement for the direct purchaser class represents the largest ever settlement of a drug antitrust case against a single defendant under Section 4 of the Clayton Act. Mutual Drug is satisfied that the proposed \$750 million settlement is fair and adequate and that the proposed attorneys' fee award of 27.5% of the settlement amount is appropriate in this case. In addition to the value of the \$750 million settlement achieved on behalf of the class, Mutual Drug believes that this award is justified by the time and expense that class counsel put into prosecuting and favorably resolving this complex litigation.

For these reasons, Mutual Drug asks the Court to approve the settlement and supports Class Counsel's application for attorneys' fees and reimbursement of costs.

Very truly yours,

*Katie Zechman*

---

Katie Zechman



# **EXHIBIT L**



# Prescription Supply, Inc.

2233 Tracy Road • Northwood, OH 43619  
Phone: 419-661-6600 • Fax: 419-661-6617

April 6, 2020

Honorable Colleen McMahon  
United States District Court for the  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *In Re Namenda Direct Purchaser Litigation, No. 1:15-cv-07488-CM-RWL*

Dear Judge McMahon:

I am writing in my capacity as Vice President-Administration/Designated Representative of Prescription Supply, Inc., a pharmaceutical wholesale business based in Northwood, Ohio, in support of the pending motions seeking final approval of the proposed settlement and an attorneys' fee award for Class Counsel in the above-captioned litigation.

Prescription Supply is a class member in the above-described case, and I understand that it will have a claim to recovery out of the Settlement Fund. Class Counsel has fully informed Prescription Supply of the facts and circumstances of the case including the legal hurdles and other risks involved. I understand that the \$750 million settlement for the direct purchaser class represents the largest ever settlement of a drug antitrust case against a single defendant under Section 4 of the Clayton Act. Prescription Supply is satisfied that the proposed \$750 million settlement is fair and adequate and that the proposed attorneys' fee award of 27.5% of the settlement amount is appropriate in this case. In addition to the value of the \$750 million settlement achieved on behalf of the class, Prescription Supply believes that this award is justified by the time and expense that class counsel put into prosecuting and favorably resolving this complex litigation.

For these reasons, Prescription Supply asks the Court to approve the settlement and supports Class Counsel's application for attorneys' fees and reimbursement of costs.

Very truly yours,

Candace L.

Harbauer

Candace L. Harbauer

Digitally signed by Candace L.  
Harbauer  
Date: 2020.04.06 11:50:00  
-04'00'



# **EXHIBIT M**



**Greg Drew, RPh**  
**President**

**195 THEATER DRIVE • P.O. BOX 1027 • DUNCANSVILLE PA 16635**

**direct: 814-283-2205 • cell: 717-979-1631 • fax: 814-283-2215**

**www.valuedrugco.com • email: gdrew@valuedrugco.com**

April 8, 2020

Honorable Colleen McMahon  
United States District Court for the  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *In Re Namenda Direct Purchaser Litigation, No. 1:15-cv-07488-CM-RWL*

Dear Judge McMahon:

I am writing in my capacity as President of Value Drug Co., a pharmaceutical wholesale business based in Duncansville, Pennsylvania, in support of the pending motions seeking final approval of the proposed settlement and an attorneys' fee award for Class Counsel in the above-captioned litigation.

Value Drug is a class member in the above-described case, and I understand that it will have a claim to recovery out of the Settlement Fund. Class Counsel has fully informed Value Drug of the facts and circumstances of the case including the legal hurdles and other risks involved. I understand that the \$750 million settlement for the direct purchaser class represents the largest ever settlement of a drug antitrust case against a single defendant under Section 4 of the Clayton Act. Value Drug is satisfied that the proposed \$750 million settlement is fair and adequate and that the proposed attorneys' fee award of 27.5% of the settlement amount is appropriate in this case. In addition to the value of the \$750 million settlement achieved on behalf of the class, Value Drug believes that this award is justified by the time and expense that class counsel put into prosecuting and favorably resolving this complex litigation.

For these reasons, Value Drug asks the Court to approve the settlement and supports Class Counsel's application for attorneys' fees and reimbursement of costs.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Gregory Drew, RPh", written in a cursive style.

Gregory Drew

# **EXHIBIT N**



April 20, 2020

Honorable Colleen McMahon  
United States District Court for the  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *In Re Namenda Direct Purchaser Litigation, No. 1:15-cv-07488-CM-RWL*

Dear Judge McMahon:

I am writing in my capacity as General Counsel for J M Smith Corporation (d/b/a Smith Drug Co.) ("Smith Drug"), a pharmaceutical wholesale business headquartered in Spartanburg, South Carolina, in support of the pending motions seeking final approval of the proposed settlement and an attorneys' fee award for class counsel in the above-captioned litigation.

Smith Drug is a named plaintiff and certified representative of the direct purchaser class in this litigation. Smith Drug has actively participated in the case from its inception. One of Smith Drug's executives left a family wedding to travel to New York to fully prepare to testify on the first day of trial testimony. Smith Drug has been consulted and kept informed about the progress of the case, including the settlement negotiations that eventually resulted in a \$750 million cash settlement for the direct purchaser class reached on the eve of trial. Smith Drug has at all times been aware of the complexity of the case, its risks, and the commitment of time and resources that was required of Smith Drug and class counsel in order to achieve a successful result. I understand that the settlement reached on the eve of trial last year represents the largest ever settlement of a drug antitrust case against a single defendant under Section 4 of the Clayton Act. Smith Drug was a class representative in the case that resulted in the largest ever settlement prior to this case, *In re Modafinil Antitrust Litig.*, No. 07-1979 (E.D. Pa. Oct. 16, 2015), and supported Class Counsel's proposed attorney's fee award in that case.

Smith Drug is satisfied that the proposed \$750 million settlement is fair and adequate and that the proposed attorneys' fee award is appropriate in this case. In addition to the value of the \$750 million settlement achieved on behalf of the class, Smith Drug believes that this award is justified by the time and expense that class counsel put into prosecuting and favorably resolving this complex litigation.

For these reasons, Smith Drug asks the Court to approve the settlement and supports class counsel's application for attorneys' fees and reimbursement of costs.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Robert M. Barrett', is written over a blue circular stamp.

Robert M. Barrett  
General Counsel – J M Smith Corporation