

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

SAN MIGUEL HOSPITAL CORPORATION  
d/b/a ALTA VISTA REGIONAL HOSPITAL, *et al.*,  
on behalf of themselves and all others similarly  
situated,

Plaintiff

v.

RICHARD SACKLER, *et al.*,

Defendants

Case No. 1:25-cv-1010

The Hon. Matthew Garcia

**CLASS PLAINTIFFS' MOTION FOR FINAL CLASS CERTIFICATION,  
APPOINTMENT OF CLASS COUNSEL, FINAL APPROVAL OF SETTLEMENT,  
APPROVAL OF PLAN OF ALLOCATION, AND AWARD OF ATTORNEYS' FEES  
AND EXPENSES**

Plaintiff San Miguel Hospital Corporation d/b/a Alta Vista Regional Hospital and Settlement Class Representatives (“Class Plaintiffs”), on behalf of themselves and the preliminarily certified settlement class of similarly situated entities as described in the accompanying Memorandum in Support, by and through their undersigned counsel, respectfully move the Court for an Order:

- (1) Certifying the Settlement Class for settlement purposes only;
- (2) Appointing John W. (“Don”) Barrett, Warren Tavares Burns, Steven A. Martino, Robert A. Clifford, Charles J. LaDuca, and Stephen B. Farmer as Settlement Class Counsel;
- (3) Granting final approval, under Federal Rule of Civil Procedure 23(e), of the proposed Settlement and approving the Plan of Allocation;
- (4) Awarding Settlement Class Counsel attorneys’ fees equal to one-third of the Settlement Funds and their litigation expenses and costs in the amount of \$1,379,930.50, and granting authority to Settlement Class Counsel to distribute the attorneys’ fees and

expenses in a manner that, in the opinion of Settlement Class Counsel, fairly compensates each firm in view of its contribution to the prosecution of the Settlement Class Members' claims;

- (5) Approving and ordering payment from the total Settlement Funds the amount of \$32,908.04 to Notice and Claims Administrator A.B. Data Ltd. and the amount of \$145,122.63 to Notice and Claims Administrator Cherry Bekaert Advisory, LLC, for the cost and expense in implementing the Class notice plan commenced on April 10, 2026, pursuant to the Court's March 20, 2026 order (ECF No. 48).
- (6) Approving mechanisms by which the Notice and Claims Administrators and the Special Master may submit expenses for administration of the Settlement Funds.

In support of this Motion, Class Plaintiffs rely upon and incorporate by reference herein:

(i) the Memorandum of Law in Support of Class Plaintiffs' Motion for Final Class Certification, Appointment of Class Counsel, Final Approval of Settlement, Approval of Plan of Allocation, and Award of Attorneys' Fees and Expenses, (ii) the Declaration of Warren T. Burns in Support of Class Plaintiffs' Motion for Final Class Certification, Appointment of Class Counsel, Final Approval of Settlement, Approval of Plan of Allocation, and Award of Attorneys' Fees and Expenses ("Burns Declaration"), (iii) the Declaration of Shannon McNulty in Support of Class Plaintiffs' Motion for Final Class Certification, Appointment of Class Counsel, Final Approval of Settlement, Approval of Plan of Allocation, and Award of Attorneys' Fees and Expenses ("McNulty Declaration"), (iv) the Plan of Allocation, (v) the Declaration of Kayla Kopetsky of A.B. Data, Ltd. In Support of Class Plaintiffs' Motion for Final Approval of Settlement and Plan of Allocation (attached to the Burns Declaration as Exhibit B-7); and (vi) all exhibits attached to the Memorandum of Law and the Burns Declaration.

Class Plaintiffs have submitted proposed orders in Word format herewith.

Dated: May 8, 2026

Respectfully submitted,

/s/ Warren T. Burns

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 8, 2026, a true and correct copy of the foregoing document was electronically filed with the Clerk of Court and served to all counsel of record via the Court's CM/ECF system.

*/s/ Warren T. Burns*

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Warren T. Burns

# EXHIBIT A

*Florida Health Sciences Center, Inc., et al. v. Richard Sackler, et al.*, Case No. 19-01882, In the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida

- Delray Medical Center, Inc. (Delray Medical Center)
- Good Samaritan Medical Center, Inc.
- Halifax Hospital Medical Center
- Hernando HMA, LLC (Bayfront Health Brooksville)
- Hernando HMA, LLC (Bayfront Health Spring Hill)
- Larkin Community Hospital Behavioral Health Services, Inc.
- Larkin Community Hospital Palm Springs Campus, LLC
- Larkin Community Hospital, Inc.
- Key West HMA, LLC (Lower Keys Medical Center)
- North Broward Hospital District
- Crestview Hospital Corporation (North Okaloosa Medical Center)
- Palm Beach Gardens Community Hospital, Inc. (Palm Beach Gardens Medical Center)
- Port Charlotte HMA, LLC (Bayfront Health Port Charlotte)
- Punta Gorda HMA, LLC (Bayfront Health Punta Gorda)
- HMA Santa Rosa Medical Center, LLC (Santa Rosa Medical Center)
- Citrus HMA, LLC (Seven Rivers Regional Medical Center)
- St. Mary’s Medical Center, Inc.
- The Villages Tri-County Medical Center, Inc. (The Villages Regional Hospital)
- Leesburg Regional Medical Center, Inc.
- Florida Health Sciences Center, Inc. (Tampa General Hospital)
- Health First, Inc. (Cape Canaveral Hospital)
- Health First, Inc. (Holmes Regional Medical Center)
- Health First, Inc. (Palm Bay Hospital)
- Naples HMA, LLC (Physicians Regional Medical Center: Collier Boulevard)
- Naples HMA, LLC (Physicians Regional Medical Center: Pine Ridge)
- Health First, Inc. (Viera Hospital)

*Lester E. Cox Medical Centers d/b/a Cox Medical Centers, et al. v. Amneal Pharmaceuticals, LLC, et al.*, Case No. 6:22-cv-03192, In the United States District Court for the Western District of Missouri–Southern Division

- Lester E. Cox Medical Centers d/b/a Cox Medical Centers
- Kirksville Missouri Hospital Company, LLC d/b/a Northeast Regional Medical Center
- Moberly Hospital Company, LLC d/b/a Moberly Regional Medical Center
- Poplar Bluff Regional Medical Center, LLC d/b/a Poplar Bluff Regional Medical Center - North
- Poplar Bluff Regional Medical Center, LLC d/b/a Poplar Bluff Regional Medical Center - South
- Cox Barton County Hospital
- Cox-Monett Hospital, Inc. d/b/a Cox Monett Hospital
- The Skaggs Community Hospital Association d/b/a Cox Medical Center Branson
- Freeman Health System d/b/a Freeman Hospital East
- Freeman Health System d/b/a Freeman Hospital West
- Freeman Health System d/b/a Freeman Neosho Hospital
- Citizens Memorial Hospital District d/b/a Citizens Memorial Hospital
- CH Allied Services, Inc. d/b/a Boone Hospital Center
- Heartland Regional Medical Center d/b/a Mosaic Life Care

- Heartland Long Term Acute Care Hospital d/b/a Long Term Acute Care Hospital Mosaic Life Care St. Joseph
- Northwest Medical Center Association d/b/a Mosaic Medical Center – Albany
- Mosaic Medical Center – Maryville d/b/a SSM Health St. Francis Hospital – Maryville

*The DCH Health Care Authority, et al. v. Purdue Pharma L.P., et al.*, Case No. 21-cv-2019-000007.00, In the Circuit Court of Conecuh County, Alabama and *Fort Payne Hospital Corp., et al. v. McKesson Corp., et al.*, No. 21-cv-2021-900016 (Ala. Civ. App.)

- DCH Health Care Authority d/b/a DCH Regional Medical Center
- DCH Health Care Authority d/b/a Northport Medical Center
- DCH Health Care Authority d/b/a Fayette Medical Center in Fayette, Alabama
- Healthcare Authority for Baptist Health, an affiliate of UAB Health System d/b/a Baptist Medical Center East
- Healthcare Authority for Baptist Health, an affiliate of UAB Health System d/b/a Baptist Medical Center South,
- Healthcare Authority for Baptist Health, an affiliate of UAB Health System d/b/a Prattville Baptist Hospital, in Prattville, Alabama
- Medical West Hospital Authority, an affiliate of UAB Health System d/b/a Medical West
- Evergreen Medical Center, LLC d/b/a Evergreen Medical Center in Evergreen, Alabama
- Gilliard Health Services, Inc. d/b/a Jackson Medical Center in Jackson, Alabama
- Crestwood Healthcare, L.P. d/b/a Crestwood Medical Center in Huntsville, Alabama
- Triad of Alabama, LLC d/b/a Flowers Hospital in Dothan, Alabama
- QHG of Enterprise, Inc. d/b/a Medical Center Enterprise in Enterprise, Alabama
- Gadsden Regional Medical Center, LLC d/b/a Gadsden Regional Medical Center in Gadsden, Alabama
- Foley Hospital Corporation d/b/a South Baldwin Regional Hospital in Foley, Alabama
- The Health Care Authority of Clarke County, Alabama
- BBH PBMC, LLC d/b/a Princeton Baptist Medical Center in Birmingham, Alabama
- BBH WBMC, LLC d/b/a Walker Baptist Medical Center
- BBH CBMC, LLC d/b/a Citizens Baptist Medical Center
- BBH BMC, LLC d/b/a Brookwood Baptist Medical Center

*San Miguel Hospital Corporation, d/b/a Alta Vista Regional Hospital, et al., v. Richard Sackler, et al.*, Case No. 1:25-cv-01010, In the United States District Court for the District of New Mexico

- San Miguel Hospital Corporation, d/b/a Alta Vista Regional Hospital

# EXHIBIT B

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

SAN MIGUEL HOSPITAL CORPORATION  
d/b/a ALTA VISTA REGIONAL HOSPITAL, *et al.*,  
on behalf of themselves and all others similarly  
situated,

Plaintiff

v.

RICHARD SACKLER, *et al.*,

Defendants

Case No. 1:25-cv-1010

The Hon. Matthew Garcia

**DECLARATION OF WARREN T. BURNS IN SUPPORT OF CLASS PLAINTIFFS'  
MOTION FOR FINAL CLASS CERTIFICATION, APPOINTMENT OF CLASS  
COUNSEL, AND FINAL APPROVAL OF SETTLEMENT, APPROVAL OF PLAN OF  
ALLOCATION, AND AWARD OF ATTORNEYS' FEES AND EXPENSES**

**Pursuant to 28 U.S.C. § 1746, I declare and state as follows:**

1. I am a partner with the law firm Burns Charest LLP and counsel for Settlement Class Representatives (hereinafter, "Class Plaintiffs" or "Plaintiffs") in the above-captioned litigation. I submit this declaration in support of Class Plaintiffs' Motion for Final Class Certification, Appointment of Class Counsel, Final Approval of Settlement, Approval of Plan of Allocation, and Award of Attorneys' Fees and Expenses.

2. This declaration is based upon my personal knowledge, unless otherwise indicated.

If called upon to testify as to the matters stated herein, I could and would competently do so.

**I. THE ACH OPIOIDS LITIGATION**

3. I have represented numerous acute care hospitals, including Plaintiff San Miguel Hospital Corporation d/b/a Alta Vista Regional Hospital Corporation, in litigation against opioid manufacturers, pharmaceutical distributors, and retail pharmacies. In their suits, the acute care hospitals generally allege that the defendants participated in a conspiracy that resulted in an epidemic

of opioid addiction throughout the United States. My clients further allege that acute care hospitals throughout the country were injured as a result of defendants' actions.

4. Since 2017, I have participated in an informal leadership committee coordinating acute care hospitals suits throughout the country. Our committee is chaired by John W. ("Don") Barrett. Mr. Barrett has also been appointed as the hospital representative on the Plaintiffs' Executive Committee before the federal court overseeing the opioids multi-district litigation, *In re National Prescription Opiate Litigation*, Case No. 1:17-md-2804, MDL 2804, (N.D. Ohio). Other members of the informal acute care hospital leadership committee include Steven A. Martino, Robert A. Clifford, Charles J. LaDuca, and Stephen B. Farmer. The Court appointed this team of lawyers as Interim Settlement Class Counsel in its March 20, 2026, order preliminarily approving the Settlement. *See* ECF No. 48.

5. As reflected in their resumes and *curriculum vitae*, our leadership team is comprised of highly experienced lawyers who have represented plaintiffs in complex class actions throughout the country. Many of the leadership team members have been appointed lead or co-lead counsel in multiple other class actions. For the convenience of the Court, I attach the following to this declaration:

- Exhibit B-1, a true and correct copy of the *Curriculum Vitae* of Warren Tavares Burns, of Burns Charest LLP;
- Exhibit B-2, a true and correct copy of the resume of Stephen B. Farmer, of Farmer Cline & Campbell, PLLC;
- Exhibit B-3, a true and correct copy of the *Curriculum Vitae* of Robert A. Clifford, of Clifford Law Offices;
- Exhibit B-4, a true and correct copy of the biography of Charles J. LaDuca, of Cuneo Gilbert & LaDuca, LLP, and associated firm biography;
- Exhibit B-5, a true and correct copy of the *Curriculum Vitae* of Steven A. Martino, of Taylor Martino, P.C.; and
- Exhibit B-6, a true and correct copy of the declaration of Don Barrett, of Barrett Law Group P.A.

6. Collectively, our leadership team represents hundreds of acute care hospitals across the country. We have pursued numerous cases in federal and state courts, including, among others, the following:

- *Florida Health Sciences Center, Inc., et al. v. Richard Sackler, et al.*, Case No. 19-01882, In the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida;
- *The DCH Health Care Authority, et al. v. Purdue Pharma L.P., et al.*, Case No. 21-cv- 2019-000007.00, In the Circuit Court of Conecuh County, Alabama;
- *Lester E. Cox Medical Centers d/b/a Cox Medical Centers, et al. v. Amneal Pharmaceuticals, LLC, et al.*, Case No. 6:22-cv-03192, In the United States District Court for the Western District of Missouri–Southern Division;
- *West Boca Medical Center, Inc. v. AmerisourceBergen Drug Corporation, et al.*, Case No. 1:18-op-45530, In the United States District Court for the Norther District of Ohio–Eastern Division;
- *Fayetteville Arkansas Hospital Company, LLC, et al. v. Amneal Pharmaceuticals, LLC, et al.*, Case No. 72-cv-20-156, In the Circuit Court of Washington County, Arkansas; and
- *Eastern Maine Medical Center, et al. v. Teva Pharmaceuticals USA, Inc.*, Docket No. BDC-CIV-2022-00025, In the Business and Consumer Court of the State of Maine.

Collectively, I will refer to these and other cases in which we have represented our clients as the ACH Opioids Litigation.

7. As detailed below, Class Plaintiffs and Interim Settlement Class Counsel (hereinafter “Class Counsel”) have vigorously pursued acute care hospitals’ claims in the ACH Opioids Litigation.

8. The claims asserted in the ACH Opioids Litigation are highly complex and require significant investment of time and capital by our clients and their lawyers. Collectively, our lawyers have invested tens of thousands of hours of attorney time in litigating our clients’ claims on a

contingency fee basis. Litigating individual cases requires dozens of lawyers and may take years to reach trial, without regard to subsequent appeals.

## **II. THE SETTLEMENT**

9. The Settlement Agreement provides that Plaintiffs and the certified Class will settle and release their claims against the Settling Defendants in exchange for a non-reversionary cash payment (the “Settlement Amount”) totaling up to \$174,215,320.82 from the Settling Defendants.

10. Funds will be distributed to Class Members who submit timely and valid Claim Forms and/or Registration Forms to the Settlement Administrator (“Eligible Claimants”) in accordance with the Plan of Allocation. Class Counsel anticipate that all funds will be distributed to Class Members pursuant to the Plan of Allocation. There is no right of reversion under the Settlement and under no circumstances will any portion of a Settlement Amount be returned to the Settling Defendants once the Settlement becomes final.

## **III. PRELIMINARY APPROVAL OF THE SETTLEMENT**

11. On November 12, 2025, Plaintiff San Miguel moved for preliminary approval of the Settlement. ECF No. 18. The Court granted preliminary approval of the Settlement on March 20, 2026. ECF No. 48.

12. In the order granting preliminary approval of the Settlement, the Court also (i) preliminarily certified, for settlement purposes only, the Settlement Class; (ii) appointed Interim Class Settlement Class Counsel; (iii) appointed the Settlement Class Representatives; (iv) appointed the Hon. Thomas Hogan (Ret.) as Special Master; (v) appointed A.B. Data Ltd. (“A.B. Data”) and Cherry Bekaert Advisory, LLC (“Cherry Bekaert”) as the Notice and Claims Administrators; (vi) approved the form and manner of notice to Class Members; and (vii) stayed all proceedings brought by Releasors in the Action and Other Actions in any forum as to the Settling Defendants, and an enjoined against the filing of any new such proceedings for Released Claims. ECF No. 48.

