

**If you purchased Suboxone® tablets directly from Reckitt Benckiser Pharmaceuticals, Inc. (now known as Indivior Inc.), your rights may be affected by the settlement of a class action lawsuit.**

*A federal court authorized this Notice. It is not a solicitation from a lawyer. You are not being sued.*

You were previously notified in 2021 about your membership in the class of direct purchasers in this lawsuit. The purpose of this Notice is to alert you to the existence of and provide important details about a proposed settlement relating to the class action lawsuit brought by Burlington Drug Company, Inc., Meijer, Inc., Meijer Distribution, Inc., and Rochester Drug Co-Operative, Inc. (“Class Representatives” or “Direct Purchaser Class Plaintiffs”) on behalf of direct purchasers of Suboxone® tablets (buprenorphine hydrochloride/naloxone tablets) and to give you the opportunity to object to the settlement.

The proposed settlement with Defendant Indivior Inc. (formerly known as Reckitt Benckiser Pharmaceuticals, Inc.) (“Indivior” or “Defendant”) will provide for the payment of \$385,000,000 (Three Hundred Eighty-Five Million Dollars and no/100) in cash to resolve the Direct Purchaser Class Plaintiffs’ claims against Indivior (the “Settlement Fund”).

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

The Court has scheduled a hearing to decide on final approval of the settlement, the plan for allocating the Settlement Fund to Direct Purchaser Class Members (summarized in the responses to Questions 6 and 7 below), and Class Counsel’s request for settlement administration costs, attorneys’ fees, reimbursement of Class Counsel’s out-of-pocket expenses and costs, and service awards to the Class Representatives. That hearing is scheduled for **February 27, 2024** before U.S. District Court Judge Mitchell S. Goldberg in Courtroom 17A of the United States District Court for the Eastern District of Pennsylvania, James A. Byrne U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106.

The Court previously determined that the lawsuit between Direct Purchaser Class Plaintiffs and Indivior can proceed as a class action because it meets the requirements of the Federal Rule of Civil Procedure 23, which governs class actions in federal courts. The class (hereinafter, the “Direct Purchaser Class” or the “Class”) consists of the following:

All persons or entities in the United States and its territories who purchased branded Suboxone tablets directly from Reckitt Benckiser Pharmaceuticals, Inc. (now known as Indivior Inc.) at any time during the period January 1, 2012 through March 14, 2013 (the “Class”). Excluded from the Class are Indivior Inc. (formerly known as Reckitt Benckiser Pharmaceuticals, Inc.), its officers, directors,

management, employees, subsidiaries, and affiliates, and all federal governmental entities.

The proposed settlement will affect the rights of all members of the Class, as defined above.

The Court in charge of this case still has to decide whether to give Final Approval to the proposed settlement with Indivior.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>IF YOU WISH TO RECOVER A SHARE OF THE SETTLEMENT FUND, PROMPTLY COMPLETE AND RETURN THE ENCLOSED CLAIM FORM</b>	If you are a member of the Class, the enclosed Claim Form must be completed, signed and returned or postmarked by <b>January 12, 2024</b> to obtain a share of the Settlement Fund.
<b>OBJECT TO THE SETTLEMENT</b>	<p>If you object to any part or all of the proposed settlement, you must file an objection with the Court, along with a statement explaining the basis for your objection to the proposed settlement. You must also send a copy of your objections to the Clerk of the Court and the lawyers listed in Question 12 below.</p> <p><i><u>Regardless of whether you object, the enclosed Claim Form must be completed, signed and returned or postmarked by mail by <b>January 12, 2024</b> in order to recover a share of the Settlement Fund.</u></i></p>
<b>GET MORE INFORMATION</b>	If you would like to receive more information about the proposed settlement, you can send questions to the lawyers identified in this Notice and/or attend the hearing at which the Court will evaluate the proposed settlement.

*These rights and options—and the deadlines to exercise them—are explained in this Notice.*

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## BASIC INFORMATION

### 1. Why Did I Get This Notice?

You received this Notice because, according to sales records of Indivior, you may have purchased Suboxone® tablets directly from Reckitt Benckiser Pharmaceuticals, Inc. (now known as Indivior Inc.) at some point between January 1, 2012 and March 14, 2013. You previously received a Notice in 2021 about the certification of the class of direct purchasers in this case.

