IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re: Seroquel XR (Extended Release Quetiapine Fumarate) Antitrust Litig.
This Document Relates To: All Direct Purchaser Class Actions

Master Dkt. No. 20-1076-CFC

~~[PROPOSED]~~ ORDER GRANTING DIRECT PURCHASER CLASS PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

And now, on this 6th day of February, 2023, upon consideration of Direct Purchaser Class Plaintiffs' Motion for Class Certification, and all submissions and arguments related thereto, it is hereby **ORDERED** that the Motion is **GRANTED**. The Court makes the following determinations as required by Rule 23:

1. Pursuant to Fed. R. Civ. P. 23(c)(1)(B), the Class, which shall hereinafter be denominated the "Class," is defined as follows:

> All persons or entities in the United States, including its territories, possessions, and the Commonwealth of Puerto Rico, who purchased 50mg, 150mg, 200mg, and/or 300mg strength of brand or generic Seroquel XR directly from any of the Defendants[1] at any time from August 2, 2015 until April 30, 2017 (the "Class Period"). Excluded from the Class are Defendants and their officers, directors, management

[1] "Defendants" are AstraZeneca Pharmaceuticals L.P., AstraZeneca L.P. (collectively, "AstraZeneca"), Handa Pharmaceuticals, LLC ("Handa"), and Par Pharmaceutical, Inc. ("Par")

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

2. The Class is so numerous and geographically dispersed that joinder of all members thereof is impracticable. *See* Fed. R. Civ. P. 23(a)(1). According to data produced by Defendants in this litigation, the Class has 51 members geographically dispersed throughout the United States, which is sufficient to satisfy the impracticality of joinder requirement of Rule 23(a)(l).

3. Pursuant to Rule 23(c)(l)(B), the Court determines that the following issues relating to claims and/or defenses present common, Class-wide questions:

a. whether Defendants unlawfully suppressed generic Seroquel XR competition;

b. whether a relevant antitrust market needs to be defined in this case and, if so, its definition;

c. whether AstraZeneca illegally obtained or maintained monopoly power;

d. whether Defendants' actions were, on balance, unreasonable restraints of trade;

e. whether Defendants' conduct substantially affected interstate commerce;

f. whether, and to what extent, Defendants' conduct caused antitrust injury (overcharges) to DPPs and the Class; and

g. the quantum of aggregate overcharge damages paid by the Class.

4. The Court determines that the foregoing Class-wide issues relating to claims and/or defenses are questions of law or fact common to the Class that satisfy Rule 23(a)(2).

5. Plaintiffs J M Smith Corporation d/b/a, Smith Drug Company ("Smith Drug") and KPH Healthcare Services, Inc. a/k/a Kinney Drugs, Inc ("KPH") (the "DPPs" or "Class Representatives") are hereby appointed as representatives of the Class for the following reasons:

a) DPPs allege on behalf of the Class the same manner of injury from the same course of conduct that DPPs complain of for themselves, and DPPs assert on their own behalf the same legal theory that they assert for the Class. The Court therefore determines that DPPs' claims are typical of the claims of the proposed Class within the meaning of Rule 23(a)(3); and

b) Pursuant to Rule 23(a)(4), the Court determines that the DPPs will fairly and adequately protect the interests of the Class. DPPs' interests do not conflict in any cognizable or material way with the interests of absent members of the Class. All of the Class members share a common interest in proving Defendants' alleged anticompetitive conduct, and all Class members share a common interest in recovering the overcharge damages sought in the DPPs'

Consolidated Amended Class Action Complaint, ECF No. 135. Moreover, any Class member that wishes to opt out of the Class will be given an opportunity to do so. Furthermore, DPPs are well-qualified to represent the Class in this case, given their experience in prior cases, retention of qualified counsel, and the vigor with which they have prosecuted this action thus far.

6. Pursuant to Rule 23(b)(3), the Court determines that common questions of law and fact predominate over questions affecting only individual members. In light of the Class-wide claims, issues, and defenses set forth above, the issues in this action that are subject to generalized proof, and thus applicable to the Class as a whole, predominate over those issues that are subject only to individualized proof. Also pursuant to Rule 23(b)(3), the Court determines that a class action is superior to other available methods for the fair and efficient adjudication of this action. The Court believes it is desirable, for purposes of judicial and litigation efficiency, to concentrate the claims of the Class in a single action. The Court also believes that there are few if any manageability problems presented by a case such as this.

7. The Court finds that counsel for the Class has prosecuted this litigation effectively to date, and, having considered the factors provided in Rule 23(g)(1)(A), appoints Garwin Gerstein & Fisher LLP as Lead Counsel for the

Class pursuant to Fed. R. Civ. P. 23(c)(l)(B) and 23(g). Lead Counsel has extensive experience in cases like this challenging restraints of generic drug competition and is working effectively to prosecute this case. Lead Counsel is directed to ensure that any remaining work in this litigation that is performed by counsel for the Class is performed efficiently and without duplication of effort.

IT IS SO ORDERED.

Dated: February 6, 2024

Colm F. Connolly, Chief Judge
United States District Court, D. Del.