#### **IV. CLASS NOTICE AND SETTLEMENT ADMINISTRATION**

13. The notice program proposed by Plaintiff in its motion for preliminary approval of the Settlement (ECF No. 18) and approved by the Court in the preliminary approval order (ECF No. 48) has been implemented by A.B. Data and Cherry Bekaert, the Notice and Claims Administrators.

14. As set forth in the accompanying Declaration of Kayla Kopetsky of A.B. Data (“Kopetsky Decl.”),<sup>1</sup> since the entry of the preliminary approval order, A.B. Data has (i) mailed 5,892 copies of the Court-approved Notice Packet to potential Class Members (ii) emailed 1,377 copies (of which 1,160 were successfully delivered) of the Notice Packet to potential Class Members, and (iii) implemented the media plan to publish notice of the Settlement on certain websites, e-newsletters, and email blasts. See Kopetsky Decl. at ¶¶ 4–10. Moreover, Cherry Bekaert published a dedicated website, [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com). *Id.* at ¶ 11. The settlement website provides information to Class Members about the Settlement and contains links to important case and settlement documents. *Id.* at ¶ 12. A.B. Data has also maintained a toll-free telephone number, with an interactive voice response system to provide potential Class Members with responses to frequently asked questions and important information regarding the litigation. *Id.* at ¶ 13.

#### **V. RESPONSE OF THE CLASSES TO DATE**

15. The deadline for Class Members to object to the Settlement is May 26, 2026, and the deadline for Class Members to file a claim is July 15, 2026. As of May 8, 2026, there have been no objections. The deadline to opt-out of the Settlement is also May 26, 2026. As of May 8, 2026, no opt-out requests have been received. Kopetsky Decl. at ¶ 15. Indeed, none of the settlements negotiated by Interim Class Counsel on behalf of acute care hospitals have had any objectors or opt outs. Interim Settlement Class Counsel will provide the Court with a final update on the response of the Settlement Class at the July 15, 2026, final approval hearing.

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<sup>1</sup> Attached hereto as Exhibit B-7.

## **VI. THE SETTLEMENT IS FAIR, REASONABLE, AND ADEQUATE**

16. Class Counsel are all senior attorneys at law firms with considerable experience in complex class actions including RICO and antitrust class actions, in this district and circuit and throughout the country. Class Counsel only agreed to settle with the Settling Defendants after rigorous arm's-length negotiations, informed by years of litigating the ACH Opioids Litigation—which included extensive investigation, written discovery, voluminous document production, motion practice, extensive deposition testimony by fact and expert witnesses, expert reports, data analysis, trial preparation, and trials.

17. Class Counsel have compared the substantial recovery the Classes will receive from the Settlement against the risks, delays, and uncertainties of continued litigation, trial, and appeals. Class Counsel also considered the timing of the Settlement in light of ongoing litigation against Settling Defendants' alleged co-conspirators and weighed this fact in assessing the value of the Settlement to the Class.

18. Class Counsel conferred with the Class Plaintiffs regarding the Settlement and all the Class Plaintiffs support and approve the Settlement. Although Class Plaintiffs are not seeking Service Awards, Class Plaintiffs' participation in the ACH Opioids Litigation will be taken into account when calculating damages using the Model set forth in the Plan of Allocation.

19. Class Counsel sincerely believe the Settlement is fair, adequate, and reasonable, meet all the standards for approval under Rule 23(e) and Tenth Circuit law, are in the best interest of the Settlement Class, and should be granted for final approval for the reasons discussed below.

### **A. Standards for Approval**

#### **1. Class Plaintiffs and Class Counsel Have Adequately Represented the Classes**

20. Class Plaintiffs share the same interests and types of alleged injuries as the absent Class Members. They have participated in extensive discovery in the ACH Opioids Litigation and kept

informed of the developments of the cases. And Class Plaintiffs have selected well-qualified counsel who are highly experienced and capable of handling class action litigation. Class Plaintiffs and Interim Settlement Class Counsel have engaged in years of discovery, numerous rounds of motion practice, trial preparation and trial, and even appeals in similar litigation with the Settling Defendants' alleged co-conspirators. For those cases that have proceeded to discovery, Class Plaintiffs have produced millions of pages of documents, and terabytes of data related to their treatment of patients diagnosed with opioid use disorder or related conditions. On behalf of our clients in those cases, we have reviewed voluminous discovery produced by Defendants' alleged co-conspirators. Many of our clients have provided corporate representative deposition testimony, as well as employee depositions. And we have taken similar depositions of Defendants' alleged co-conspirators. Recently, Class Counsel and certain Class Plaintiffs tried a nearly three-month-long case in Florida state court against some of Defendants' alleged co-conspirators for similar claims. Certain Class Plaintiffs put forth numerous witnesses to testify in that trial.

21. These same claims—of an enterprise that began with the Sacklers and Purdue and involved opioid manufacturers, distributors, and retailers—have been laboriously investigated, developed, and litigated over the better part of the last decade by Interim Class Counsel against the Settling Defendants' alleged co-conspirators. As just one example, Interim Class Counsel's recent trial against opioid retailers in Florida state court included hours of testimony regarding the origins of the conspiracy between the Sacklers, Purdue, and other members of the opioid industry.

22. As part of the ACH Opioids Litigation, our clients have engaged over a dozen experts to provide testimony on issues relating to alleged liability and damages. As part of those efforts, our experts developed a common damages model for our clients that has been utilized in bankruptcy litigation related to the opioid crisis. The claims asserted in the ACH Opioids Litigation are highly complex and require significant investment of time and capital by our clients and their lawyers. Collectively, our lawyers and other lawyers under our supervision have invested hundreds of

thousands of hours of attorney time in litigating our clients' claims on a contingency fee basis. Litigating individual cases requires dozens of lawyers and may take years to reach trial, without regard to subsequent appeals. Additionally, Class Counsel has successfully negotiated and received Court approval of four class action settlements against some of the Defendants' alleged co-conspirators on behalf of the acute care hospitals, totaling \$651 million.

**2. The Proposed Settlement Was Negotiated at Arm's Length.**

23. As detailed in the Declaration of Shannon McNulty, the Settlement is the product of extensive, vigorous arm's-length negotiations between Plaintiffs and the Settling Defendants, advised by their sophisticated counsel, who possessed more than sufficient evidence and knowledge to allow them to make informed decisions about the strengths and weaknesses of their cases.

**3. The Proposed Settlement Is Adequate Considering the Costs, Risks, and Delay of Trial and Appeal.**

24. The current proposed Settlement notwithstanding, there remain many factual and legal issues on which Plaintiffs and the Settling Defendants still intensely disagree. The Settling Defendants deny that they have engaged in any wrongdoing as alleged by Plaintiffs, deny any liability whatsoever for any of Plaintiffs' alleged claims, and deny that Plaintiffs have suffered any injuries or damages. On the other hand, Plaintiffs have advanced many complex legal and factual issues under federal law and various state laws in other *fora*. The issues on which the parties disagree are many, but include: (1) whether any of the Settling Defendants engaged in conduct that would give rise to any liability under the federal RICO statutes; (2) whether the Settling Defendants have valid defenses to any such claims of liability; (3) the amount of damages suffered by reason of the Settling Defendants' alleged wrongdoing; (4) whether the Court may properly certify a class for purposes of litigation; and (5) whether the Settling Defendants had other meritorious defenses to the alleged claims. Although Class Plaintiffs believe their claims would be borne out by the evidence presented at trial, they recognize that there are significant hurdles to proving liability or even proceeding to trial. Had the parties not

reached the Settlement Agreement, the Court or a jury would ultimately be required to decide these issues, placing the litigation's ultimate outcome in doubt.

25. The ACH Opioids Litigation has been going on for over nine years and the parties would expend significant additional time, resources, and costs to proceed to trial, and the inevitable appeals likely extending years into the future. Considering the complex legal and factual issues associated with continued litigation, there is an undeniable and substantial risk that, after years of continued litigation, Plaintiffs could receive an amount significantly less than the Settlement Amount, or nothing for their claims against the Settling Defendants.

26. Thus, the up to \$174.2 million recovery, particularly when viewed in the context of the risks, costs, delay, and the uncertainties of further proceedings, favors approval of the Settlement.

#### **4. The Proposed Method for Distributing Relief Is Effective.**

27. The settlement notice plan approved by the Court includes individual notice direct notice by email or First-Class Mail to all Settlement Class Members identified through reasonable efforts and appearing on a list of over 5,800 hospitals providing emergency services. A.B. Data also conducted targeted notice through relevant media. In addition, a case-designated website was created where settlement-related and other key documents are posted, including the Settlement Agreement, Notices, Registration Form, Claim Form, and Preliminary Approval Order.

28. Class Plaintiffs have proposed a fair and orderly claims administration process in which Settlement Class Members who wish to participate in the Settlement will complete and submit Claims Forms in accordance with the instructions contained therein. *See* Plan of Allocation, attached as Exhibit D to Plaintiffs' Motion. The Settlement Administrator will distribute the Net Settlement Funds to Authorized Claimants under a Court-approved Plan of Allocation. *See id.* The Plan of Allocation proposed here was prepared with information provided by Plaintiffs' experts, in consultation with the Special Master, the Hon. Thomas Hogan, and is consistent with the ACH plans of allocation developed in the Purdue Pharma bankruptcy proceedings (Case No. 19-23649), and

utilized thereafter in the Mallinckrodt, plc (Case No. 20-12522) and Endo (Case No. 22-22549) bankruptcy proceedings, as well as the four class action settlements between acute care hospitals and certain opioid distributors and manufacturers (*San Miguel Hosp. Corp. v. Johnson & Johnson*, No. 1:23-CV-00903-KWR-JFR). Therefore, Plaintiffs' proposed methodology for distributing relief is effective.

#### **5. Attorneys' Fees and Expenses.**

29. Class Counsel seek an award of one-third of the Settlement Amount, plus payment of Plaintiffs' counsel's expenses incurred in connection with the underlying litigation, negotiation of the Settlement, and seeking Court-approval of the Settlement. Class Counsel further seek the discretion to allocate the fees among themselves and other counsel under their supervision who have materially contributed to the prosecution of the Class's claims.

30. The Settlement Agreement provides that any Plaintiffs' attorneys' fees and expenses, as awarded by the Court, will be paid from the Settlement Funds consistent with the provisions of the Settlement Agreement. *See* Settlement Agreement (ECF No. 18-2), Section VIII.

#### **6. Additional Agreements**

31. Rule 23(e)(2)(C)(iv) requires the disclosure of any other agreements. Plaintiffs do not have any additional agreements with any of the Settling Defendants.

#### **7. Settlement Class Members Are Treated Equitably Under the Plan of Allocation.**

32. Settlement Class Members are treated equitably here. The Plan of Allocation provides all Settlement Class Members the opportunity to submit a claim for an expedited Quick Pay amount. *See, e.g.,* Plan of Allocation, attached as Exhibit D to Plaintiffs' Motion. In the alternative, all Settlement Class Members may elect to participate in a more detailed damages calculation and allocation process utilizing objective factors detailed in the Plan of Allocation. *Id.* The Plan of Allocation does not discriminate among Settlement Class Members, treating all Settlement Class

Members fairly.

## **VI. ATTORNEYS' FEES AND LITIGATION EXPENSES**

33. Class Counsel, on behalf of themselves and certain co-counsel under their supervision who have represented Class Plaintiffs in the ACH Opioids Litigation (altogether, "Plaintiffs' Counsel"), seek a fee award of one-third of the up to \$174.2 million total Settlement Amount contemplated by the Settlement Agreement, and \$1,379,930.50 in litigation expenses.

34. The amount of attorneys' fees requested by Class Counsel is consistent with the information disclosed in Plaintiff's motion for preliminary approval of the Settlement. *See* ECF No. 18, at 24–25.

35. The amount of attorneys' fees requested also was disclosed to Class Members in the settlement Notice, which states that counsel will seek attorneys' fees up to one-third of the Settlement Funds, as well as reimbursement of litigation expenses. *See* Form of Notice, attached as associated Exhibit F to Exhibit 2 of Plaintiffs' Motion for Preliminary Approval (ECF No. 18-2) at 7.

### **A. Attorneys' Fees Incurred by Class Counsel**

36. As described above, for over nine years, Class Counsel have taken the lead in prosecuting the ACH Opioids Litigation on a completely contingent basis to a successful resolution with the Settling Defendants on behalf of Plaintiffs and the Class. Class Counsel have always believed in the importance and merit of the claims asserted in this litigation, and knew the claims asserted would be time-consuming and resource-intensive to develop and prove. We also knew these cases would require years of discovery, extensive motion practice, substantial dispositive motion challenges, and difficult and lengthy trials on the merits. We fully anticipated, moreover, that the claims would have to survive difficult challenges at several different stages of the litigation—on motions to dismiss, motions for summary judgment, at trial, and on appeal—and appreciated that there was a substantial risk of no recovery.

37. As for the Settlement, Class Counsel successfully negotiated the Settlement, drafted

the Settlement Agreement with Settling Defendants' counsel, sought and obtained preliminary approval of the Settlement, retained and oversaw the Settlement Administrator and Notice program, and prepared the pending motion for final approval of the Settlement. Class Counsel have also been communicating with Class Members about the Settlement since the notice was distributed. And Class Counsel will continue to ensure proper distribution of the settlement proceeds and address any issues that arise after final approval of the Settlement.

38. It is useful to give the Court context for the time and labor Class Counsel has poured into prosecuting the ACH Opioids Litigation. From inception to May 3, 2024,<sup>2</sup> Class Counsel and their co-counsel billed 211,938 hours to the ACH Opioids Litigation (excluding the Purdue bankruptcy). To determine this calculation, Class Counsel and their co-counsel were asked to submit their billing records for each case they worked on that is included in the ACH Opioids Litigation. Burns Charest LLP and Barrett Law Group P.A. compiled, and I have reviewed, this amount, which is detailed by firm in the attached Exhibit B-8. This time was submitted to the Court seeking final approval of four related class action settlements in *San Miguel Hosp. Corp. v. Johnson & Johnson*, No. 1:23-CV-00903-KWR-JFR.

39. From May 4, 2024, to November 12, 2025 (when Plaintiffs moved for preliminary approval of this Settlement), Class Counsel and their co-counsel billed another 83,003 hours to the ACH Opioids Litigation (excluding the Purdue bankruptcy). Burns Charest LLP and Barrett Law Group P.A. compiled, and I have reviewed, this amount, which is detailed by firm in the attached Exhibit B-9.

40. As detailed more fully in the declaration of Shannon McNulty, Class Counsel have also spent a considerable amount of time and labor working within the Purdue bankruptcy, which gave rise to, and ultimately culminated in, this Settlement. Through November 12, 2025, Class Counsel have billed a total of 13,371 hours to working within the Purdue bankruptcy and subsequently

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<sup>2</sup>See Exhibit B-8, n. 1.

negotiating and finalizing this Settlement with the Settling Defendants. Burns Charest LLP and Barrett Law Group P.A. compiled, and I have reviewed, this amount, which is detailed by firm in the attached Exhibit B-10.

41. An award of attorneys' fees of one-third of the up to \$174.2 million total Settlement Amount is consistent with this District's law and the Tenth Circuit's requirement that the fee be reasonable under review of the twelve *Johnson* factors set forth in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974).

42. Johnson Factors: The twelve *Johnson* factors must be considered differently depending on whether the case is (a) a common fund contingent fee case, or (b) a fee-shifting, lodestar/multiplier case. In a lodestar/multiplier case—unlike this case, the important factors are in the order below because the starting base is time and rates. Factor 1 sets the time, and Factors 2–7 and 9–11 set the rate:

- (1) the time and labor involved
- (2) the novelty and difficulty of the questions;
- (3) the skill requisite to perform the legal services properly;
- (4) the preclusion of other employment by the attorney due to acceptance of the case;
- (5) the customary fee;
- (6) any prearranged fee
- (7) time limitations imposed by the client or other circumstances;
- (8) the amount involved and results obtained;
- (9) the experience, reputation, and ability of the attorneys;
- (10) the undesirability of the case;
- (11) the nature and length of professional relationship with the client; and
- (12) awards in similar case.

But in a contingent fee, common fund case, the standard 33 1/3% fee is applied by looking mainly at Factors 8 and 12, and the other factors that are not as important can be looked at to enhance or detract from that standard fee. With this understanding, I address the *Johnson* Factors in numerical order, not by importance in this common fund case.

- (1) Time and labor required. In a common fund, contingent fee case when everyone knows at the outset of the case that Plaintiffs' counsel will only get paid for results, and not how much time or labor it takes to get those results, this factor is important to show the case was not a lay-down winner involving little effort or risk. Here, given the battle across

various cases and *fora* and the hundreds of thousands of hours billed by Plaintiffs' Counsel in the ACH Opioids Litigation as well as the 13,371 hours billed by Plaintiffs' Counsel for the Purdue bankruptcy and this subsequent Settlement, this factor warrants an enhancement above the standard one-third fee.

