

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re LIDODERM ANTITRUST LITIGATION

MDL Docket No. 14-md-02521-WHO

THIS DOCUMENT RELATES TO:
END-PAYOR PLAINTIFF ACTIONS

**ORDER APPROVING NOTICE PLAN
AND AUTHORIZING DISTRIBUTION OF
NOTICE TO THE END-PAYOR CLASS**

1 The Court has considered End-Payor Plaintiffs' Motion to Authorize Distribution of Notice to
2 the End-Payor Class (ECF 741), Notice of Amended End-Payor Summary Notices and Defendants'
3 Non-Opposition to End-Payor Plaintiffs' Motion to Authorize Distribution of Notice (ECF 747), and
4 including all related arguments and briefing presented.

5 The Court finds that the proposed notice program and forms of notice satisfy the requirements
6 of Fed. R. Civ. P. 23(c)(2), and hereby **GRANTS** the Motion and **ORDERS** as follows:

7 1. The Court appoints Kurtzman Carson Consultants ("KCC") as Notice Administrator.
8 2. The Court approves the Long-Form Notice attached as Exhibit 1 to the Declaration of
9 Dena Sharp filed concurrently with End-Payor Plaintiffs' Motion (ECF 741-2) and the amended
10 Summary Notices attached as Exhibit 1 and 2 to the Notice of Amended End-Payor Summary Notices
11 and Non-Opposition to End-Payor Plaintiffs' Motion to Authorize Distribution of Notice (ECFs 747-
12 1 and 747-2).

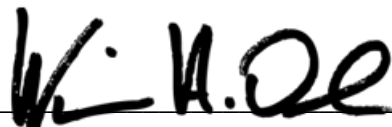
13 3. End-Payor Plaintiffs and KCC shall adhere to the following schedule:
14 a. Within 14 days of this Order: activate website and toll-free number
15 b. Within 21 days of this Order: complete mailing of Long-Form Notice to third-
16 party payors
17 c. Within 30 days of this Order: initiate publication notice
18 d. Within 70 days of this Order (or by August 15, 2017, whichever is sooner):
19 complete publication notice.

20 4. Members of the End-Payor Class may request to be excluded from the Class.
21 Exclusion requests must be postmarked no later than September 14, 2017. KCC shall monitor and
22 record any and all opt-out requests that are received.

23 5. By September 14, 2017, KCC shall file a declaration confirming that it has distributed
24 Notice in accordance with the Notice Plan and this Order.

1 **IT IS SO ORDERED.**

2
3 DATED: June 13, 2017

4 
5 _____
6 THE HONORABLE WILLIAM H. ORRICK
7 United States District Court Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28