

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE SUBOXONE (BUPRENORPHINE
HYDROCHLORIDE AND NALOXONE)
ANTITRUST LITIGATION**

MDL No. 2445

Master File No. 2:13-MD-2445-MSG

THIS DOCUMENT RELATES TO:

All Direct Purchaser Class Actions

**DECLARATION OF BRUCE E. GERSTEIN IN SUPPORT OF DIRECT PURCHASER
CLASS PLAINTIFFS' MOTION FOR FINAL APPROVAL OF PROPOSED
SETTLEMENT**

I, Bruce E. Gerstein, hereby declare as follows:

1. I am an attorney admitted *pro hac vice* in this matter. I am a Managing Partner at Garwin Gerstein & Fisher LLP and am Co-Lead Counsel for the Direct Purchaser Class. I submit this declaration in support of Direct Purchaser Class Plaintiffs' Motion for Final Approval of Proposed Settlement.

2. On November 20, 2023, Class Counsel, through the Court-appointed claims administrator, caused notice to be given to class members via first-class mail. The notice detailed, *inter alia*: (a) the terms of the Settlement; (b) the procedures and deadline for objecting to either the Settlement and/or Class Counsel's Fee Submission; (c) the procedures and deadlines for submitting claim forms and/or receiving Settlement funds; and (d) the location, date and time of the Court's final fairness hearing. *See* Gerstein Decl. at Ex. 8 hereto (Declaration of Tina Chiango, RG/2 Claims Administration LLC, Regarding Notice of the Proposed Settlement to the Direct Purchaser Class).

3. On December 29, 2023, Class Counsel filed their Fee Submission, which addressed

attorneys' fees, reimbursement of costs and service awards to the named plaintiffs. *See* ECF No. 992. The Fee Submission was posted on the websites of Co-Lead Class Counsel.

4. On January 16, 2024, Class Counsel filed their Revised Fee Submission, which addressed just one aspect of Class Counsel's Fee Submission - attorneys' fees - by reducing Class Counsel's request for attorneys' fees from 33⅓ percent to 32 percent. *See* ECF No. 993 (Ex. 6 hereto). The Revised Fee Submission was filed after Class Counsel consulted with the three largest Class members (the "National Wholesalers") who collectively represent 93% of the direct purchases that are the subject of the claims in the instant litigation. *Id.* The Revised Fee Submission was posted on the websites of Co-Lead Class Counsel.

5. No objections to the Settlement were received by either Co-Lead Class Counsel or the claims administrator.

6. No objections to the Fee Submission or Revised Fee Submission were received by Co-Lead Class Counsel.

7. Numerous Class members have submitted letters to the Court affirmatively supporting both the Settlement and the Revised Fee Submission. *See* Exs. 1-5 hereto.

8. The National Wholesalers advised Class Counsel that Class Counsel may represent to the Court that the Revised Fee Submission is acceptable to them. *See* Ex. 6 hereto.

9. Class representative Rochester Drug Co-Operative, Inc. and Class member Miami-Luken, Inc. filed a notice of joinder to the Revised Fee Submission representing to the Court, through their counsel, that the Revised Fee Submission is acceptable to them. *See* Ex. 7 hereto.

10. Attached as **Exhibit 1** hereto is a true and correct copy of a letter dated January 18, 2024 from Matthew Kipp of Dakota Drug, Inc. to the Court.

11. Attached as **Exhibit 2** hereto is a true and correct copy of a letter dated January 23, 2024 from Katie Zechman of North Carolina Mutual Wholesale Drug Co. to the Court.

12. Attached as **Exhibit 3** hereto is a true and correct copy of a letter dated January 18, 2024 from Candace L. Harbauer of Prescription Supply, Inc. to the Court.

13. Attached as **Exhibit 4** hereto is a true and correct copy of a letter dated January 22, 2024 from Robert Barrett of J M Smith Corporation d/b/a Smith Drug Company to the Court.

14. Attached as **Exhibit 5** hereto is a true and correct copy of a letter dated January 18, 2024 from Gregory Drew of Value Drug Co. to the Court.

15. Attached as **Exhibit 6** hereto is a true and correct copy of Class Counsel's Supplemental Submission Regarding Class Counsel's Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and Service Awards for the Class Representatives (ECF No. 993).

16. Attached as **Exhibit 7** hereto is a true and correct copy of Notice of Joinder By Class Representative Rochester Drug Co-Operative, Inc. and Absent Class Member Miami-Luken, Inc. (ECF No. 994).

17. Attached as **Exhibit 8** hereto is a true and correct copy of the Declaration of Tina Chiango, RG/2 Claims Administration LLC, Regarding Notice of the Proposed Settlement to the Direct Purchaser Class.

I hereby declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed in New York, New York on February 2, 2024.

/s/ Bruce E. Gerstein

Bruce E. Gerstein