

# **EXHIBIT 4**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

IN RE: LIPITOR ANTITRUST  
LITIGATION

MDL No. 2332

This document relates to:

Master Docket No. 3:12-cv-2389 (PGS/DEA)

Direct Purchaser Class Actions

**DECLARATION OF WILLIAM W. WICKERSHAM OF RG/2 CLAIMS  
ADMINISTRATION LLC IN SUPPORT OF DIRECT PURCHASER CLASS  
PLAINTIFFS' UNOPPOSED MOTION FOR CERTIFICATION OF A  
SETTLEMENT CLASS, APPOINTMENT OF LEAD CLASS COUNSEL,  
PRELIMINARY APPROVAL OF PROPOSED SETTLEMENT, APPROVAL OF  
THE FORM AND MANNER OF NOTICE TO THE CLASS AND PROPOSED  
SCHEDULE FOR A FAIRNESS HEARING**

I, WILLIAM W. WICKERSHAM, hereby declare and state as follows:

1. I am the Senior Vice President of Business Development and Client Relations for RG/2 Claims Administration LLC ("RG/2"), whose address is 30 South 17th Street, Philadelphia, PA 19103. In that role, I oversee the intake and management of the claim administrations of the ongoing class action settlements handled by RG/2 Claims, including the creation and implementation of legal notice plans. I have been involved in the development and implementation of plans for class action notification for more than 12 years.

2. RG/2 Claims was established in 2002 as a full service class action notice and claims administrator, providing notice and administration services for a broad range of collective actions, including but not limited to antitrust, securities, consumer, and employment cases. RG/2 Claims specializes in the creation, development and implementation of legal notification plans. Accordingly, RG/2 Claims is familiar with, and guided by Constitutional due process provisions, rules of states and local jurisdictions, and the relevant case law relating to legal notification. Since

2002, RG/2 Claims has administered and distributed in excess of \$2.0 billion in class-action settlement proceeds. More information about RG/2 is available at <https://www.rg2claims.com/>.

3. With Court approval, RG/2 Claims has provided notice and settlement administration services in several other direct purchaser pharmaceutical antitrust cases, on behalf of classes that include many of the same entities included in the proposed settlement class (the “Direct Purchaser Class” or “Class”) in this case, including:

- *In re Lidoderm Antitrust Litig.*, No. 14-md-02521 (N.D. Cal.);
- *In re Loestrin 24 Fe Antitrust Litig.*, No. 1:13-md-2472 (D. R.I.);
- *In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litig.*, No. 18-md-2819 (E.D.N.Y.);
- *In re Opana ER Antitrust Litig.*, MDL No. 2580 (N.D. Ill.);
- *In re Suboxone (Buprenorphine Hydrochloride and Naloxone) Antitrust Litig.*, MDL No. 2445 (E.D. Pa.);
- *In re Niaspan Antitrust Litig.*, MDL No. 2460 (E.D. Pa.); and
- *In re: Novartis and Par Antitrust Litigation*, No. 18-cv-04361 (S.D.N.Y.).

4. I submit this declaration at the request of Class Counsel for the Direct Purchaser Plaintiffs in order to provide more information about RG/2 Claims and to describe the proposed notice plan and notice services in the above-captioned litigation.

5. I have personal knowledge of the matters set forth in this declaration and, if called as a witness, could and would testify competently thereto.

6. The objective of the suggested Notice program is to provide the best notice practicable—Rule 23-compliant notice—to members of the Class.

7. The notice program includes the following elements:

- a. Direct notice via United States Postal Service Mail (“USPS Mail”) to the Class members.<sup>1</sup> These Class members have been identified using the data produced by Pfizer and Ranbaxy in this litigation.
- b. In addition to mailing of the notice RG/2 Claims will also maintain a toll-free number to answer and address any class member inquiries. The notice mailed to Class members will include this toll-free number, as well as directions to Lead Counsel’s websites (<https://www.hbsslaw.com/>, <https://garwingerstein.com/>, and <https://bergermontague.com/>), which will include information about the settlement, including a copy of the Court’s preliminary approval order and Notice.

8. The proposed notice plan provides the best practicable method to reach the potential Class members and is consistent with other class action notice plans that have been approved by various federal courts for similarly situated matters including those referenced in paragraph 3 of this declaration.

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<sup>1</sup> I understand that “the Class” or “Direct Purchaser Settlement Class” is defined as follows:

All persons or entities in the United States and its territories who purchased Lipitor or its AB-rated bioequivalent generic products directly from any of Defendants at any time during the period June 28, 2011 through May 28, 2012 (the “Class Period”).

Excluded from the Class are the Defendants and their officers, directors, management, employees, subsidiaries, or affiliates, all federal governmental entities, and all persons or entities that (i) purchased Lipitor directly from Pfizer for the first time during the Class Period after November 30, 2011, but did not purchase generic Lipitor directly from Ranbaxy<sup>1</sup> during the Class Period; and (ii) all persons or entities that purchased Lipitor directly from Pfizer after November 30, 2011 that did not also purchase generic Lipitor after November 30, 2011.

Also excluded from the Class for purposes of this Settlement Agreement are the following entities: CVS Pharmacy, Inc. (which includes Caremark), Rite Aid Corporation, Rite Aid Hdqtrs. Corp., Walgreen Co. (which includes Kerr Drug), The Kroger Co. (which includes Peytons), Safeway Inc., SuperValu Inc., Meijer, Inc. and Meijer Distribution, Inc., Giant Eagle, Inc., and H-E-B L.P. (“Retailer Plaintiffs”).

9. Whenever practicable, direct USPS mail is the preferred form of notice for class members in a class action. *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156, 175-76 (1974).

10. For the USPS mailing addresses, RG/2 Claims will run the contact information obtained through the USPS National Change of Address system (“NCOA”). The NCOA system provides updated addresses for all mail recipients who have filed a change of address with the post office within the past four years and helps to ensure that we have the most current addresses on file with the USPS. By this means, we will maximize the effectiveness of the direct mail and minimize returned undeliverable mail. RG/2 Claims already has contact information for numerous Class members based on RG/2 Claims having served notice and claim forms in other cases and will contact Class members as part of the claim administration process, as needed.

11. After the NCOA update, RG/2 Claims will mail the Notice via USPS mail to all Class members, using all database records associated with a mailing address.

12. Any undeliverable mail that is returned to RG/2 Claims will be sorted and scanned. For Class members whose notices are returned without a forwarding address, RG/2 Claims will use Accurint (a division of Lexis-Nexis) to perform a basic “skip trace” search in order to retrieve the most accurate and updated information for the Class member. The database will be updated with any new address(es) found and the Notice will be re-mailed to the updated addresses.

13. RG/2 Claims believes this notice program is suitable for this case and is comparable to plans other federal courts have approved for similar cases. RG/2 Claims also believes that the Notice is drafted in the “plain language” format preferred by federal courts and provides the information required by Rule 23. RG/2 Claims believes that the Notice is understandable for Direct Purchaser Class members and complies with due process.

Executed this 13th day of February 2024 in Wilton, Connecticut.



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William W. Wickersham