- (2) The novelty and difficulty of the question. The cases that make up the ACH Opioids Litigation presented complex and novel issues of law—including, for example, federal and state RICO claims that require high burdens of proof and state law claims that have required appeals to the supreme courts of Alabama, Missouri, Arizona, Maine, and Arkansas. Again, this factor supports an enhancement above the standard one-third fee.
- (3) The skill requisite to perform the legal services properly. The complexity of the ACH Opioids Litigation—procedurally, factually, and substantively—required highly skilled counsel. To prosecute these claims against large corporate defendants, represented by highly capable defense counsel with extensive resources, required assembling a team of Counsel skilled in complex litigation. The qualifications, skills, and experience of the attorneys here are well known throughout the legal community; we are highly skilled and capable counsel who worked very hard to obtain an excellent result for the Class. Again, this factor supports an enhancement above the standard one-third fee.
- (4) The preclusion of other employment. Class Counsel are engaged in the ongoing practice of law. Committing to take one major case—much less several major cases—necessarily precludes taking on other cases. With the commitment of time and resources to this case, Class Counsel could not accept many other matters. The prosecution of the cases making up the ACH Opioids Litigation has substantially reduced Class Counsel's opportunity for employment in other matters. Again, this factor supports an enhancement above the standard one-third fee.
- (5) The customary fee. Class action cases are usually handled on a contingent fee basis. The fee percentage in these types of cases is customarily 40% of the gross fund. Again, this factor supports an enhancement above the standard one-third fee.
- (6) Any prearranged fee. Class Plaintiffs engaged counsel here on a contingency fee basis. Class Counsel agreed to advance litigation costs to pursue the claims on behalf of Plaintiffs and to recover litigation expenses only if Class Counsel was successful in recovering money. Class Counsel bore the risk of no recovery of expenses or time invested if they were unsuccessful. Again, this factor supports an enhancement above the standard one-third fee.
- (7) Time limitations imposed by client or circumstances. Although Plaintiffs nor the Class imposed time limitations on Class Counsel, courts' orders, their local rules, the Federal Rules of Civil Procedure, state rules of civil procedure, and circumstances imposed many. Class Counsel had to meet rigorous deadlines to move the cases toward settlement or trial. Again, this factor supports an enhancement above the standard one-third fee.
- (8) The amount involved and results obtained. The Class and Class Counsel had no assurance of any recovery, much less a substantial recovery as in this case. Defendants raised many defenses to the Plaintiffs' claims, and litigation against the Settling Defendants has been stayed *for years*. But for the efforts of Class Counsel, no Settlement

Fund would exist. The results obtained for the Class are excellent. Again, this factor supports an enhancement above the standard one-third fee.

- (9) Experience, reputation, and ability of counsel. As earlier stated, the ACH Opioids Litigation and this case required highly skilled counsel to represent the Class. To prosecute class claims against the Settling Defendants and their large corporate alleged co-conspirators, represented by the very best defense counsel, required assembling a team of counsel qualified, skilled, and experienced in RICO and complex litigation. This factor supports an enhancement above the standard one-third fee.
- (10) The undesirability of the case. Compared to most civil litigation that attracts counsel to represent plaintiffs on a contingent basis, this litigation with complex procedural and legal issues against large and zealously represented defendants fits the initially “undesirable” test. Few law firms are willing to risk the investment of the time and expenses necessary to prosecute litigation of this sort to completion. The issues of liability and damages were all hotly contested. Certainly, the possibility of no recovery was a significant risk and made the case undesirable to all but a few firms. Again, this factor supports an enhancement above the standard one-third fee.
- (11) Nature and length of the professional relationship with the client. While this factor is generally not applicable in class action litigation, it should be noted that Class Counsel has represented most of the Class Plaintiffs for years, and some for almost a decade.
- (12) Awards in similar cases. The awards in similar cases are discussed in Class Counsel’s motion and exhibits, which are incorporated by reference. A one-third fee award of the common fund for attorneys’ fees is consistent with fees awarded by this Court, in the Tenth Circuit, and other courts across the country. That said, the fee is often higher in complex cases such as this one. Again, this factor supports an enhancement above the standard one-third fee, but only the one-third standard fee is being sought in this settlement.

## **B. Unreimbursed Costs and Litigation Expenses**

43. Plaintiffs’ Counsel have expended substantial costs, expenses, and charges in order to effectively work within the Purdue bankruptcy and negotiate and finalize this Settlement for the class. As detailed in the Declaration of Shannon McNulty, attached as Exhibit C to Plaintiffs’ Memorandum of Law ISO Final Approval, Plaintiffs’ Counsel’s work in the Purdue bankruptcy proceedings gave rise to, and ultimately culminated in, this Settlement with Settling Defendants. The result of these negotiations resulted in a resolution that provides acute care hospitals with over \$250 million in immediate funds to resolve claims with both the Sacklers and Purdue: (1) this Settlement, which

accounts for up to \$174,215,320.82 for acute care hospitals, and (2) \$84,042,711.18<sup>3</sup> for acute care hospitals from the Purdue Master Settlement. The funds in this Settlement make up 67% of the combined \$258,258,032 amount. Therefore, Plaintiffs’ Counsel seek 67% of the costs, expenses, and charges (together, “expenses”) incurred from the Purdue bankruptcy proceedings.

44. From inception through November 12, 2025, Plaintiffs’ Counsel have incurred a collective \$2,059,597.76 in expenses in connection with the Purdue bankruptcy. These expenses are detailed in the declarations of Plaintiffs’ Counsel attached as Exhibits B-11 through B-14, and are summarized in the below chart.

**Purdue Bankruptcy Expense Summary**  
Inception through November 12, 2025

| Firm                              | Expenses              |
|-----------------------------------|-----------------------|
| <b>BLG Opioid Litigation Fund</b> | \$1,989,085.79        |
| <b>Barrett Law Group</b>          | \$17,892.19           |
| <b>Cuneo Gilbert &amp; LaDuca</b> | \$34,530.31           |
| <b>Taylor Martino, P.C.</b>       | \$8,829.09            |
| <b>Roberts Law Firm, P.A.</b>     | \$9,260.38            |
| <b>TOTAL</b>                      | <b>\$2,059,597.76</b> |

45. 67% of the collective \$2,059,597.76 incurred in expenses in connection with the Purdue bankruptcy (as described in paragraph 44) amounts to \$1,379,930.50 in total expenses Class Counsel seek in reimbursement from the Settlement Funds.

46. These expenses include items typically borne by clients in non-contingent fee litigation, and are directly related and necessary to Class Counsel’s facilitating of this Settlement and are typical of large, complex matters such as those that make up the ACH Opioids Litigation.

47. The expenses summarized in paragraph 44 above and itemized in Exhibits B-11 through B-14 were incurred on behalf of Plaintiffs and the Class by Class Counsel on a contingent basis and have not been repaid. All these costs and expenses are reflected in the books and records of

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<sup>3</sup> This figure does not include over \$5 million in contractually agreed upon holdbacks and reserves, that, if reverted to the Fund, bring the total combined payment to acute care hospitals to over \$263 million.

each firm, which are prepared from expense vouchers, check records, invoices and other source materials, and represent an accurate recordation of the costs and expenses incurred in connection with this action. Copies and/or detailed summaries of all such records are available at the Court's request.

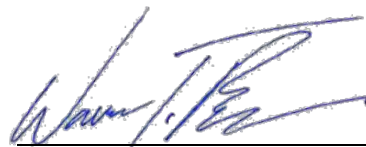
**C. Notice and Administrative Expenses**

48. Finally, the Notice and Claims Administrators have incurred expenses for their services effectuating notice to the Settlement Class and administering the Settlement.

49. Through March 31, 2026, Notice and Claims Administrator A.B. Data Ltd. has incurred expenses in the amount of \$32,908.04. A true and accurate copy of A.B. Data's invoice is attached as Exhibit B-16.

50. Through April 30, 2026, Notice and Claims Administrator Cherry Bekaert Advisory, LLC has incurred expenses in the amount of \$145,122.63. A true and accurate copy of Cherry Bekaert's invoices are attached as Exhibit B-15.

Dated: May 8, 2026



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Warren T. Burns

# **Exhibit B-1**



900 Jackson Street, Suite 500  
Dallas, TX 75202  
469-904-4550  
[www.burnscharest.com](http://www.burnscharest.com)

## WARREN TAVARES BURNS

### *Curriculum Vitae*

#### **My Practice**

I focus my practice on high-stakes litigation affecting the lives and interests of thousands of individuals and businesses. I have tried and litigated numerous cases involving price fixing, monopolization, bad drugs, toxic exposure, breach of contract, intellectual property, business torts, consumer protection statutes, and accounting malpractice.

I am an effective leader. I have organized and led numerous complex consolidated class actions requiring me and my leadership team to marshal the talents of dozens of co-counsel from case inception to trial.

I achieve results. Since 2017, I have represented over 1,000 American hospitals in highly complex litigation against opioid manufacturers, distributors, and retail pharmacies. In multiple cases spanning federal and state courts across the country, I have led teams whose efforts to date have resulted in over \$600 million in settlements for the hospitals. In 2025, I will lead the trial team representing Florida hospitals in their suit against retail pharmacy defendants.

In 2023, I negotiated a settlement on behalf of over 900 workers who were exposed to asbestos at an oil refinery on St. Croix in the U.S. Virgin Islands. After taking one of my clients' cases to the brink of trial, the defendant bankrupted its subsidiary and shifted the fight to bankruptcy court. After months of intense litigation where the debtor and its parent company denied any liability, I secured a settlement that provides \$105 million for current victims and tens of millions in additional compensation for those who get sick in the future.

In 2022, after five years of hard-fought litigation in Kansas City, Kansas, and on the eve of a trial that I was poised to lead, I negotiated a settlement with the remaining defendant in a nationwide antitrust and RICO class action against the manufacturer and marketer of the EpiPen. In total, the defendants paid \$609 million to a class of people and businesses who had paid inflated prices for the lifesaving device. EpiPen was the first consumer and business case to take on corporations for headline-producing pharmaceutical price increases.

In 2020 as the COVID virus raged and shut down courtrooms, I did not stop working for my clients. In a landmark class action settlement, I represented a class of thousands of

American businesses who had contracted with Blue Cross / Blue Shield entities to administer their self-funded healthcare plans. Along with attorneys representing fully insured clients, I negotiated a \$2.67 billion dollar settlement on behalf of the combined classes that includes meaningful institutional change. Our settlement has withstood every level of appellate scrutiny and is now being administered.

In 2019, I represented a class of thousands of American dentists who sued industry giant 3M Corporation over defective crowns that had been placed in patients' mouths. Saving my clients millions in litigation costs, I was able to negotiate an early settlement with 3M that provided over \$30 million to compensate dentists for their expenses in remediating the faulty crowns.

In 2012, I helped lead a trial team that took the first mortgage-backed-securities related case to trial. In a landmark and game-changing trial, we secured a \$106 million judgment on behalf of our client and obtained key pre-trial determinations that had a domino effect in related cases.

### **Legal Education and Training**

Tulane University Law School, summa cum laude

Editor in Chief of the Tulane Law Review

John Minor Wisdom Award, Tulane's highest prize for graduating law students.

Law Clerk for the Hon. Paul J. Kelly, Jr. on the U.S. Court of Appeals for the Tenth Circuit

### **Admissions & Honors**

2014 to Present: International Who's Who of Competition Lawyers.

2015 to Present: Top 100 National Trial Lawyers.

2016 to Present: American Law Institute.

2019 to Present: Best Lawyers in America, Antitrust and Commercial Litigation.

2019 to Present: Texas Super Lawyer.

2021 to Present: Lawdragon's 500 Leading Plaintiff Consumer Lawyers and Lawdragon's 500 Leading Plaintiff Financial Lawyers.

2022: EpiPens, Outstanding Achievement in Private Law Practice from the American Antitrust Institute.

Fellow of the American Bar Foundation.

Member of the Dallas Bar Association and the American Bar Association.

Member of the American Association for Justice and the Texas Trial Lawyers Association.

Fellow in the Southern Trial Lawyers Association.

### **Representative Cases**

ANTITRUST CLASS ACTION: Co-Lead Counsel for the Automobile Dealer Plaintiffs, in *In re: Passenger Vehicle Replacement Tires Antitrust Litigation*, in the Northern District of Ohio.

INDIVIDUAL ACTIONS/RICO CLASS ACTION/CLASS SETTLEMENTS: One of five lead counsel for over 1,000 American hospitals in nationwide litigation against opioid manufacturers, distributors, and retail pharmacies. *In Re: National Prescription Opiate Litigation*, in the Northern District of Ohio. Lead trial counsel for Florida hospitals. *Florida Health Sciences Center, Inc et al v Richard Sackler et al*, in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida. Negotiated over \$600 million in settlements to date.

ANTITRUST CLASS ACTION/CLASS SETTLEMENTS: Co-Lead Counsel and Lead Trial Counsel in *In re EpiPens Marketing, Sales and Antitrust Litigation*, in the District of Kansas. Obtained \$609 million in settlements for the Class.

ANTITRUST CLASS ACTION/CLASS SETTLEMENT: Lead Counsel for class of purchasers of administrative services from BlueCross/BlueShield entities. Negotiated \$2.6 billion settlement and final agreement, resulting in final approval in 2022. After unsuccessful appeal and petition for writ by objectors, settlement is now being administered.

ENVIRONMENTAL CLASS ACTION: Lead Counsel in environmental case alleging that rum aging process on St. Croix, USVI, resulted in damage to nearby properties from Rum Fungus. Obtained a class settlement funded in part by sale of warehouse facilities in 2022.

USVI MASS ACTIONS: Lead Trial Counsel for hundreds of individuals exposed to asbestos by oil refining facilities. Negotiated an \$84 million settlement on behalf of nearly 500 plaintiffs in 2018 on the eve of trial. Negotiated a \$105 million settlement for current claimants in bankruptcy proceedings in 2023.

BREACH OF CONTRACT CLASS ACTION/CLASS SETTLEMENT: Co-Lead Counsel for a class of dentists suing a crown manufacturer for defective products in *Bhatia, et al. v. 3M Co.*, File No. 0:16-cv-01304-DWF-DTS. Obtained \$32.5 million settlement for the Class.

USVI CONCRETE ANTITRUST CLASS ACTION: Lead Counsel in putative class action against concrete companies alleging illegal conspiracy to divide the USVI market. Case is ongoing.

ANTITRUST CLASS ACTION / LEADERSHIP: Executive Committee Member in *In re Domestic Airlines Antitrust Litigation* (2015-present) now pending in the District of Columbia. The clients have alleged that the nation's four major airlines conspired to restrict capacity to fuel record-high profits. Summary judgment motion denied.

ANTITRUST CLASS ACTION / CONFIDENTIAL SETTLEMENTS: Co-Lead Counsel in *In re Automotive Parts Antitrust Litigation* (2011-2015) in the Eastern District of Michigan. Case resulted in over \$1 billion in settlements for the end-payor class.

COMMERCIAL CASES / CONFIDENTIAL SETTLEMENTS: Lead trial counsel in three cases against natural gas giant Chesapeake for breach of contract and underpayment of royalties relating to the oil and gas lease on the Dallas/Fort Worth International Airport.

COMMERCIAL CASE / CONFIDENTIAL SETTLEMENT: Lead trial counsel in a confidential arbitration representing a telecommunications company in its suit against its former billing aggregator.

SECURITIES CLASS ACTION / DEFENSE COUNSEL: Counsel in *Brady v. Kosmos Energy, Ltd.* (N.D. Tex.) (2012-13) Defended a start-up oil and gas company against allegations centering on its initial public offering. Class certification denied.

COMMERCIAL CASE / JUDGMENT EXCEEDING \$100 MILLION: Trial counsel in *Assured Guaranty v. Flagstar Bank* (S.D.N.Y.) (2011-2012), the first case to go to trial related to the residential mortgage-backed securities market meltdown.

CLASS ACTION / JUDGMENT EXCEEDING \$16 MILLION: Counsel in *In re Universal Service Fund Litigation* (D. Kan.) (2005-2013). Won a breach of contract case claim for AT&T's California landline telecommunications customers.

ANTITRUST CLASS ACTION / SETTLEMENTS EXCEEDING \$50 MILLION: Counsel in *In re Ready-Mixed Concrete Antitrust Litigation* (S.D. Ind. 2005-2010). The case was resolved before trial with class members receiving more than 100 percent of their actual damages after deduction of attorneys' fees.

PATENT CASE / CONFIDENTIAL SETTLEMENT: Counsel in *Individual Network v. Apple* (E.D. Tex.) (2007-2009) representing an inventor in its patent infringement case against Apple and the case was resolved before trial.

