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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

In re K-Dur Antitrust Litigation

This document relates to:

All Direct Purchaser Actions

Civil Action No. 01-cv-1652(SRC)(CLW)
MDL Docket No. 1419

**NOTICE OF MOTION IN SUPPORT OF DIRECT PURCHASER CLASS PLAINTIFFS'
UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF PROPOSED
SETTLEMENT, APPROVAL OF THE FORM AND MANNER OF NOTICE TO THE
CLASS AND PROPOSED SCHEDULE FOR A FAIRNESS HEARING**

PLEASE TAKE NOTICE that on June 19, 2017, or at such other time convenient to the Court, Direct Purchaser Class Plaintiffs (“DPC Plaintiffs”) shall move, pursuant to Federal Rule of Civil Procedure 23, for entry of the Preliminary Approval Order proposed herewith (Exhibit A to the Settlement Agreement annexed to the Declaration of Bruce E. Gerstein) which provides for, *inter alia*:

- (a) Preliminary approval by the Court of a proposed Settlement Agreement between DPC Plaintiffs and Defendants Merck & Co. (formerly known as Schering-Plough Corporation) and Upsher-Smith Laboratories (collectively, “Defendants”);
- (b) Approval of the proposed form and manner of notice to the Class;

- (c) Approval of the proposed Escrow Agreement between DPC Plaintiffs, Defendants and Berdon Claims Administration LLC; and
- (d) The establishment of a proposed schedule leading up to and including the Fairness Hearing.

In support of this motion, DPC Plaintiffs rely upon the accompanying Memorandum of Law and Declaration of Bruce E. Gerstein (and exhibits thereto).

Dated: May 15, 2017

Respectfully submitted,

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