A federal court authorized this Notice because you have a right to know about the proposed settlement and about all of your options before the Court decides whether to grant final approval of the settlement. This Notice explains the lawsuit, the settlement, your legal rights, what benefits are available, and eligibility for those benefits. Receiving this Notice does not necessarily mean you are definitely a member of the Direct Purchaser Class. You may confirm that you are a member of the Direct Purchaser Class by reviewing the criteria set forth in Question 5 below. You may also call or write to the lawyers in this case at the telephone numbers or addresses listed in Question 9 below.

### 2. What Is This Lawsuit About?

Direct Purchaser Class Plaintiffs allege that Defendant violated federal antitrust laws by delaying and impairing competition by generic bioequivalent versions of Suboxone® tablets. Specifically, Direct Purchaser Class Plaintiffs allege that Defendant coerced patients, physicians, and managed care entities away from Suboxone® tablets and over to Defendant's new Suboxone® film product, in order to force Direct Purchaser Class Plaintiffs and members of the Class (defined below) to purchase branded Suboxone® film instead of generic bioequivalent versions of Suboxone® tablets (which Plaintiffs allege were less expensive), once they became available on the market. Direct Purchaser Class Plaintiffs also allege that Defendant delayed the market entry of generic Suboxone tablets by manipulating FDA's Risk Evaluation and Mitigation Strategy process. Direct Purchaser Class Plaintiffs allege that they and the other members of the Class were injured because they purchased more expensive branded Suboxone® tablets and film instead of less expensive generic bioequivalent versions of Suboxone® tablets.

Defendant denies these allegations, and denies that any Class Member is entitled to damages or any other relief. Defendant also denies that any of its conduct violated any applicable law or regulation. Specifically, Defendant asserts that patients, physicians, and managed care entities were never coerced into purchasing Suboxone® film, and that members of the Class always had access to Suboxone® tablets, including generic bioequivalent versions of Suboxone® tablets. Moreover, Defendant asserts members of the Class were not injured because Suboxone® film was cheaper than generic bioequivalent versions of Suboxone® tablets. No trial has been held.

A copy of the publicly-filed, redacted, operative Direct Purchaser Class Plaintiffs' Second Consolidated Amended Class Action Complaint and Demand for Jury Trial filed February 23, 2015 is available at <https://www.garwingerstein.com>, <https://www.faruqilaw.com/>, and <https://www.hbsslaw.com/>.

The class action is known as *In re Suboxone (Buprenorphine Hydrochloride and Naloxone) Antitrust Litigation*, MDL No. 2445, No. 13-md-02445 (E.D. Pa.). Judge Mitchell S. Goldberg of

the United States District Court for the Eastern District of Pennsylvania is overseeing this class action and the settlement.

THIS NOTICE IS NOT AN EXPRESSION OF ANY OPINION BY THE COURT AS TO THE MERITS OF DIRECT PURCHASER CLASS PLAINTIFFS' CLAIMS AGAINST INDIVIOR OR THE DEFENSES ASSERTED BY INDIVIOR.

### 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 Burlington Drug Company, Inc., Meijer, Inc., Meijer Distribution, Inc., and Rochester Drug Co-Operative, Inc.

The Class Representatives and the entities on whose behalf they have sued together constitute the "Class" or "Class Members." They are also called the "Direct Purchaser Class Plaintiffs" or "Plaintiffs." Their attorneys are called "Plaintiffs' Counsel," "Lead Counsel for the Class," or "Class Counsel."

The company that has been sued is called the "Defendant." In this case, the Defendant is Indivior Inc. (formerly known as Reckitt Benckiser Pharmaceuticals, Inc.).

In a class action lawsuit such as this one, one court resolves the issues for everyone in the class, except for those Class Members who previously timely excluded themselves (i.e., "opted out") from the class. The District Court, by memorandum and order filed on September 27, 2019, earlier determined that the lawsuit by Direct Purchaser Class Plaintiffs against the Defendant Indivior Inc. would proceed as a class action. Defendant Indivior Inc. appealed this decision to the United States Court of Appeals for the Third Circuit, and on July 28, 2020 the Court of Appeals affirmed the District Court's determination that the lawsuit by Direct Purchaser Class Plaintiffs against the Defendant Indivior Inc. would proceed as a class action. A copy of the District Court's class certification memorandum and order and the Third Circuit Court of Appeal's order affirming the District Court's order may be found at <https://www.garwingerstein.com>, <https://www.faruqilaw.com/>, and <https://www.hbsslaw.com/>.