ANTITRUST CASE / CONFIDENTIAL SETTLEMENT: Counsel in *Morris & Dickson Co. v. Abbot Labs.* (M.D. La.) (2006-2008), representing a regional pharmaceutical wholesaler in its suit against Abbott Laboratories for violation of the Robinson-Patman Act by unfairly favoring my client's competitors, and the case was resolved before trial

## **Exhibit B-2**

# Stephen B. Farmer

Attorney at Law

## Contact

Post Office Box 3842  
Charleston, WV 25338

## Education

West Virginia University College of Law,  
Morgantown, WV  
J.D. – 1984

Honors: Baker Cup Moot Court Award, 1982  
Honors: Order of Barristers, 1983 – 1984  
Honors: Attorney General for Students, 1983 – 1984  
Honors: President, Marilyn E. Lugar Trial  
Association, 1983 – 1984  
Honors: Moot Court Board Member, 1981-1983

West Virginia University  
Morgantown, West Virginia  
B.S. – 1979  
Major: Business Administration

## Bar Admissions

West Virginia, 1984

U.S. District Court  
Southern District of WV, 1984

U.S. District Court  
Northern District of WV

U.S. Court of Appeals  
4th Circuit

Steve Farmer was born in Morgantown, West Virginia. He received a bachelor of science degree from West Virginia University in 1979 and a degree from the West Virginia University College of Law in 1984, where he was a member of the Law Review, Moot Court Board and Marilyn E. Lugar Trial Association. He was the recipient of the 1982 Baker Cup Moot Court Award. Mr. Farmer focuses his practice on trial work, including commercial, product liability and personal injury litigation. He is a member of the American Bar Association (Sections on Litigation and Criminal Justice), the West Virginia State Bar, the Kanawha County Bar Association, American Association for Justice, West Virginia Trial Lawyers Association and West Virginia Defense Trial Counsel. Mr. Farmer has served as a faculty member of the Trial Advocacy Institute, University of Virginia School of Law since 1988.

Mr. Farmer is the founding member of Farmer, Cline & Campbell PLLC, one of West Virginia's largest and most successful injury law firms representing Plaintiffs. He has an AV "Preeminent" rating from Martindale-Hubbell and has been recognized as a Super Lawyer in West Virginia by Thomson Reuters for more than ten years. He is currently recognized as one of the Top Ten Super Lawyers in West Virginia by Thomson Reuters. Mr. Farmer is also a member of the Million Dollar and Multi-Million Dollar Advocates Forums.

## Honors & Rewards

The Best Lawyers in America in Personal Injury, Commercial Litigation and Criminal Law

The International Who's Who of Product Liability Defense Lawyers, 4th Ed., 2004

The International Who's Who of Business Lawyers, 2004/2005 Ed., 2004 – 2005

Outstanding Lawyers of America

Chambers USA – America's Leading Lawyers for Business

Recipient, William J. Brennan Award, 1997

Super Lawyers – West Virginia – Personal Injury General: Plaintiff, 2007 – 2019

Top 10: West Virginia Super Lawyers, 2018 – 2019

Super Lawyers- West Virginia 2021- Personal Injury General: Plaintiff, 2021

## Professional Associations & Memberships

West Virginia University College of Law  
Visiting Committee, 2001 to 2004

West Virginia Supreme Court of Appeals  
Standardization of Jury Instructions Appointee  
Committee, 2000 to 2000

Fourth Circuit Judicial Conference  
Permanent Member

American Bar Association, Member

West Virginia State Bar, Member

Kanawha County Bar Association, Member

West Virginia Trial Lawyers Association, Member

## **Exhibit B-3**

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**ROBERT A. CLIFFORD**  
**CURRICULUM VITAE**

Clifford Law Offices  
Founder and Senior Partner  
120 North LaSalle Street, Suite 3600  
Chicago, IL 60602  
312-899-9090 phone  
312-251-1160 fax  
[rac@cliffordlaw.com](mailto:rac@cliffordlaw.com)

**BACKGROUND:** Bob Clifford is the founder of Clifford Law Offices, which concentrates its practice in helping victims of personal injury, medical malpractice, mass torts, consumer and health care fraud, product liability, and aviation and transportation disasters. Bob regularly handles complex damage cases and routinely receives multimillion dollar verdicts and settlements. One of Bob's most notable cases is the \$29.6 million verdict for Rachel Barton, an internationally acclaimed violinist who was run over by a Metra train. In 2014, Bob was the lead negotiator in the \$1.2 billion dollar settlement of numerous 9/11 property damage claims following the collapse of the Twin Towers in New York. In March of 2015, Bob Clifford was lead counsel in a trial against Yellow Cab that resulted in a \$25.9 million verdict on behalf of a lawyer who was injured in the back seat when the van crashed into a concrete barrier. Bob has represented victims and victim families in every major domestic commercial plane crash in the past three decades. In June of 2019, Bob was appointed Lead Counsel on behalf of all plaintiffs in the consolidated action, *In re: Ethiopian Airlines Flight 302 Crash*, currently pending in the Northern District of Illinois.

Bob Clifford is also an advocate for the consumer and has filed several class and mass tort actions holding companies accountable for their alleged defective products and fraudulent business practices. These include Johnson and Johnson, whose talcum powder products are implicated as potential causes of cervical cancer. Most recently, Bob and other attorneys have joined to represent numerous hospitals across the country in their fight against the manufacturers of opioid drugs. Bob served as co-lead counsel in the defective Pella windows class action matter, as well as a Civil RICO class action against State Farm Mutual Automobile Insurance Company. The State Farm matter settled for \$250 million.

**EDUCATION:**

DePaul University, College of Law, Doctor of Laws, honoris causa, 2003  
DePaul University, College of Law, Juris Doctor, 1976  
DePaul University, College of Commerce, 1973

**EXPERIENCE:**

CLIFFORD LAW OFFICES, P.C.  
120 North LaSalle Street  
36<sup>th</sup> Floor  
Chicago, Illinois 60602  
1995-present

CORBOY DEMETRIO CLIFFORD  
33 North Dearborn Street  
Chicago, Illinois 60602  
1994-1995

ROBERT A. CLIFFORD & ASSOCIATES  
Two North LaSalle Street, Suite 700  
Chicago, Illinois 60602  
1985-1994

CLIFFORD & HENELY, LTD.  
Two North LaSalle Street, Suite 700  
Chicago, Illinois 60602  
1984-85

CORBOY & DEMETRIO, P.C.  
33 North Dearborn Street, Suite 630  
Chicago, Illinois 60602  
1982-1984

PHILIP H. CORBOY & ASSOCIATES  
33 North Dearborn Street, Suite 630  
Chicago, Illinois 60602  
1974-1982

**BAR MEMBERSHIPS:**

Supreme Court of the United States, 1981  
U.S. Court of Appeals for the Seventh Circuit, 1996  
U.S. Court of Appeals for the Second Circuit, 2005  
U.S. District Court, Central District of Illinois, 1993  
U.S. District Court, Northern District of Illinois, 1976  
U.S. District Court, Northern District of Illinois Trial Bar, 1982  
U.S. District Court, Southern District of Illinois, 2011  
State of Illinois Bar, 1976

**PROFESSIONAL ASSOCIATIONS and ACTIVITIES:**

American Association for Justice (AAJ) *Formerly the Association of Trial  
Lawyers of America (ATLA)*

- Member, Association of Trial Lawyers of America, Membership Committee, 1989 - 1995

- Dean, Association of Trial Lawyers of America, Advanced College of Advocacy, 1986-1988
- American Bar Association (ABA)
- Chair, Fund for Justice and Education, 2016-2019
  - Board Member, American Bar Foundation, 2016-2018
  - Board Member, ABA Rule of Law Initiative, 2016-2018
  - ABA House of Delegates
    - Chair, Illinois State Delegation, 2004 –2014
    - Nominating Committee of the ABA House of Delegates, 2005-2014
    - Executive Committee, Conference of State Delegates, 2007-2010
  - Section of Litigation
    - Chair, 2001-2002
    - Chair-Elect, 2000-2001
    - Vice Chair, Section of Litigation, 1999-2000
    - Council Member, 1983-1986, 2003-2005
    - Executive Committee, 2002-2003
    - Co-Chair of the ABA Resource Committee, 2015
  - Task Forces and Committees
    - Chair, Special Task Force to Examine Policies Impacting the Recruitment and Retention of Law Students and Young Lawyers, 2015-2016
    - Gatekeeper Regulation and the Profession, 2003
    - Standing Committee on Strategic Communications, 2006-2012
    - Special Committee on Multi-District Litigation, Division VIII - Task Forces and Special Meetings, 2010-2011
    - Task Force on Federal Pleading Standards, 2010
    - Special Advisor, 2009 ABA Annual Meeting, 2008-2009
    - Committee on Issues of Concern to the Legal Profession, 2005-2008
    - Chair, Task Force on Hurricane Katrina, 2005-2006
    - Standing Committee on Governmental Affairs, 2000-2006
    - Co-Chair, 2005 ABA Annual Meeting Advisory Committee, 2004-2005
    - Image of the Profession Task Force, 2004-2005
    - Judicial Intern Opportunity Program Working Group, 2004-2005
    - Board of Directors, ABA Museum of Law, 2002-2005
    - Civil Justice Institute, 2002-2005
    - Task Force on Asbestos Litigation, 2003-2004
    - Chair, Task Force on Terrorism and the Law, 2001-2002
    - Special Committee on Reserves, 1999-2000
    - Discovery Standards Task Force, 1997-1999
    - Institute for Trial Practice, 1997-1999

- Co-Chair, Membership Committee, Task Force on the Recruitment of Plaintiffs
- Strategic Planning Implementation Committee, 1993-1994, 1996-1997
- Co-Chair, ABA Annual Meetings in Chicago, 1993-1996
- Federal Initiatives Task Force, 1995-1996
- Task Force on the Justice System, 1993-1995
- Coordinating Group on Civil Justice Reform, 1992-1993
- Co-Chair, Task Force on the Adversary System, 1991-1992
- Liaison, American Inns of Court, 1991-1992
- Co-Director, Division IV, Procedural, 1986-1987
- Member, Task Force on Tort Reform, 1986-1987
- Chair, Professional Liability Litigation, 1982-1983
- Co-Director, Division III, CLE and Programs, 1981-1982
- Co-Chair, Manufacturers' Liability, 1980-1981
- Chair, Communications, 1978-1980

American College of Trial Lawyers

The American Law Institute (ALI)

American Society of Law and Medicine

Chicago Bar Association (CBA)

- President, 2011-2012
- First Vice President, 2010-2011
- Treasurer, 2009-2010
- Chair, Nominating Committee, 2014
- Delegate to ABA House of Delegates, 2003-2005
- Board of Managers, 1992-1994
- Membership Committee, 2009-2010
- Finance Committee, 1992-1994, 2007-2010
- Committee on Disaster Relief, 1990
- Committee on Committees, 1984-1986
- Chair, Tort Litigation Committee, 1983-1984
- Vice-Chair, Tort Litigation Committee, 1982-1983
- Secretary, Tort Litigation Committee, 1981-1982
- Chair, Tort Litigation Subcommittee on Pre-Judgment Interest, 1981-1982
- Chair, Tort Litigation Subcommittee on Products Liability, Chicago Bar Association, 1979-1981
- Lawyer Referral Panel Screening Committee, 1979
- Tort Litigation, Civil Practice, and Health and Hospital Care Committees, 1976
- Chicago Bar Foundation, Sponsor and Life Fellow

Chicago Inn of Court

- President, 1994-1995
- Cook County Bar Association  
Commercial Bar Association  
The Executives' Club of Chicago  
International Air and Transportation Safety Bar Association  
Illinois State Bar Association (ISBA)
- Advisory Board, Illinois Bar Foundation Fellows, 1989
  - Offer of Judgment Committee, 1983-1985
  - Special Committee on Reduction of Court Costs, Delays and Involvement, 1982-1985
  - General Assembly, 1981-1985
- Illinois Trial Lawyers Association (ITLA)
- Director, College of Advocacy, 1990
  - President, 1990
  - President-Elect, 1989
  - Second Vice-President, 1988
  - Third Vice-President, 1987
  - Executive Committee, 1986
  - Chairman, Legislative Committee, 1985-1987
  - Chairman, Committee on Medical Malpractice Legislation, 1984-1985
  - Co-Chairman, Public Relations Committee, 1984-1985
  - Political Action Committee, 1983-1984
  - Membership Committee, 1980-1981
- Inner Circle of Advocates, 2003 – present  
International Academy of Trial Lawyers (IATL)  
International Air & Transportation Safety Bar Association (IATSBA)  
International Society of Barristers  
Pound Institute for Civil Justice  
The Society of Trial Lawyers  
The Supreme Court Historical Society
- Trustee

**PROFESSIONAL HONORS / AWARDS:**

- 2024 Who's Who 2024, *Crain's Chicago Business*  
2023 Inducted into Lawdragon's Hall of Fame  
2022 #1 Super Lawyer, *Super Lawyers*, Illinois  
2022 Distinguished Alumnus Award, DePaul University College of Law  
2022 Trial Lawyer Excellence Award, Jury Verdict Reporter  
2022 America's 52 Most Influential Trial Lawyers, *National Law Journal/Trial Lawyer Magazine*  
2021 *Super Lawyers*, Illinois

- 2020 *Super Lawyers*, Illinois
- 2020 *Elite Lawyer*, Chicago Catastrophic Injury Lawyer
- 2019 Distinguished Award for Excellence, *Illinois Bar Foundation*
- 2019 Leonard M. Ring Lifetime Achievement Award, *Illinois Trial Lawyers' Association*
- 2019 Class Action Trial Lawyer of the Year, *National Trial Lawyers*
- 2019 Trial Lawyer of the Year, *Public Justice*
- 2019 # 3 *Super Lawyer* in Illinois
- 2019 Plaintiffs' Lawyers Trailblazers List, *National Law Journal*
- 2018 Honoree, *Lawyers for the Creative Arts*
- 2017 Unity Award, *Diversity Scholarship Foundation*  
Justice John Paul Stevens Award, *Chicago Bar Association*  
L. Sanford Blustin Award, *North Suburban Bar Association*  
Lifetime Achievement Award, *America's Top 100 Lawyers*
- 2016 #1 *Super Lawyer* in Illinois  
Who's Who in Chicago, *Crain's Chicago Business*
- 2015 Top Mass Tort/Class Action lawyer in the Chicago metropolitan area, *Best Lawyers*  
Top 100 Most Powerful Chicagoans in 2015, *Chicago Magazine*  
Who's Who in Chicago, *Crain's Chicago Business*  
Honoree, Chicago Police Memorial Foundation, Person of Valor
- 2014 Elite Trial Lawyers Award, *The National Law Journal*  
Professionalism Award for the U.S. Court of Appeals for the Seventh Circuit  
#1 *Super Lawyer* in Illinois  
Top 100 Most Powerful Chicagoans in 2014, *Chicago Magazine*  
Who's Who in Chicago, *Crain's Chicago Business*
- 2013 Top 100 Most Powerful Chicagoans in 2013, *Chicago Magazine*  
#1 *Super Lawyer* in Illinois  
Who's Who in Chicago, *Crain's Chicago Business*
- 2012 Person of the Year, *Chicago Lawyer*  
#1 *Super Lawyer* in Illinois  
Plaintiff's Lawyer of the Year, *Best Lawyers*  
Who's Who in Chicago, *Crain's Chicago Business*
- 2011 Top Ten Consumer *Leading Lawyer* in Illinois  
*Illinois Leading Lawyer*  
#1 *Super Lawyer* in Chicago
- 2010 Top Medical Malpractice Attorney in Chicago, *Best Lawyers*  
Trial Lawyer Excellence Award, *Jury Verdict Reporter*  
Ten for Ten, *Ten Attorneys Who Raised the Bar Over the Last Decade*  
*Crain's Top Civic, Cultural and Professional Leaders in Chicago*  
#1 *Super Lawyer* in Chicago  
Top Ten Consumer *Leading Lawyer* in Illinois
- 2009 *Best Lawyers' Top Personal Injury Attorney* in Chicago, 2009  
*Best Lawyers' 2009 Chicago Personal Injury Litigator of the Year*  
Top Ten Consumer *Leading Lawyer* in Illinois

