

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE OPANA ER ANTITRUST
LITIGATION

MDL No. 2580

Lead Case No. 14-cv-10150

THIS DOCUMENT RELATES TO:

Hon. Harry D. Leinenweber

Direct Purchaser Action

**[PROPOSED] ORDER APPROVING DIRECT PURCHASER CLASS PLAINTIFFS’
SECOND MOTION FOR DISTRIBUTION FROM THE NET SETTLEMENT FUND**

AND NOW, on this ____ day of _____ 2024, upon consideration of Direct Purchaser Plaintiffs’ Second Motion for Distribution From the Net Settlement Fund dated January 30, 2024, and supporting materials filed in connection therewith, and consideration of any other filings made in connection therewith:

WHEREAS, the Court previously issued an Order Granting Final Judgment and Order of Dismissal Approving Direct Purchaser Class Settlement and Dismissing Direct Purchaser Class Claims Against Impax Laboratories, Inc. [ECF No. 1085] (the “Final Approval Order”), approving the terms of the settlement agreement, the contents of the Claim Form, and the Plan of Allocation in this action;

WHEREAS, the Court previously issued an Order Approving Direct Purchaser Plaintiffs’ Motion for Distribution of Net Settlement Fund¹ (“First Distribution Order”) [ECF No. 1098] approving the administrative determinations of settlement administrator, RG/2 Claims Administration (“RG/2”), concerning the claims filed in this case, among other things;

¹ “Net Settlement Fund” is defined in Direct Purchaser Class Plaintiffs’ Plan of Allocation for the Direct Purchaser Class. *See* ECF No. 1043-2, at 1.

WHEREAS, the Court's First Distribution Order approved, among other things, (1) the claims of 34 Claimants who RG/2 determined had submitted valid, accepted claims and were eligible for participation in the Net Settlement Fund and (2) the calculations of the *pro rata* percentages of the Net Settlement Fund allocated to each such Claimant;

WHEREAS, in accordance with the terms of the settlement agreement, on January 16, 2024 Impax made its final settlement payment of \$30,401,534.25 (\$29,000,000 plus interest) to the Net Settlement Fund;

WHEREAS, RG/2 has or will incur expenses totaling \$4,490 associated with the claims administration process;

WHEREAS, RG/2 has estimated a \$450,000 tax liability for interest earned on funds held in the Net Settlement Fund for 2023;

WHEREAS, RG/2 has estimated a \$55,500 tax liability for interest earned on funds held in the Net Settlement Fund for 2024 for a total estimated tax estimate for 2023 and 2024 of \$505,500;

WHEREAS, as set forth in Paragraph 17 of the Final Approval Order, the Court has retained jurisdiction over the action, the parties, and all Class Members.

NOW THEREFORE, IT IS HEREBY ORDERED as follows:

1. RG/2 shall distribute to each of the 34 approved Claimants its *pro rata* percentage of the balance of Net Settlement Fund.
2. Payment from the Net Settlement Fund in the amount of \$4,490 to RG/2 for fees and expenses associated with the claims administration process is hereby APPROVED.
3. Withholding of a total of no more than \$505,500 from the distribution to cover the estimated tax liability for 2023 and 2024 is APPROVED.

4. Direct Purchaser Plaintiffs, Class Counsel, Econ One, RG/2, and all persons who were involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the claims filed in this action, or who are otherwise involved in the administration or taxation of the Net Settlement Fund, are hereby released and discharged from any and all claims arising out of such involvement, and, pursuant to the release terms of the settlement agreements, all Class Members and Claimants, whether or not they are to receive payment from the Net Settlement Fund, are hereby barred from making any further claim against the Net Settlement Fund beyond the amount allocated to them as described in ¶ 11 above.

5. Class Counsel, RG/2, and Econ One are hereby authorized to discard (a) paper or hard copies of Claim Forms and related documents not less than one year after the final distribution of the Net Settlement Fund to Claimants with accepted claims; and (b) electronic media or data not less than three years after the distribution of the Net Settlement Fund to Claimants.

6. The Court retains jurisdiction over any further application or matter which may arise in connection with the administration of these settlements.

IT IS SO ORDERED

Hon. Harry D. Leinenweber
United States District Judge
U.S. District Court for the Northern
District of Illinois, Eastern Division