Specifically, the Court previously found that:

- The number of Class Members is so numerous that joining them all into one suit would be impractical.
- Class Members share common legal or factual issues relating to the claims in this case.
- The claims of the Class Representatives are typical of the claims of the rest of the Class Members.
- The Class Representatives and the lawyers representing the Class will fairly and adequately protect the Class's interests.

- Class-wide issues predominate over any questions affecting only individual members of the Class, and this class action is a superior method to fairly and efficiently adjudicate this controversy.

#### 4. Why Is There a Settlement?

The Direct Purchaser Class Plaintiffs and Indivior were preparing to proceed to trial, but they have now agreed to a proposed settlement. By settling, both the Direct Purchaser Class Plaintiffs and Indivior avoid the risk of trial and the continued costs of litigation. The Class Representatives and Class Counsel believe that the proposed settlement is fair, adequate, reasonable, and in the best interests of the Class.

### **WHO IS INCLUDED IN THE CLASS AND THE SETTLEMENT**

To see if you are in the Class, and if so, how you will be able to share in the Settlement Fund, you first have to decide if you are a Class Member.

#### 5. Am I Part of the Class and the Settlement?

You are in the Class if you are a person or entity in the United States and its territories that purchased branded Suboxone® tablets directly from Reckitt Benckiser Pharmaceuticals, Inc. (now known as Indivior Inc.) during the period January 1, 2012 through March 14, 2013 (the “Class”). Excluded from the Class are Defendant, its officers, directors, management, employees, subsidiaries, and affiliates, and all federal governmental entities.

If you are not sure whether you are included, you may call or write to the lawyers in this case at the telephone numbers or addresses listed in Question 9 below.

### **THE SETTLEMENT BENEFITS: WHAT YOU GET**

#### 6. What Does the Settlement Provide?

Indivior has agreed to pay \$385,000,000 in cash into an interest-bearing escrow account for the benefit of the Direct Purchaser Class.

If approved by the Court, the Settlement Fund, minus any Court-awarded fees and expenses to Class Counsel, the cost of settlement notice and administration, and service awards to the Class Representatives (the “Net Settlement Fund”), will be distributed to Direct Purchaser Class Members who return valid and timely Claim Forms. The distribution will be made on a *pro rata* basis, based on each Direct Purchaser Class Member’s weighted *pro rata* share of the total Direct Purchaser Class purchases of branded Suboxone® tablets and film. The Allocation Plan utilizes the combined totals of each Direct Purchaser Class Member’s purchases of branded Suboxone® tablets and film. The detailed Plan of Allocation is posted and can be reviewed at <https://www.garwingerstein.com>, <https://www.faruqilaw.com/>, and <https://www.hbsslaw.com/>.

Transactional sales data from Indivior will be used to make these calculations. Direct Purchaser Class Members will be given the opportunity to provide data or information to supplement or correct this information if they choose. Each Direct Purchaser Class Member is being sent with

this Notice a Claim Form pre-populated with information about their purchases to review, sign, and return.

Class Counsel will ask for service awards for the Class Representatives of up to \$100,000 each from the Settlement Fund in recognition of their efforts to date on behalf of the Class in this 10-year litigation.

In exchange for the Settlement Fund, Defendant (the “Releasee”) will be released and discharged from all antitrust and similar claims relating to branded Suboxone® tablets (“Released Claims” as defined in the Settlement Agreement). The full text of the release is included in the Settlement Agreement, available at <https://www.garwingerstein.com>, <https://www.faruqilaw.com/>, and <https://www.hbsslaw.com/>.

This Notice is a summary only and is not intended to, and does not, vary the terms of the actual Settlement Agreement or the Plan of Allocation.

#### 7. When Would I Get My Payment and How Much Would It Be?

Each Direct Purchaser Class Member’s proportionate *pro rata* recovery will be determined using a Court-approved Plan of Allocation. The detailed Plan of Allocation is posted and can be reviewed at <https://www.garwingerstein.com>, <https://www.faruqilaw.com/>, and <https://www.hbsslaw.com/>. Under the proposed Plan of Allocation, your share of the Net Settlement Fund will depend on the total amount of branded Suboxone® tablets and film that you purchased from Reckitt Benckiser Pharmaceuticals, Inc. (now known as Indivior Inc.). Generally, those who purchased more will get a higher recovery.

Your share of the Net Settlement Fund will also depend on the number of valid Claim Forms that Class Members submit. If fewer than 100% of the Class Members send in a Claim Form, you could get a larger *pro rata* share.