- Crain's* Top Civic, Cultural and Professional Leaders in Chicago  
#1 *Super Lawyer* in Chicago  
2008 #1 *Super Lawyer* in Chicago  
*Crain's* Top Civic, Cultural and Professional Leaders in Chicago  
2004 Plaintiffs' Hot List: "Twenty-five Go-to Teams for When the Going Gets Tough," *The National Law Journal*  
2003 Plaintiffs' Hot List: "Twenty-five Go-to Teams for When the Going Gets Tough," *The National Law Journal*  
2002 Thirty Toughest Lawyers, *Chicago Magazine*  
2001 Leading Attorney in Illinois, American Research Corporation  
2000 Top Ten Most Influential Attorneys in Illinois, American Research Corporation  
Leading Attorney in Illinois, American Research Corporation  
Honoree, "A Salute To Those Who Make A Difference," Protector of the Working People Award," Illinois State Crime Commission, 2000  
1999 Top Ten Lawyers in Illinois, *National Law Journal*  
Top Ten Most Influential Attorneys in Illinois, American Research Corporation  
Leading Attorney in Illinois, American Research Corporation  
1998 Top Ten Most Influential Attorneys in Illinois, American Research Corporation  
Leading Attorney in Illinois, American Research Corporation  
1994 DePaul University's inaugural Outstanding Service to the Legal Profession Award  
1993 The Best Lawyers in America, *The National Law Journal*  
Top Ten Litigators, *The National Law Journal*

#### COMMUNITY ACTIVITIES:

- Loyola University of Chicago
- Council of Regents
- RAND Institute for Civil Justice
- Board of Overseers
- Civil Justice Institute, University of California (Irvine)
- Board of Directors (2016 – present)
- The Advocacy Institute, SUNY Buffalo Law School
- Board of Directors (2016 – present)
- Window to the World Communications (WTTW – Channel 11)
- Board of Directors
- Naples Children and Education Fund, Naples, Florida
- Trustee
  - CEO, 2014

Sponsor, Golisano Children's Museum of Naples Annual Gala, 2019 – present

Sponsor, Chicago Bar Association's Earl B. Dickerson Awards Luncheon, 2010 – present

Sponsor, Chicago Bar Association's Justice John Paul Stevens Awards Luncheon, 2000 – present

Sponsor, Chicago Bar Association's Investing in Justice Campaign, 2013-2019

Sponsor, Chicago Police Memorial Foundation's Valor Luncheon, 2015 – present

Sponsor, Multi-Bar Association Fundraiser to Support Relief Efforts of Mexico and Puerto Rico, 2017

Sponsor, Marist High School's Law Association Alumni Event, 2017-2019

Sponsor, Chicago Federation of Labor's Labor Day Luncheon, 2016-2017

Sponsor, Lawyers Lend-A-Hand Annual Gala, 2014, 2016 – present

Sponsor, Illinois Bar Foundation's Annual Gala, 2015, 2017 – present

Sponsor, Jewish Judges Association's Awards Dinner, 2015 – present

Sponsor, Teaching Tolerance's Chicago Poker Challenge, Illinois Holocaust Museum, 2013-2015

Testified before the City Council Licensing Committee on Ride-Sharing Regulations, Chicago, 2014

Sponsor, Stop Texting and Talking in Cars (STATIC), 2010

Testified before the Illinois State Legislature, House Judiciary Committee, Pending Medical Malpractice Reform Legislation, May 10, 2005

Testified before the Illinois Democratic Caucus on Tort Reform, Chicago, May 2005

Testified before the Illinois Senate Health and Human Services Subcommittee on Health Care and the Impact of the Civil Justice System on Medical Malpractice and Health Care Insurance, March 2003

Keynote Speaker, Korean American Bar Association, Annual Dinner, March 2002

Sponsor, DePaul University College of Law, 50th Anniversary of the DePaul Law Review,

May 2001

Steering Committee, Northwestern University School of Education, Center for Social Policy, 1999

Advisory Expert, Aviation Committee National Transportation Safety Board, sponsored by The Rand Institute, 1998

Member, Board of Directors, Isaac Ray Center, Inc., 1992

Member, Advisory Committee Meeting on Civil Jury Trial Symposium, The Brookings Institution, 1991

Member, Advisory Board of Judge James A. Geroulis Educational Foundation, 1990

Illinois Institute of Continuing Legal Education (IICLE), Board of Directors, 1989

Mediator, Circuit Court of Cook County – CBA Special Mediation Program for the Law Division, 1988-1989

Member, Board of Advisors, Mercy Hospital and Medical Center, 1988

Trial by Jury Program, Illinois State Fair, 1988

Member, DePaul University College of Law, Advisory Council 1987

Member, DePaul University, Board of Trustees, 1987- present

Member, Products Liability ADR Development Committee, Center for Public Resources, DePaul University, 1985-1986

President, DePaul University Alumni Association, 1983-1985

Member, Board of Directors, Chicago Executive Committee for University College, Galway, Ireland, 1983-1984

Member, Board of Directors, Access Living of Metropolitan Chicago, an affiliate of The Rehabilitation Institute of Chicago, 1982-1985

Member, DePaul University College of Law Visiting Committee and Chair of the Financial Aid Subcommittee, 1982-1985

Mediation Panelist, Endispute of Chicago, an alternative dispute resolution corporation, 1982-1984

Member, Commission on Alumni Affairs, DePaul University, 1982-1983

Member, City of Hope Fund Raising Committees, Mike Royko and James Roberts, Jr., Benefits, 1981-1982

Member, Roscoe Pound Foundation, 1990

Member, Lex Legio Law Society of DePaul University College of Law, 1976-1983

Member, Society of Fellows Foundation of DePaul University, 1976-1983

### **CLIFFORD SYMPOSIUM ON CIVIL JUSTICE, TORT LAW AND SOCIAL POLICY**

Sponsor, “New Torts?” Twenty-Ninth Annual Clifford Symposium on Tort Law and Social Policy, June 8-9, 2023

Sponsor, “Litigating the Public Good: Punishing Serious Corporate Misconduct,” Twenty-Eighth Annual Clifford Symposium on Tort Law and Social Policy, June 2-3, 2022

Sponsor, “Civil Litigation in a Post-COVID World,” Twenty-Seventh Annual Clifford Symposium on Tort Law and Social Policy, June 3-4, 2021

Sponsor, “The Opioid Crisis: Where Do We Go From Here?” Twenty-Sixth Annual Clifford Symposium on Tort Law and Social Policy, April 30-May 1, 2020

Sponsor, “Rising Stars: A New Generation of Scholars Looks at Social Justice,” Twenty-Fifth Annual Clifford Symposium on Tort Law and Social Policy, April 25-26, 2019

Sponsor, “Patient Safety: How might the Law Help?” Twenty-Fourth Annual Clifford Symposium on Tort Law and Social Policy, April 19-20, 2018

Sponsor, “The Impact of Dark Money on Judicial Elections & Judicial Behavior,” Twenty-Third Annual Clifford Symposium on Tort Law and Social Policy, April 20-21, 2017

Sponsor, “Privacy, Data Theft, and Corporate Responsibility,” Twenty-Second Annual Clifford Symposium on Tort Law and Social Policy, DePaul University College of Law, April 28-29, 2016

Sponsor, “The Supreme Court, Business, and Civil Justice,” Twenty-First Annual Clifford Symposium on Civil Justice, Tort Law and Social Policy, DePaul University College of Law, April 16-17, 2015

Sponsor, “In Honor of Jack Weinstein,” Twentieth Annual Clifford Symposium on Civil

Justice, Tort Law and Social Policy, DePaul University College of Law, April 24-25, 2014

Sponsor, "A Brave New World: The Changing Face of Litigation and Law Firm Finance," Nineteenth Annual Clifford Symposium on Civil Justice, Tort Law and Social Policy, DePaul University College of Law, April 19, 2013

Sponsor, "A Celebration of the Thought of Marc Galanter," Eighteenth Annual Clifford Symposium on Civil Justice, Tort Law and Social Policy, DePaul University College of Law, April 26-27, 2012

Sponsor, "A Festschrift for Professor Robert Rabin," Seventeenth Annual Clifford Symposium on Civil Justice, Tort Law and Social Policy, DePaul University College of Law, April 14-15, 2011

Sponsor, "The Limits of Predictability and the Value of Uncertainty," Sixteenth Annual Clifford Symposium on Civil Justice, Tort Law and Social Policy, DePaul University College of Law, April 8-9, 2010

Sponsor, "Rising Stars: A New Generation of Scholars Looks at Civil Justice," Fifteenth Annual Clifford Symposium on Civil Justice, Tort Law and Social Policy, DePaul University College of Law, April 2-3, 2009

Sponsor, "The State of Civil Justice in 2015: Where Are We Going?" Fourteenth Annual Clifford Symposium on Civil Justice, Tort Law and Social Policy, DePaul University College of Law, April 3-4, 2008

Sponsor, "Challenges to the Attorney-Client Relationship: Threats to Sound Advice?" Thirteenth Annual Clifford Symposium on Civil Justice, Tort law and Social Policy, DePaul University College of Law, April 19-20, 2007

Sponsor, "Is the Rule of Law Waning in America?" Twelfth Annual Clifford Symposium on Civil Justice, Tort Law and Social Policy, DePaul University College of Law, April 20-21, 2006

Sponsor, "Who Feels Their Pain? The Challenge of Non- Economic Damages in Civil Litigation," Eleventh Annual Clifford Symposium on Tort Law and Social Policy, DePaul University College of Law, April 14-15, 2005

Sponsor, "Starting Over?: Redesigning the Medical Malpractice System" Tenth Annual Clifford Symposium on Tort Law and Social Policy, DePaul University College of Law, April 15-16, 2004

Sponsor, "After Disaster: The September 11th Compensation Fund and the Future of Civil Justice," Ninth Annual Clifford Symposium on Tort Law and Social Policy, DePaul

University College of Law, April 24-25, 2003

Sponsor, "Is Tort Law Exportable?" Eighth Annual Clifford Symposium on Tort Law and Social Policy, DePaul University College of Law, April 18-19, 2002

Sponsor, "Smoke Signals: The Changing Landscape of the Practice, Financing and Ethics of Civil Litigation in the wake of the Tobacco Wars," Seventh Annual Clifford Symposium on Tort Law and Social Policy, DePaul University College of Law, April 4-5, 2001

Sponsor, "The Impact of Pop Culture on the Civil Justice System," Sixth Annual Clifford Symposium on Tort Law and Social Policy, DePaul University College of Law; Chicago, Illinois, March 30-April 1, 2000

Sponsor, "Judges as Tort Law Makers," Fifth Annual Clifford Symposium on Tort Law and Social Policy, DePaul University College of Law, Chicago, Illinois, April 18-19, 1999

Sponsor, "The American Civil Jury: Illusion and Reality," Fourth Annual Clifford Symposium on Tort Law and Social Policy, DePaul University College of Law and the American Bar Association, Section of Litigation, Chicago, Illinois, April 3-4, 1998

Sponsor, "A Conference on the Contingency Fee," Third Annual Clifford Symposium on Tort Law and Social Policy, DePaul University College of Law, and the American Bar Association, Section of Litigation, April 4-5, 1997

Sponsor, "Tort Law and the Science of the 21st Century," Second Annual Clifford Symposium on Tort Law and Social Policy, DePaul University College of Law, Chicago, Illinois, May 17, 1996

Sponsor, "Experiments in Creative ADR," ADR and Torts: Implications for Practice and Reform, First Annual Clifford Symposium on Tort Law and Social Policy, DePaul University, College of Law, Chicago, Illinois, May 18, 1995

## **PRESENTATIONS**

"The Trial of Socrates," National Hellenic Museum, Chicago, Illinois, May 22, 2023

Panelist – "Recent Developments in Aviation Liability," 13<sup>th</sup> Annual McGill Conference on International Aviation Liability, Paris, France, April 21-22, 2023

Moderator – "Ethics 2023: Refresher on Ethics of Trial Work in a Courtroom," MCLE, Chicago, Illinois, February 16, 2023

Moderator – "13<sup>th</sup> Annual Symposium with the Judges," Law Bulletin Seminars, Chicago, Illinois, November 30, 2022

Moderator – “Legends and Firsts: a Seated Luncheon Conversation with Judge Ann Claire Williams (Ret.),” Just the Beginning, Chicago, Illinois, October 21, 2022

Moderator – “Ethics 2022: Mind, Body, and Soul” and “The Weathering Effect,” – MCLE, Chicago, Illinois, February 17, 2022

“What Will It Take for the Plaintiffs’ Bar to Survive in 2021 – and Beyond?” ITLA Damages Seminar, February 16, 2021

Moderator – “Ethics 2021: Legal Ethics and Professionalism of Your Favorite TV Show, Yada, Yada,” MCLE, Chicago, Illinois, February 18, 2021

“Hale v. State Farm – Effects of Dark Money on Judicial Races,” American Bar Association Midyear Meeting, February 19, 2021

“The Trial of Helen of Troy,” National Hellenic Museum, Chicago, Illinois, March 5, 2020

Moderator – “Ethics 2020 – The Future is Now,” MCLE, Chicago, Illinois, February 20, 2020

Panelist – “FAA Product Certification and the Use of the Delegation System in Aviation,” ABA Tort Trial & Insurance Practice Section, Washington, D.C., October 24, 2019

Panelist – “Update on Products Liability Cases and a Case Study on Major Accident Litigation: Plaintiff and Defendant Strategies,” 12<sup>th</sup> Annual McGill Conference on International Aviation Liability, Insurance & Finance, Montreal, Canada, October 18, 2019

Panelist – “The Evolving Role of Trials in Multi-Jurisdiction Litigation,” Contemporary Issues in Complex Litigation. Chicago, Illinois, October 17, 2019

“Dark Money,” TEX-ABOTA, the Texas Chapters of ABOTA, Santa Fe, New Mexico, June 28, 2019

“Airline Litigation,” Eight O’Clock Call, The Chicago Bar Association, Chicago, Illinois June 6, 2019

Panelist - “Liability of Aircraft Manufacturers & Component Parts, Aerospace Regulators, Air Navigation Service Providers,” Moderator - “Strategies for Negotiating Settlements in Aviation Liability Claims,” Panelist – “Aviation Litigation in the USA – the Case of Non-USA residents Suing in the USA,” Air Law Conference, Strathmore University School of Law, Nairobi, Kenya, May 30-31, 2019

“The Path to Lawyer Well-Being & Conscious Inclusion,” Moderator, MCLE, Chicago, Illinois, February 21, 2019

“The Trial of Hippocrates,” National Hellenic Museum, Chicago, Illinois, February 20, 2019

“Taking it to Trial – Death by Bad Design,” Attorneys Information Exchange Group, Chicago, Illinois, November 8-9, 2018

“Court Is in Session: *Analyzing the Importance of Trial in Aviation Accident Cases*,” Eleventh Annual McGill University/PEOPIL Conference on International Aviation Liability, Insurance & Finance, Dublin, Ireland, October 19-20, 2018

“The Trial of Megacles,” National Hellenic Museum, Chicago, Illinois, March 1, 2018

“The Changing Ethical Landscape of Litigation,” Moderator, MCLE, Chicago, Illinois, February 15, 2018

“8<sup>th</sup> Annual Symposium with the Judges,” Moderator, Law Bulletin, Chicago, Illinois, November 20, 2017

“Trucking: Taking it to Trial,” Attorneys Information Exchange Group, Chicago, Illinois November 9<sup>th</sup> and 10<sup>th</sup>, 2017

“Precision Advocacy: Reinventing Motion Practice to Win,” ABA Section of Litigation Roadshow 2.0, Chicago, Illinois, June 21, 2017

“Shoot-out at the Barbary Coast Corral: The Masters of Oral Argument,” ABA Section of Litigation Annual Conference, San Francisco, California, May 5, 2017

“The Trial of the Parthenon Marbles,” National Hellenic Museum, Chicago, Illinois, March 16, 2017

“Ethics of Social Media Outside and in the Courtroom,” Moderator, MCLE, Chicago, Illinois, February 16, 2017

“Interplay among Courts, the Parties, Counsel, and Media in High Stakes Litigation,” Panelist, Northwestern Conference on Complex Litigation, Chicago, Illinois, November 17, 2016

“What the Other Side is Thinking?” Panelist, International Association of Defense Counsel’s Corporate Counsel College, Chicago, Illinois, April 28, 2016

“The Trial of Al Capone for Murder at the St. Valentine’s Day Massacre,” ABA Section of Litigation Annual Conference, Chicago, Illinois, April 13, 2016

“The Trial of Antigone,” Field Museum in partnership with the National Hellenic Museum, Chicago, Illinois, March 10, 2016

“The Ethics of Pre-Trial and Trial Work,” Moderator, MCLE, Chicago, Illinois, February 18, 2016

“Dealing with Parallel Government and Regulatory Investigations: Special issues when

government actors are also investigating,” Law Seminars International, New Orleans, LA, December 2, 2015

“Classic Chicago Closings,” ABA Annual Meeting, Section of Litigation, Chicago, Illinois, July 31, 2015

“The Chicago Trial that Never Was: The Eastland Disaster Criminal Re-trial,” Eastland Historical Society, Chicago, Illinois, June 18, 2015

“Where Would You Try a Case?” ABA 2015 London Sessions, London, U.K., June 11-15, 2015

“Opening Statements,” Retrial of Sacco Vinzetti, ABA Section of Litigation Annual Meeting, New Orleans, Louisiana, April 15, 2015

“Closing Arguments,” Damages Seminar, Illinois Trial Lawyers Association Chicago, Illinois, February 16, 2015

Ethical Lawyering: “Avoiding the Pitfalls of Practice,” A Professional Responsibilities CLE Event, Loyola University Chicago, November 21, 2014

“How did we get here? The Development of International and Domestic Aviation Law and Regulation,” 2014 International Air & Transportation Safety Bar Association Conference, November 13, 2014

“Making Winning Opening Statements,” Fred Lane’s Trial Technique Institute, Illinois State Bar Association, October 7, 2014

“How to Admit and Exclude Evidence (of All Kinds) in Federal Court,” An Interactive Discussion with Demonstrations, Chicago, Illinois, September 9, 2014

“Demonstration of Opening Statements – The Trial of Wyatt Earp,” Litigation Institute for Training, American Bar Association, Phoenix, Arizona, April 9, 2014

“The Trial of Socrates Redux: BYO Hemlock,” American College of Trial Lawyers 2014 Spring Meeting, LaQuinta, California, March 8, 2014

“The Trial of Orestes,” National Hellenic Museum, Chicago, Illinois, January 29, 2014

“Navigating The Business of Law,” Loyola University Chicago, Chicago, Illinois, November 22, 2013

“The Case that Pays, What I’ve Learned from My Big Cases,” 49<sup>th</sup> Annual Indiana Trial Lawyers Association, Annual Institute, Indianapolis, Indiana, November 7, 2013

“Closing Arguments,” Chicago Bar Association YLS Trial Techniques,” Chicago, Illinois, May 22, 2013

“Demonstration of Opening Statements,” Anatomy of a Trial, Bootcamp Trial Training for Young Lawyers, ABA, Section of Litigation Annual Conference, Chicago, Illinois, April 24, 2013

“Shaping the Future of the Illinois Courts: Vision, Values & Strategies,” 2013 Illinois Supreme Court Judicial Conference, Lombard, Illinois, April 15-16, 2013

“Closing Arguments,” Damages Seminar, Illinois Trial Lawyers Association, Chicago, Illinois, February 18, 2013

“Trial of Socrates,” National Hellenic Museum, Chicago, Illinois, January 31, 2013

“Taming the Discovery Process & Reducing Costs,” Law Bulletin Annual Judges Symposium, Chicago, Illinois, November 14, 2012

“The Optimal Jury Trial,” 2012 National Symposium on the American Jury, American Bar Association, Chicago, Illinois, October 4 - 5, 2012

“Risk Reflections on Litigation - What Law Students Need to Learn Today to Succeed as Litigators,” and “Risk Management - Personal Injury Lawyers and Business Leaders Can Work Together to Manage Risk,” 2012 McGlothlin Leadership Forum, The College of William & Mary, Williamsburg, Virginia, October 2 - 3, 2012

“In Defense of Trial Lawyers,” Mason School of Business, The College of William & Mary, Williamsburg, Virginia, October 2, 2012

“Conversation with Justice Sonia Sotomayor,” Just the Beginning Foundation, Chicago Bar Association, Chicago, September 21, 2012

“Across the Border Personal Injury Seminar,” Manchester, U.K., November 4, 2011

“Picking the Best” Jury: Effective Techniques by the Experts,” Chicago Bar Association, Chicago, Illinois, May 4, 2011

“If You Can’t Pick a Jury, You Can’t Win a Trial,” ABA Section of Litigation & Criminal Justice Section, CLE Conference, Miami, FL, April 15, 2011

“Debate: The Discovery Process is a Mess: Too Long, Too Expensive and Too Liberal?” Illinois Association of Defense Trial Counsel, 2011 Spring Symposium, Chicago, Illinois, April 14, 2011

“Tort Reform and the Civil Justice System from the Perspective of a Plaintiff’s Lawyer,” 2010 Annual Legislative Conference for State Coalition Leaders, Oak Brook, Illinois, November 8-10, 2010

“Air Crash Litigation: Key Issues in the Years Ahead,” ABA Forum on Air & Space Law Meeting, Seattle, Washington, October 26-27, 2010

“A Love-Hate Relationship with the Media,” Contemporary Strategies for Effective Advocacy in Mediation, CLE, ABA Section of Litigation, Chicago, Illinois, June 10, 2010

“Trends in Personal Injury Litigation/Wrongful Death,” Trial Superstars on Presenting Your Case, The CBA Young Lawyers Section, Chicago, Illinois, October 16, 2009

“The Trial Bar’s Aggressive Agenda - The Latest Challenge to the Industry,” PCI 2010 Legislative Planning Conference, Chicago, Illinois, October 12, 2009

“Objection! When and How to Object at Trial,” ABA Annual Meeting, Chicago, Illinois, July 30, 2009

“Demonstration of Opening Statements,” American Bar Association, Section of Litigation, Institute for Trial Training, Chicago, Illinois, July 9, 2009

“Direct Examination,” Chicago Bar Association, College of Trial Advocacy, Chicago, Illinois, June 4, 2009

“Future Overview of Legal Profession,” Distinguished Lecture Series, Phi Alpha Delta Law Fraternity, Chicago, Illinois, May 14, 2009

“Movies on Trial,” *My Cousin Vinny*, CLE Film Series presented by Schopf & Weiss, Chicago, May 8, 2009

“Changes in the Legal Profession,” Best Lawyers 25<sup>th</sup> Anniversary Event, Atlanta, Georgia, April 24, 2009

“The High Profile Case,” Managing the Media in High Profile Case: Telling the Story Legally,” Illinois Institute for Continuing Legal Education, Chicago, July 18, 2008

“Panel debate: Justice in the US Tort System - fact or fiction?” 9<sup>th</sup> Beaumont International Aviation Conference, London, U.K., June 25-26, 2008

“Medical Liability & The Illinois Civil Justice System: A Review of the Options,” Loyola

University Chicago School of Law, May 7, 2008

“27<sup>th</sup> Annual National Trial Advocacy College,” University of Virginia School of Law, Charlottesville, Virginia, January 5-11, 2008

“Transparency in the Civil Justice System,” UCLA-RAND Law and Public Policy Conference, UCLA Law School, Los Angeles, California, November 2, 2007

“Case Evaluation - When to Take the Case - When to Settle,” Law Bulletin Publishing Company, Chicago, Illinois, October 23, 2007

“Compensation Funds: Are They Enough?” Chicago, Illinois, ABA CLE teleconference, September 19, 2007

“Mediation,” Litigation Skills Conference, Law Bulletin Publishing Company, Chicago, Illinois, September 10, 2007

“Demonstration of Opening Statements,” American Bar Association, Section of Litigation, Institute for Trial Training, Chicago, Illinois, July 12, 2007

“Working with the Media in High Profile Cases,” Australian Bar Association Conference, Chicago, Illinois, June 28, 2007

“Apparent Agency Issues in Illinois,” Cassidy, Schade Legal Education Program, Chicago, Illinois, April 19, 2007

“26<sup>th</sup> Annual National Trial Advocacy College,” University of Virginia School of Law, Charlottesville, Virginia, January 5-12, 2007

“Trial Superstars on Presenting Your Case: Winning Over the Court, The Jury and The Media,” Chicago Bar Association, Chicago, Illinois, November 16, 2006

“Building Partnerships for Perinatal Care”, 10<sup>th</sup> National Perinatal Outreach Education Conference, Chicago, Illinois, August 3, 2006

“How to Win a Billion Dollar Verdict,” Trial Masters Seminar, 35<sup>th</sup> Annual Rainbow PUSH Coalition & Citizenship Education Fund Conference, Chicago, Illinois, June 13, 2006

“Sensitive Security Information - Does It Impede Justice,” Aviation Litigation Seminar, American Bar Association, New York City, New York, June 2, 2006

“Boot Camp for Lawyers,” Tips National Trial Academy, The National Judicial College, University of Nevada at Reno, March 11-15, 2006

“Depositions,” Presentation to The Department of Law, City of Chicago Municipal Corporation, Chicago, Illinois, November 15, 2005

“Plenary Session - Preparing for the Hearing,” Further Professionalization of Administrative Adjudication, National Association of Administrative Law Judges Annual Meeting and Educational Program, October 31, 2005

“2005 Advocacy Showcase, The Business Torts Case: A One Day Trial,” Illinois Trial Lawyers Association, Chicago, Illinois, May 7, 2005

“The American Jury Trial-Do We Allow Its Death or Lead Its Rebirth?” A National Summit on the Present State of the Seventh Amendment Right to Trial by Jury, American Board of Trial Advocates, Las Vegas, Nevada, April 1, 2005

“Medical Liability: The New Legal Landscape,” Professional Liability Underwriting Society, Chicago, Illinois, March 16, 2005

“Trial Tools in the Courtroom,” Tort Litigation Committee Meeting, Chicago Bar Association, Chicago, Illinois, April 16, 2004

“Advanced Techniques of Direct and Cross Examination,” Advanced Trial Institute Program, Annual Meeting, American Bar Association, San Francisco, California, August 7, 2003

“Ethics in the Media: The Ever-Growing Thirst for Information,” Aviation Litigation, American Bar Association, New York, New York, June 5, 2003

“The Medical Negligence Case: A One-Day Trial,” 2003 Advocacy Showcase, Illinois Trial Lawyers Association, Chicago, Illinois, May 3, 2003

“Jury Trials After Enron and WorldCom: How Do We Regain Corporate Credibility,” 2003 Corporate Counsel College Program, International Association of Defense Counsel, April 24, 2003

“Anatomy of a Malpractice Case from a Litigator’s Perspective,” DePaul Journal of Health Care Law, DePaul University College of Law, Chicago, Illinois, February 21, 2003

“The Rachel Barton Trial: Perspective from the Plaintiff’s Attorney,” Trial Attorney Superstar Series, Chicago Bar Association and John Marshall Law School, Chicago, Illinois, February 12, 2003

“Cross Examining The Scientific Expert,” All Star Cross- Examination, Chicago Bar Association and the Seventh Circuit Bar Association, Chicago, Illinois, October 25, 2002

“Civility in the Courtroom,” The Abraham Lincoln Marovitz American Inn of Court Joint Meeting with the Chicago American Inn of Court, Chicago, Illinois, October 22, 2002

“Use of Demonstrative Evidence in Complex Litigation: From Argument to Trial: What Really Works,” Complex Litigation, The Sedona Conference, Sedona, Arizona, May 2, 2002

“Legal Issues Arising from Acts of Terrorism and Anti-Terrorism Efforts,” The Association of the Federal Bar of the State of New Jersey Annual Judicial Conference, New Jersey, March 20, 2002

“Land Owner Liability,” Winning Trial Techniques from Voir Dire to Closing, Illinois Trial Lawyers Association, Chicago, Illinois, February 18, 2002

“Medical Malpractice in Women’s Imaging,” Radiological Society of North America, Chicago, Illinois, November, 2001

“Foreign Plaintiffs -Issues and Problems,” Aviation Issues in the Real Millennium, ABA Tort and Insurance Practice, Washington, D.C., October 18, 2001

“Ethics in the Media: Are you Crossing the Line?” ABA Annual Meeting, Aviation Litigation, Chicago, Illinois, August 6, 2001

“Hands on Learning at the Federal Courthouse - The Art of Cross Examination,” ABA Annual Meeting, Chicago, Illinois, August 4, 2001

“Civility in the Practice of Law,” The Roger K. O’Reilly Symposium on Civility and Advocacy, Naperville, Illinois, August 1, 2001

“The Criminalization of Aviation Accidents” Annual Seminar, Aviation Litigation, American Bar Association, New York City, New York, June 7, 2001

“Mock Trial,” Department of Obstetrics and Gynecology, Georgetown University Hospital Seminar, Colorado Springs, Colorado, June 3, 2001

“Leading Lawyers Pursuing Justice,” Section of Litigation Annual Meeting, Phoenix, Arizona, May 12, 2001

“Winning Arguments and the Psychology of Jury Decision-Making,” American Bar Association, Institute for Trial Practice Task Force Proposed Program, Phoenix, Arizona, May 10, 2001

“Ten Settlement Truisms,” University of Illinois, College of Law Boot Camp, Chicago,

January 11, 2001

“The Future of Technology and Jury Consultation in Federal Trials in the 21<sup>st</sup> Century, Federal Litigation in the 21<sup>st</sup> Century Panel Discussion, Chicago, Illinois, November 28, 2000

“Products Over the Pond: Is U.S. Style Litigation Invading the U.K.?” American Bar Association, Annual Meeting, London, U.K., July, 2000

“When Your Own Trial Witness Blows a Gaping Hole in Your Case, How Far Can You Go to Keep your Case from Sinking Like the Titanic,” American Bar Association, Annual Meeting, New York, New York, July, 2000

“Task Force on the Judiciary,” American Bar Association, Section of Litigation, Annual Meeting, Seattle, Washington, April 7, 2000

“Settlement and Negotiations,” Illinois Trial Lawyers Association Past Presidents Seminar, Chicago, Illinois, January 8, 2000

“Raconteuring,” Chicago Inn of Court, October 20, 1999

“Medical Malpractice from a Plaintiff Attorney’s Perspective,” American Society for Healthcare Risk Management, Chicago, Illinois, October 4, 1999

“State-of-the-Art Courtroom Technology in the Courtroom,” DuPage County Bar Association, Lombard, Illinois, June 10, 1999

“Aviation on Trial - In the Trenches with Aviation Accident Litigation,” American Bar Association, Section of Litigation, New York, New York, May 13, 1999

“Avcon 99 Debate – Plaintiff’s Perspective After an Airline Crash,” London, U.K., April 27, 1999

“The Advocate’s Art: Voir Dire by the Masters,” ABA, Section of Litigation Annual Meeting, Dallas, Texas, April 15, 1999

“Dodging Friendly Fire - Know Thy Enemy,” A Plaintiff’s Perspective, ABA, Section of Litigation Annual Meeting, Dallas, Texas, April 14, 1999

“A Plaintiff’s Perspective on Limiting the Scope of Practice & Procedure,” Federal Judicial Conference Committee on Practice and Procedure, Chicago, Illinois, January 28, 1999

American Academy of Psychiatry & Law Program, Topic: "Standard of Care in Psychiatry,"

1998

“Jury Selection,” Under the Microscope: The Anatomy of a Malpractice Trial, Illinois Trial Lawyers Association, Chicago, Illinois, December 5, 1998

“Maximizing Damages,” Trial Technique Seminar, Illinois Trial Lawyers Association, Chicago, Illinois, October 12, 1998

“Litigating the Titanic,” Cross Examination of Plaintiff’s Expert, ABA Annual Meeting, Section of Litigation, Toronto, Canada, August 3, 1998

“Jury Selection and Jury Appeal: What We Learn From Focus Groups,” ABA Section of Litigation Aviation Annual Seminar, New York, New York, June 4, 1998

“Presenting the Complex Civil Case to a Jury,” American Bar Association, Section of Litigation, Chicago, Illinois, February 26, 1998

“To Settle or Not to Settle Your Malpractice Lawsuit- Why? When? For How Much? Those are the Questions,” Chicago Radiological Society, Chicago, Illinois, January 15, 1998

“Judicial Management of Mass Torts Through Class Actions and MDL,” 12th Annual Product Liability Mid-Year Meeting, American Bar Association, Hilton Head, N.C., November 21, 1997

“Aviation Liability Into the 21st Century,” ABA Aviation Litigation Seminar, Washington, D.C., June 20, 1997

“Aviation Litigation: Trial Evidence Issues After ValuJet and TWA 800,” American Bar Association Section of Litigation, Washington, D.C., April, 1997

“Unique Aspects of Handling Motor Vehicle Products Liability Cases,” The 1997 National Conference on Products Liability Law, Chicago, Illinois, April 11-12, 1997

“Trial and Courtroom Techniques, Illinois Trial Lawyers Association, February 17, 1997

“Consumers and Alternative Dispute Resolution,” Center for Public Resources Institute for Dispute Resolution, January 30, 1997

“Maximizing Results Through Settlement and Trial,” Illinois Trial Lawyers Association, Chicago, January 17, 1997

“The Do’s and Don’ts of Videos as Demonstrative Evidence,” The Use of Videos as Settlement Tools, Chicago Bar Association, Chicago, Illinois, January 9, 1997

“Disclosure in a Law Firm: A Sexual Harassment Mock Trial,” Trial Tactics and Employment, CLE, Chicago, Illinois, October 9-12, 1996

“The Plaintiff’s Perspective on Exclusive Federal Jurisdiction,” Aviation Liability Into the Twenty First Century, American Bar Association, Washington, D.C., October, 1996

“Understanding Jurors, the Key to Winning Cases,” 47th Annual Advocacy Institute,” The Institute of Continuing Legal Education, Ann Arbor, May 10-11, 1996

“The Ultimate Mentoring Seminar,” Jury Selection, Illinois Trial Lawyers Association, Chicago, May 4, 1996

“Airplane Design,” Product Liability Litigation, Illinois Trial Lawyers Association, January 13, 1996