Money from the settlement will only be distributed to Class Members if the Court grants final approval of the settlement. Payment is conditioned on several items, including the Court’s approval of the settlement and such approval no longer being subject to any appeals to any court or, if there is an appeal, such appeal being final and no longer subject to any further appeal. Payments for valid claims will be made after the Court grants final approval of the settlement and any appeals are resolved.

The Settlement Agreement may be terminated if the Court does not approve the settlement or materially modifies it. If the Settlement Agreement is terminated, the lawsuit will proceed against Indivior as if such settlement had not been reached.

#### 8. How Can I Get a Payment?

The enclosed Claim Form must be completed, signed and returned or postmarked by mail by **January 12, 2024** to request a *pro rata* share of the Net Settlement Fund. Court-approved fees and expenses for the attorneys and service awards to the Class Representatives will also be paid by the Settlement Fund. Transactional sales data from the Defendant will be used to make the *pro rata* share calculations. You must verify the accuracy of the information in the Claim Form that you

were provided, and sign and return the form according to the directions on the form. You may provide data or information to supplement or correct this information.

Claim Forms must be completed, signed and returned or postmarked by mail (with any necessary supporting documentation if the claimant disagrees with the information contained in its Claim Form) by **January 12, 2024**.

## THE LAWYERS REPRESENTING YOU

### 9. Do I Have a Lawyer in this Case?

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

Bruce E. Gerstein  
Garwin Gerstein & Fisher LLP  
88 Pine Street, 28th Floor  
New York, NY 10005  
Tel.: 212-398-0055  
bgerstein@garwingerstein.com

Peter Kohn  
Faruqi & Faruqi LLP  
One Penn Center, Suite 1550  
1617 JFK Boulevard  
Philadelphia, PA 19103  
Tel.: 215-277-5770  
pkohn@faruqilaw.com

Thomas S. Sobol  
Hagens Berman Sobol Shapiro LLP  
One Faneuil Hall Sq., 5th Floor  
Boston, MA 02109  
Tel.: 617-482-3700  
tom@hbsslaw.com

### 10. Should I Get My Own Lawyer?

You do not need to hire your own lawyer if you are in the Class 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.

### 11. How Will the Lawyers Representing the Class Be Paid?

If the Court gives Final Approval to the settlement, then the Court will be asked to approve reasonable fees and expenses for the lawyers who worked on the case and for reimbursement of the litigation expenses they have advanced on behalf of the Class. Class Counsel intend to seek attorneys' fees of up to 33 1/3% of the Settlement Fund plus court-approved expenses and service awards, including a proportionate share of any accrued interest. If the Court grants Class Counsel's requests, fees and expenses would be deducted from the Settlement Fund. Class Members will not have to pay any attorneys' fees or expenses out of their own pockets.

Any application by Class Counsel for an award of attorneys' fees, reimbursement of expenses, and service awards to the Class Representatives will be filed with the Court and made available for download and/or viewing at <https://www.garwingerstein.com>, <https://www.faruqilaw.com/>,



and <https://www.hbsslaw.com/>, as well as the offices of the Clerk of Court for the United States District Court for the Eastern District of Pennsylvania, James A. Byrne U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106, during normal business hours.

**OBJECTING TO THE SETTLEMENT**

You can tell the Court that you do not agree with all or any part of the proposed settlement, and/or the application for attorneys’ fees, costs, and expenses, and/or service awards to the Class Representatives.

**12. How Do I Tell the Court That I Do Not Like the Settlement?**

If you are a member of the Class, you can object to the settlement or any part of it if you do not like it. The Court will consider your views. To object, you must file an objection with the Court on the docket for *In re Suboxone (Buprenorphine Hydrochloride and Naloxone) Antitrust Litigation*, MDL No. 2445, No. 13-md-02445 (E.D. Pa.), along with a statement explaining the basis of your objection along with any supporting documentation. In addition to filing the objection, you also must send a copy of your objection by mail to the addresses below. Be sure to include your name, address, telephone number, signature, and the reasons why you object to the settlement. You must mail the objection separately to each of the following:

Counsel for Individior	Class Counsel
Justin W. Bernick Hogan Lovells US LLP 555 Thirteenth Street, NW Washington, DC 20004 Tel.: 202-637-5485 justin.bernick@hoganlovells.com	Bruce E. Gerstein Garwin Gerstein & Fisher LLP 88 Pine Street, 28th Floor New York, NY 10005 Tel.: 212-398-0055 bgerstein@garwingerstein.com  Peter Kohn Faruqi & Faruqi LLP One Penn Center, Suite 1550 1617 JFK Boulevard Philadelphia, PA 19103 Tel.: 215-277-5770 pkohn@faruqilaw.com  Thomas S. Sobol Hagens Berman Sobol Shapiro LLP One Faneuil Hall Sq., 5th Floor Boston, MA 02109 Tel.: 617-482-3700 tom@hbsslaw.com

**Clerk of the Court**

Clerk of the United States District Court for the Eastern District of Pennsylvania  
James A. Byrne U.S. Courthouse  
601 Market Street, Philadelphia, PA 19106

**Your objection must be filed with the Court by January 12, 2024. Again, whether or not you object to the proposed settlement, the enclosed Claim Form must be completed, signed and returned or postmarked by mail by January 12, 2024 to request a *pro rata* share of the Net Settlement Fund.**

**THE COURT’S FINAL 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.

**13. When and Where Will the Court Decide Whether to Approve the Settlement?**

The Court will hold a Fairness Hearing at **10:00 a.m. on February 27, 2024** in Courtroom 17A of the United States District Court for the Eastern District of Pennsylvania, James A. Byrne U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106. 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 approve the settlement. We do not know how long this decision will take. The date and time of the hearing is subject to change. Notice of such change will be posted at <https://www.garwingerstein.com>, <https://www.faruqilaw.com/>, and <https://www.hbsslaw.com/>.

**14. Do I Have to Come to the Hearing?**

No, you do not have to attend the hearing. Class Counsel will answer any questions that Judge Goldberg may have. You are welcome to attend at your own expense, however.

If you send an objection, you do not have to come to Court to talk about it. So long as you file your written objection by the deadline, the Court will consider it. You may also pay your own lawyer to attend, but this is not necessary for you to receive a *pro rata* share of the Net Settlement Fund.

**15. May I Speak at the Hearing?**

If you are a member of the Direct Purchaser Class, you may ask the Court for permission to speak at the Fairness Hearing. To do so, you must file a notice of intention to appear with the Court on the docket for *In re Suboxone (Buprenorphine Hydrochloride and Naloxone) Antitrust Litigation*, MDL No. 2445, No. 13-md-02445, along with your objection. Be sure to include your name, address, and telephone number, your signature, and a summary statement outlining your positions and the reasons for them, as well as copies of any supporting documents or briefs you want the Court to consider. Your Notice of Intention to Appear must be filed no later than **January 12, 2024**.

You cannot speak at the hearing if you do not send a Notice of Intention to Appear.

## IF YOU DO NOTHING

### 16. What Happens If I Do Nothing at All?

If you are a member of the Direct Purchaser Class and you do nothing, and the Court approves the settlement, then you will be eligible to participate in the settlement as described in this Notice. You will also release your claims against Indivior as described in the Settlement Agreement. However, the Claim Form provided with this Notice must be completed, signed and returned or postmarked by mail by **January 12, 2024** in order to obtain a payment.

## GETTING MORE INFORMATION

### 17. How Do I Get More Information?

If you have questions about this case or wish to read more detailed information about this litigation, you may call or write to Class Counsel as indicated in Question 9. Further information is also available at <https://www.garwingerstein.com>, <https://www.faruqilaw.com/>, and <https://www.hbsslaw.com/>. The Claims Administrator, RG/2 Claims Administration, can be contacted at the following address:

RG/2 Claims Administration  
P.O. Box 59479  
Philadelphia, PA 19102-9479

This Notice is only a summary of the proposed settlement and is qualified in its entirety by the terms of the actual Settlement Agreement. A copy of the Settlement Agreement is on public file with the Office of the Clerk, United States District Court for the Eastern District of Pennsylvania, James A. Byrne U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106, and is also available at <https://www.garwingerstein.com>, <https://www.faruqilaw.com/>, and <https://www.hbsslaw.com/>.

**PLEASE DO NOT CALL OR WRITE TO THE COURT OR THE CLERK'S OFFICE FOR INFORMATION. PLEASE DIRECT ANY INQUIRIES TO ANY OF THE CLASS COUNSEL LISTED ABOVE.**

DATE: November 20, 2023

BY THE COURT

The Honorable Mitchell S. Goldberg  
United States District Judge