“Opening Statements,” Young Lawyers Section Trial Practice Course, Chicago Bar Association, October 10, 1995

“Hooray for Hollywood: How the Masters Try Cases,” American Bar Association, Annual Meeting, Section of Litigation Chicago, Illinois, August 5, 1995

“Plaintiff’s Case/Defendant’s Case Panel, College of Health Sciences, Health Systems Management, Rush-Presbyterian St. Luke’s Hospital, Chicago, Illinois, April 12, 1995

“Jury Persuasion in a Hostile Environment - The Case for Credibility,” Indiana Trial Lawyers Association, November 1994

“Trying a Case from the Plaintiff’s Perspective,” Chicago Bar Association, November, 1994

“Product Liability,” CBA Young Lawyers Section - Tort Law Committee October 1994

American Board of Trial Advocates, "The Masters in Trial Demonstration," 1993

Breast Implant Litigation Support Group, Franklin Park, October, 1993

“Drawing First Blood: Depositions - How to Use Them Effectively” Winning Advanced Trial Techniques, CLE International, October 1993

“Who’s on First?” *Treatment Decisions in a Litigious Society. What is the Human Cost?* DuPage Ethics Conference, September 1994

"Presidential Face-Off, Medical Malpractice," Illinois Trial Lawyers Association, June, 1993

"Opening Statement: Plaintiff's Program Point/Counterpoint" Trial Advocacy From Both Sides" Seminar, Illinois Trial Lawyers Association, May 1993

Illinois State Bar Association, Products Liability, In-Depth Study of Litigation Involving Products, Similar Occurrences and Discovery, 1992

"Federal Civil Practice 1992 New Edition," Illinois Institute for Continuing Legal Education, December 1992

American College of General Practitioners Education & Research Foundation, "A Plaintiff Attorney's Approach to Malpractice Suits," 1992

"Medical Malpractice-Closing Argument," Illinois Trial Lawyers Association, December 5, 1992

"A Plaintiff Attorney's Approach to Malpractice Suits," Program for American Colleges of General Practitioners Education & Research Foundation, September 19, 1992

"The Art of Cross Examination," Program for The Young Lawyers Section of the CBA, Chicago Bar Association, September 17, 1992

"Discovery Practice in the 90's," Program for "A How-To Seminar Focusing on Competency, Efficiency and Civility, Chicago Bar Association, May 21, 1992

"Discovery," Program for Products Liability: In-Depth Study of Litigation Involving Products, Illinois State Bar Association, April 16, 1992

"Objections at Trial and How to Deal with the Difficult Lawyer," Program for Seminar, National Practice Institute, November 15, 1991

"Secrecy Within the Civil Justice System," Association of Trial Lawyers of America, New Orleans, 1990

Illinois Psychiatric Association, Annual Conference, 1989

Illinois Head Injury Association, Annual Conference on Brain Injuries, 1988

Chicago Medical Society, Chicago, Fifth Annual Symposium: The Law, Insurance and Rehabilitation: Partnership for the Catastrophically Injured, 1988

"Handling the Reality of a Malpractice Suit: Plaintiff's Perspective," Program for Young Surgeons Representative Meeting, American College of Surgeons, 1988

"Maximizing Damages in Products Cases," National Conference on Product Liability Law, 1988

"Overview and Judicial Trends in Strict Liability Cases Involving Defective Products," Chicago Bar Association, Products Liability Practice: How to Obtain the Successful Result, 1988

"Rickey Claims," Program for New Areas of Litigation Seminar, Illinois Trial Lawyers Association, 1988

"Working with Experts: Translation of Engineers into English," National Conference on Products Liability Law, 1988

"New Law and Practice Respecting Changes in Comparative Negligence Standards and Joint and Several Liability," Program for 1987 Illinois Institute for Continuing Legal Education, Tort Reform Seminar; National Conference of Product Liability Law, National Practice Institute, Inc., 1988

Rehabilitation Institute of Chicago, Plaintiff's Determination of Damages, 1987

"Legislator, Judge and Executioner, Problems with the Imposition of Sanctions on the Court's Own Initiative," Program Materials for 1987 Illinois Institute for Continuing Legal Education Sanctions Seminar

"The Adverse Witness," Program for 1987 Illinois Institute for Continuing Legal Education, 22nd Annual Trial Evidence Seminar

"Settlement from the Plaintiff's Perspective," Professional Education Systems, Inc., Settling Personal Injury Insurance Claims Seminar, 1987

Professional Education Systems, Inc., Seminar on Settling Personal Injury Insurance Claims in Illinois, 1986

Professional Education Systems, Inc., Conference on Post Traumatic Stress Disorders, 1985

Professional Education Systems, Inc., National Conference on Products Liability Law, 1983

"Cross Examination of Expert Witnesses," Professional Education Systems, Inc., National Products Liability Conference, Chicago, 1983

"Medical Malpractice," Moderator, American Bar Association Section of Litigation, 1982

"Trial Strategy Under Comparative Negligence, The Plaintiff's Perspective," Civil Litigation Short Course, 1982

Illinois Institute for Continuing Legal Education Programs on: Comparative Negligence, Expert Witnesses in Personal Injury Cases, Medical Malpractice, Negotiating Settlements, Proof of Fault, Sanctions.

## **MEDIA APPEARANCES**

Bob Clifford has been interviewed by every major media outlet in the U.S., including Associated Press, Reuters, The New York Times, The Washington Post, The Wall Street Journal, Chicago Tribune, Chicago Sun-Times, The San Francisco Chronicle, ABC, NBC, CBS, syndicated radio networks, MSNBC, Fox News, Fox Business News and others. Below is a sampling of some of these interviews and stories over the years. For some of the latest stories, visit the firm's Press Room, at <http://cliffordlaw.com/news/press-room/>.

"Eastland: Chicago's Deadliest Day," Documentary, Chicago, Illinois

The Washington Post, "Family of American woman killed in Ethiopian 737 Max crash sues Boeing," April 4, 2019

Crain's Chicago Business, "After second Boeing crash, Chicago lawyers watch and wait," March 12, 2019

Chicago Sun-Times Editorial, "Identical Boeing planes crash. What's to be done? Wait for the facts," March 11, 2019

Chicago Sun-Times, "157 Die in 737 Crash," March 11, 2019

Splash Magazines, "The Trial of Hippocrates – The National Hellenic Museum at The Harris Theater for Music and Art, Chicago," February 28, 2019

WGN Radio, The Roe Conn Show, February 14, 2019

WGN Radio, Andrea Chicago "Trial of Hippocrates," February 11, 2019

Chicago Sun-Times, "Syd Jerome Founder Dressed Lawyers, Stars," December 2, 2018

Reuters, "Behind \$250 million State Farm settlement, a wild tale of dark money in judicial elections," September 5, 2018

Chicago Daily Law Bulletin, "\$250M deal would close RICO saga," September 5, 2018

Associated Press, "State Farm reaches preliminary deal in conspiracy lawsuit," September 4,

2018

Bloomberg News, “State Farm Ducks Racketeering Trial with \$250 Million Accord,” September 4, 2018

Law360, “State Farm Plotted to Buy Judge, Jury to Hear in RICO Trial,” August 30, 2018

Chicago Lawyer, “Getting Cook County E-Filing,” February 1, 2018

Las Vegas Review-Journal, “MGM Paying for Campos Hotel Stay; Lawyers Question Influence Over Key Shooting Witness,” October 27, 2017

WGN Radio, “A federal judge and noted lawyer talk about the Supreme Court vacancy and an ancient trial,” March 2, 2016

WGN Radio, “Steve Cochran Show 2.26.16: Go Cats!” February 26, 2016

WINK News, “Early childhood care,” December 7, 2015

Men’s Book (Modern Luxury Magazine), “What about Bob,” October 26, 2015

The National Law Review, “To Specialize or Not to Specialize, That is the Question for Attorneys,” October 22, 2015

The Wall Street Journal, “VW Faces Barrage of Litigation,” September 29, 2015

The Guardian, “Volkswagen hires BP oil spill lawyers to defend emissions cases,” London, UK, September 23, 2015

Chicago Tribune, “Chicagoan sues Volkswagen over rigged diesel emissions tests,” September 23, 2015

ABC News, “NY man sues Volkswagen over emissions scandal: ‘Every reason that I bought the car was based on a lie’,” September 22, 2015

ABC – 7 Eyewitness News, Chicago affiliate, “Lawsuits Filed in Wake of Volkswagen Emissions Scandal,” September 22, 2015

Bloomberg Business, “Volkswagen Owners Want Payback,” September 21, 2015

Loop North News, “Eastland owners and crew ‘not guilty’ in capsizing that killed 844,” June 22, 2015

Crain’s Chicago Business, “Bob Clifford’s going to an 800<sup>th</sup> birthday party” June 15, 2015

Chicago Tribune, "Lawsuit filed by children of woman killed in CTA bus crash," June 8, 2015

The Wall Street Journal, "Liability for Germanwings Crash May Still Rest with Airline, Insurer," March 29, 2015

Bloomberg Business, "Germanwings Crash Cause Means Recoveries 'Uncapped'," March 27, 2015

Chicago Tribune, "Yellow Cab bankruptcy means couple may not see 'a dime' of \$26M verdict," March 19, 2015

The Pantagraph, "Yellow Cab files for bankruptcy after \$26 million verdict," March 18, 2015

Northwest Herald, "Yellow Cab files for bankruptcy after verdict," March 18, 2015

CBS-2 Chicago, "Yellow Cab Files for Bankruptcy After Getting Hit With \$26 Million Verdict," March 18, 2015

NBC-5 Chicago, "Yellow Cab Files for Bankruptcy After \$26 Million Verdict," March 18, 2015

WAND-TV, Channel 17, Decatur, "Yellow Cab files for bankruptcy after \$26 million verdict"

Chicago Sun-Times, "Yellow Cab files for bankruptcy protection after \$26 million verdict against it," March 18, 2015

Chicago Magazine, "The Power 100," March 2015

Law 360, "Titan of the Plaintiff's Bar: Bob Clifford," September 26, 2014

Chicago Lawyer, "Spaces: A setting that puts client at ease," September 2014

The Washington Post, "Total liability in Flight 17 crash could climb to \$1 billion," July 19, 2014

CBS-2 Chicago, "2 Investigators: Some Trucking Firms On Federal Watch List for Safety Violations," May 8, 2014

Wall Street Journal, "Malaysia Airlines Flight 370 Probe Prompts Review of Investigation Procedures in Plane Crashes," by Andy Pasztor, April 10, 2014

The New York Times, "With Jet Still Missing, Legal moves for Payouts Start," by Edward Wong and Kirk Semple, April 2, 2014

The New York Times, "With Plane Still Missing, Legal Moves for Payouts Start," April 1,

2014

National Public Radio (NPR), Malaysian Airlines Disappearance, March 31, 2014.

Chicago Tribune, reporter Jason Meisner, "Legal Action Over Flight 370 Raises Questions," March 30, 2014

Chicago Tribune, "Legal Action over Flight 370 raises questions," March 29, 2014

WGN radio, "Missing Malaysian Airliner: Bob Clifford talks Boeing Lawsuit," March 28, 2014

WGN Radio, The John Williams Show, Malaysian Airlines Flight 370, March 28, 2014

KKSF Radio, San Francisco, California, The Gil Gross Show, Malaysia Airlines 370, March 26, 2014

Associated Press, reporter Scott Mayerowitz, "Will Missing Jet Prompt Change in Aviation System?" March 16, 2014

KKSF Radio, San Francisco, California, The Gil Gross Show, Malaysia Airlines 370, March 14, 2014

KGO Radio, San Francisco, California, Sherry Brown reporter, Malaysia Airlines 370, March, 14, 2014

KFWB Radio, Los Angeles, California, CBS affiliate, Malaysia Airlines 370, March 11, 2014

WBBM-AM radio, Chicago, IL, John Cody, reporter, Malaysia Airlines 370, March 11-12, 2014

The Wall Street Journal, Andy Pasztor, "Missing Malaysia Jet Adds Fuel to 'Live Black Box' Debate," March 9, 2014

Chicago Magazine, "100 Most Powerful Chicagoans, 2014," March 2014

Daily Herald, "Advocate Medical Group sued over stolen patient records," September 6, 2013

WLS Radio, "Patients file suit over theft of Advocate Medical Group computers, " September 6, 2013

Southtown Star, "Patients sue Advocate Group over data theft," September 6, 2013

San Francisco Chronicle, reporter Demian Bulwa, Asiana Air Crash, "SF Plane Crash: Airspeed Alert Focus of Contention," July 9, 2013

The New York Times, reporter Matthew L. Wald, Asiana Air Crash, "Inquiry Suggests Chance that Mechanical Failure Had Role in Crash," July 9, 2013

Health Care Reform, David Asman's Nightly Scoreboard, Business Fox Network, September 22, 2009

Dylan Ratigan Show, MSNBC, Medical Malpractice Debate with Dr. Nancy Snyderman, September 18, 2009

NBC Nightly News, Hazardous Toy Recall, September 15, 2007

WTTW, Chicago Tonight, Panel Discussion on Emerald Casino Minority Shareholders, December 21, 2005

Tort Reform, ABC-TV, 10 p.m. News, December 12, 2004

"Reckless Taxi Cab Drivers," Pam Zekman Investigative Reports, WBBM-TV, 10 p.m. News, February 15, 2003

WBBM-TV News, Special Investigative Report with Pam Zekman, "Negligent Doctors" May 28, 2002

Exclusive Interview WLS-TV, 10 p.m. News, on Running Red Lights, February 5, 2002

9/11 Victims' Compensation Fund, WBBM-TV, 10 p.m. News, December 21, 2001

Fox News, 9 o'clock, interview on Sept. 11 Victims Compensation Fund, December 20, 2001

CNN "Moneyline," Panel on September 11 Victim's Compensation Fund, December 20, 2001

Exclusive Interview with Anchor Steve Sanders, Tobacco Litigation, WGN-TV, November 27, 2001

Exclusive Interview with Mary Ann Achers, National Public Radio on Alaska Air Crash, Flight 261, aired May 29, 2001

Exclusive interview with Dan Arya, CLTV on radioactivity and use of autopsy reports at trial, May 1, 2001

Exclusive Interview with Dave Savini, Channel 5 investigative reporter, on lasik surgery, aired February 21, 2001

Exclusive Interview with Steve Sanders, anchor at WGN-TV Superstation, on use of “black box” recording devices in vehicles, February 13, 2001, Chicago

KIRO-AM/FM, hour call-in show on the Northwest’s top-rated morning show on Alaska Airlines crash and aviation safety, Seattle, Washington, April 18, 2000

Point/Counterpoint Interview on Jurors and Trial Tactics, New York, New York, Court TV, 2000

Exclusive Interview with Pam Zekman, investigative reporter, on consumer fraud of multiple sclerosis patients by clinic, Chicago, 2000

Court TV, Barton Face-Off, March 8, 1999

CBS Sunday Morning, “Rachel’s Story,” Martha Teichner, reporter, March 14, 1999

The Rachel Barton Trial, WLS-TV, March 2, 1999

WLS-AM Radio, Rachel Barton Case, March 2, 1999

News 2 Morning Show, The Rachel Barton Trial, WBBM-TV Jay Levine and Mary Ann Childers, March 2, 1999

Chicago Tonight, The Barton Verdict and Tort Reform, John Callaway, WTTW-TV, March 1, 1999

Contingency Fees, Mara Tapp Show, WBEZ Radio, Chicago, Illinois, April 2, 1997

America’s Talking Cable Network, “PORK,” Airplane Liability, April 1, 1996

O.J. Simpson and the Civil Trial, Al Lerner and Ed Curran, WLS Radio 890 FM, Chicago, Illinois October, 1995

“O.J. and Civil Suits,” WBEZ-FM Radio, Chicago, October 4, 1995

Tort Reform Debate, WLS Radio 890 FM, Chicago, Illinois, December, 1994

Debate on Tort Reform, Aaron Freeman Show, Channel 50, Chicago, Illinois, November, 1994

Liability for Ice and Debris Falling From Skyscrapers, Mara Tapp Show, WBEZ Radio, Chicago, Illinois, February, 1994

Guest Speaker, WBEZ Radio, Chicago, Illinois, "The ABA Symposium on the Future of the Civil Jury System" August, 1992

"Chicago Tonight," John Callaway talk show, "Impact of Tort Reform," WTTW Chicago, PBS affiliate, 1989

"Chicago Tonight," John Callaway talk show, 911," WTTW Chicago, PBS affiliate, 1992

"The Oprah Winfrey Show," Medical Malpractice, 1984

## **FACULTY:**

### **Law Schools, Universities and Colleges**

(Adjunct Professor) DePaul University College of Law, Chicago

IIT/Chicago-Kent College of Law, Chicago

John Marshall Law School, Chicago

Loyola University of Chicago, School of Law

University of Chicago College of Law

University of Wisconsin School of Engineering, Madison, Wisconsin

William Rainey Harper College

Faculty Chairman, Federal Trial Bar Advocacy Program, Young Lawyers Section of the Chicago Bar Association, 1983

National Institute for Federal Trial Advocacy, a division of the Illinois Institute for Continuing Legal Education, Trial Bar Skills for Practicing Attorneys, 1983

Association of Trial Lawyers of America, Regional Trial Advocacy Program, 1982

Court Practice Institute, Chicago Trial Advocacy, 1980

IIT/Chicago-Kent College of Law, Chicago, Products Liability Course, 1979

## **PUBLICATIONS:**

### **Clifford's Notes from *Chicago Lawyer Magazine***

"Regulating AI For the Law," December 2023

"Don't Phone it In – Doctors who Provide telehealth under strict scrutiny," September 2023

"Be Prepared, Be Ready – Illinois high court rules fitness facilities have duty to use AED

during cardiac event,” May 2023  
“Time for a Refresh – Proper ethics are paramount during Trial Work,” February 2023  
“Ad Blitz – Supplements’ claims not backed by the FDA,” December 2022  
“Where’s the line? SCOTUS clears up gray area in cases against global companies,”  
September 2022  
“‘Weathering’ Biases,” February 2022  
“Valuing ‘worth’ of a life,” December 2021  
“Proportional Response,” August 2021  
“Follow the Money,” April 2021  
“Fiction vs. Reality,” February 2021  
“Courts Must Go Forward,” October 2020  
“Bill Would Protect Riders,” July 2020  
“TAWs May Have Helped Prevent Tragic Helicopter Crash,” April 2020  
“New Decade, New issues,” February 2020  
“Let’s Buckle Up,” December 2019  
“On the Mend?” October 2019  
“Suntan Motion,” August 2019  
“Trial Basis,” June 2019  
“Rideshare Responsibility,” April 2019  
“Finding a Balance,” February 2019  
“School Solutions,” December 2018  
“Is ‘Sole’ Sole?” October 2018  
“Talc Talk,” August 1, 2018  
“Flight Risks,” June 1, 2018  
“Changing the Story,” April 1, 2018  
“Watergate a Watershed,” January 1, 2018  
“Complications of Grief,” October 31, 2017  
“The \$750 Pill,” August 1, 2017  
“The Case Against Hugs,” June 1, 2017  
“Word from Washington,” May 1, 2017  
“The Evidence for Evidence: Why every law school should offer courses in Evidence,”  
April 1, 2017  
“TV’s ‘Bull’ is Just That,” February 1, 2017  
“The True Cost of Medical Errors: Should the CDC List Mistakes as America’s Third Top  
Killer?” October 2016  
“Want a Good Physician? You Need a Good Communicator, Someone You Can Trust,”  
December 2014/January 2015  
“Getting Tough with the Hackers: Increasingly, Courts are letting Plaintiffs Pursue  
Data Breaches,” November 2014  
“A Delicate Question that Mixes Law, Medicine: How to help a Client find a Doctor,”  
October 2014  
“Early Steps, Vital Steps: Truck Accidents Require Quick Action to Preserve Evidence,”  
August 2014  
“Arbitration Mandate Fails PR Test: General Mills Backtracks after Trying to Limit Legal

Options,” July 2014  
“This Case Deserves a Second Opinion: Jailed Mother Sues After Giving Birth to a Boy with Scoliosis,” June 2014  
“Taxi Alternatives Need to Take Responsibility: When Something Goes Wrong, They Don’t Want to Pay,” May 13, 2014  
“Time to Take Data Breaches to Court,” April 2014  
“Time for More Accountability in the Health-care Profession,” March 2014  
“If Communication is Rockin’, the ARDC Won’t Come a Knockin’,” February 2014  
“Laws Evolve on Phones and Driving,” December 2013/January 2014  
“Streamlining in Contested Patents,” November 2013  
“Drivers and Cyclists Must Mix,” October 2013  
“No Immunity for Negligence,” September 2013  
“Let Jurors Hear This Case,” August 2013  
“A Trip Down Memory Lane,” July 2013  
“Dangerous Precedent,” June 2013  
“How to Properly Play SOJ,” May 2013  
“Texas Messes with Plaintiff Lawyers,” April 2013  
“Separating the Good from the Bad,” March 2013  
“Lawyers, Ethics and Testimony,” February 2013  
“Letter to a New Lawyer - My Daughter,” December 2012/January 2013  
“New Food Law Sits on the Shelf,” November 2012  
“Granite State, Granite Heart,” October 2012  
“Civics 101: Time to Head Back to School,” September 2012  
“When an Offer is not an Offer,” August 2012  
“Offering the Personal Touch,” July 2012  
“Sorting Out Legal Issues after Florida Shooting,” June 2012  
“Digital Records Open a Major Debate,” May 2012  
“Tax Time Also Brings Revised Rules,” April 2012  
“Cameras in the Courtroom,” March 2012  
“Navigating the Waters of Mediation,” February 2012  
“Creating a Disaster Plan,” December 2011  
“The Thing Speaks for Itself,” November 2011  
“Class Actions’ Brave New World, October 2011  
“Getting Through the Legislative Red Tape,” September 2011  
“Cutting Through the Red Tape,” August 2011  
“Let’s Tell the Full Story,” July 2011  
“Choosing Jurors in this New World,” June 2011  
“A Constitutional Right to a Trial by Jury,” May 2011  
“The Twombly and Iqbal Standards, April 2011  
“Improve Judicial Selection,” March 2011  
“Become Familiar with the Changes,” February 2011  
“What’s Best for you as a Patient,” December 2010  
“Warning All Groups of People,” November 2010  
“Lessons from the Gulf Disaster,” October 2010

“How Secure is Airport Security?” September 2010  
“A Time and Place for Mediation?” August 2010  
“Duty of Trade Associations,” July 2010  
“Bats’ Safety Under Fire,” June 2010  
“Innovation in Jury Trials,” May 2010  
“Working Up a Med-Mal Case,” April 2010  
“Letting the Light Shine In,” March 2010  
“When Law Meets the Internet,” February 2010  
“A Strong Legal System,” January 30, 2010  
“The Role of Cameras,” January 2010  
“Wrongful Birth Cases,” November/December 2009  
“A Cheerleader’s Safety,” October 2009  
“Patients’ Rights and Reform,” September 2009  
“Clifford’s Notes: The Next 25 Years,” August/September 2009  
“Search for Airline Safety,” July 2009  
“Twittering in the Jury Box,” June 2009  
“Reimbursement Issues,” May 2009  
“A More Even Playing Field,” April 2009  
“Soliciting Crash Victims,” March 2009  
“Lincoln the Lawyer,” February 2009  
“To Shovel or Not to Shovel,” January 2009  
“Safety in The Air,” December 2008  
“Don’t Jump on The Bandwagon,” November 2008  
“Is Expert Testimony Needed?” October 2008  
“Qualified to Testify,” September 2008  
“Using Video Properly,” August 2008  
“Judgment Day,” July 2008  
“Too Close for Comfort,” June 2008  
“The Dilemmas of Confidentiality,” May 2008  
“Zealous Advocacy and Civility” April 2008  
“Zoo Liability,” March 2008  
“The Candidates and Tort Reform,” February 2008  
“Lawyer Advertising Should be Accurate,” January 2008  
“Confidentiality Agreements Undermine Justice,” December 2007  
“Does Negligence Toward a Husband Transfer to Wife,” November 2007  
“Law Community Benefits from ABA Accreditation Process,” October 2007  
“Parents Can be Liable for Their Kids Drinking,” September 2007  
“When a Civil Matter Follows a Criminal Case,” August 2007  
“Not all Airline Cases Arise Under Federal Law,” July 2007  
“Courts Try to Define the Value of Losing a Pet,” June 2007  
“Establishing Privilege for Medical Documents,” May 2007  
“Trial Lawyers Change Name to Emphasize Justice,” April 2007  
“Drug Ads and the Learned Intermediary Doctrine,” March 2007  
“Willful, Wanton Conduct and Governmental Immunity,” February 2007

“Introducing Medical Records Without the Physician,” January 2007  
“Using FOIA to Investigate the TWA 800 Crash,” December 2006  
“When is a Medical Expert Qualified to Testify?” November 2006  
“Negligent Credentialing as a Cause of Action,” October 2006  
“The *Cangelosi* Ruling and Attorney-Client Privilege,” September 2006  
“When Outside Information Taints Jurors and Verdicts,” August 2006  
“Governmental Immunity: Protecting the Protectors,” July 2006  
“Take Me Out to the Ballgame, But Bring a Mitt,” June 2006  
“Employees Can be Liable for Violating Patient Confidentiality,” May 2006  
“Courts Should Protect Insureds Against the Fine Print,” April 2006  
“Battle Brews Over New FDA Rule Preempting State Law,” March 2006  
“Construction Case Shows Line Between Tort and Contract,” February 2006  
“Fight Beyond the Grave Saves Estate \$1.48 Million,” January 2006  
“Court Examines Collateral Source Rules on Medical Bills,” December 2005  
“Cell Phones May Increase Liability Risk,” November 2005  
“The Time Has Come for Mandatory CLE,” October 2005  
“Proposed Rules Suggest Changes to Electronic Discovery,” September 2005  
“Torts Provide Best Relief for Nursing Home Residents,” August 2005  
“Patient’s Plea to Stop Caps Legislation Fell on Deaf Ears,” July 2005  
“Servicemen’s Cases Can, at Times, March Forward,” June 2005  
“ABA Guidelines Give Roadmap to Juries for 21<sup>st</sup> Century,” May 2005  
“Courts Struggle With Good Samaritans in Hospitals,” April 2005  
“Law Leaves Jilted Lovers Out in Cold,” March 2005  
“Rights Expanding for Plaintiffs with *In Utero* Injuries,” February 2005  
“Only the Facts Will Get to Bottom of Medical Reform,” January 2005  
“2004 Served Up Plenty of Juicy Celebrity Litigation,” December 2004  
“Court’s Split on Federal Preemption After FDA Approval,” November 2004  
“Courts Examining Limited Doctor/Patient Relationship,” October 2004  
“Patients Deserve Informed Consent in Medical Research,” September 2004  
“Jury Duty,” Letter to the Editor, Chicago Tribune, August 23, 2004  
“High Court Decision Keeps Patients From Suing HMOs,” August 2004  
“Ruling Gives Guidance on Licensing of Expert Witness,” July 2004  
“Confidentiality May Cost Plaintiffs Plenty in Taxes,” June 2004  
“Changes to Med-Mal Rules Must Keep Fairness at Center,” May 2004  
“Tort Debate Must Broaden to Address Health Safety,” April 2004  
“Major Med-Mal Ruling has Impact on Cases, Ethics,” March 2004  
“High Court to Review Patients’ Rights to Sue,” February 2004  
“New Ruling in Ozik Shows Court’s Knowledge of Law,” January 2004  
“Patients Lose Out with Arbitration Clause,” December 2003  
“Case Will Clarify Immunity for State-Employed Doctors,” November 2003  
“Ruling on Liability Promotes Good-Faith Settlements,” September 2003  
“Jurors’ Questions Pose Tricky Balance,” August 2003  
“Court Addresses Electronic Discovery,” July 2003  
“Insurance Decision May Help Plaintiffs,” June 2003

“Back-up Asbestos Suit as Best as you Can,” May 2003  
“Use Checklists Before Settling,” February 2003  
“Untangling Knots in State Discovery Rule,” January 2003  
“Pitting Scalpel Against Scalpel,” December 2002  
“Accountant’s Liability,” October 2002  
“Risk Allocation in Tort Cases,” September 2002  
“Holding Hospitals Responsible for Doctors’ Negligence,” August 2002  
“Rule 213: Disclose, Disclose, Disclose,” July 2002  
“Forum Fights,” June 2002  
“Judges Should Let Juries Hear Reliable Expert Witnesses,” May 2002  
“Pretense is Gone in Sealing Court Records,” April 2002  
“The Rules for Victims’ Comp.” February 2002  
“Does High Court Decision Hurt Petrillo Doctrine?” January 2002  
“Lots of Factors in Landowners Liability for Criminal Attacks,” December 2001  
“Airline Relief Legislation Needs Scrutiny,” November 2001  
“Fifth District Jumps into Trampoline Debate,” October 2001  
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# **Exhibit B-4**

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**CHARLES J. LADUCA**, Firm Chairman of Cuneo Gilbert & LaDuca, LLP, has over 24 years of experience serving as Lead Counsel, or in the leadership structure, in dozens of defective building products and consumer cases. Mr. LaDuca has devoted the majority of his practice to the representation of clients involved in consumer protection, products liability, antitrust, securities and corporate governance.

His firm has achieved success for a range of clients by working to recover hundreds of millions of dollars for homeowners with defective construction materials; helping to recover billions of dollars in shareholder litigation (notably, the firm served as Washington counsel for the plaintiffs in the *Enron Securities Litigation, In re Enron Corp. Sec. Litig.*, No. H-01-3624 (S.D. Tex. 2006)); obtaining compensation for Holocaust survivors (*see Rosner, et al. v. United States*, No. 01-cv-1859 (S.D. Fla.)), the firm acted as Co-Lead Counsel in a case on behalf of survivors of the Holocaust in Hungary whose fortunes were misappropriated by the U.S. government in the final days of World War II; and, in several jurisdictions, ending the practice of jails subjecting minor law violators to unconstitutional strip searches. In addition, in 1991, with two California firms, the firm brought the so-called "Joe Camel" case, *Mangini v. RJ Reynolds Tobacco Co.*, 7th Cal. 4th 1057 (1994), which alleged essentially that R. J. Reynolds Tobacco Company's Joe Camel Advertising Campaign illegally tricked children into smoking cigarettes.

Cases where Mr. LaDuca served as either Court-appointed Lead Counsel, Co-Lead Counsel, or on the Executive Committee have resulted in almost \$2 billion dollars in recoveries for his clients. A sampling of some of Mr. LaDuca's accomplishments on behalf of his clients are:

- *In re: CertainTeed Corp. Roofing Shingle Products Liability Litig.*, MDL No. 1817 (E.D. Pa.) (defective organic shingles litigation, firm served as Co-Lead Counsel in an MDL that secured a settlement valued at more than \$700 million);
- *In re Building Materials Corp. of Amer. Asphalt Roofing Shingle Prods. Liab. Litig.*, MDL No. 2283 (D.S.C.) (Co-Lead Counsel in an MDL that secured a settlement valued at more than \$200 million dollars for a class of approximately six million individuals);
- *In re: Kitec Plumbing System Products Liability Litig.*, MDL No. 2098 (N.D. Tex.) (Co-Lead Counsel in an MDL which resulted in a \$125 million settlement concerning defective Kitec Plumbing Systems sold throughout the United States);
- *Galanti v. Goodyear Tire & Rubber Company*, MDL No. 03-209 (D.N.J.) (Co-Lead Counsel in an MDL which resulted in a \$346 million settlement);
- *In re: CertainTeed Fiber Cement Siding Litig.*, MDL No. 2270 (E.D. Pa.) (Chair of the Executive Committee in an MDL which resulted in a \$120 million settlement);
- *In re Zurn Pex Plumbing Litig.*, MDL No. 1958 (D. Minn.) (Chair of the Executive Committee in an MDL which resulted in a \$36 million settlement);
- *Melillo, et. al. v. Building Products of Canada*, Case No. 618-11 (Vermont St. Ct.) (Co-Lead Counsel which resulted in a settlement valued at approximately \$39-\$100 million);
- *In re Uponor, Inc. Fl807 Plumbing Prods. Liab. Litig.*, MDL No. 2247 (D. Minn.) (Chair of the Executive Committee in an MDL which resulted in a settlement valued at approximately \$60 million);
- *In re IKO Roofing Shingle Products Liability Litig.*, MDL No. 2104 (C.D. Ill.) (Chair of the MDL Executive Committee);
- *In re: HardiPlank Fiber Cement Siding Litig.*, MDL No. 2359 (D. Minn.) (Executive Committee member of the MDL);
- *Gonzalez, et al. v. Owens Corning*, No. 13-cv-1378 (W.D. Pa.) (design defect and misrepresentation action) (Co-Lead Counsel); and
- *In re: Groupon, Inc. Mktg and Sales Practices Litig.*, MDL No. 2238 (D.D.C.) (Executive Committee role which resulted in a settlement of \$7 million).

Mr. LaDuca and his family are active in the community, especially in helping to repair, rebuild and raise money for better homes for the disadvantaged. Mr. LaDuca's charitable contributions have included his support for education programs for under-resourced children in developing countries such as Ethiopia and Sierra Leone. Mr. LaDuca currently serves on the Board of Directors for the Kid Museum and is actively involved in the New York State Society of Washington, D.C.

## **CUNEO GILBERT & LADUCA, LLP**

### **FIRM PROFILE**

We specialize in civil litigation in federal and state courts, including general commercial practice, antitrust, civil rights, government relations, products liability, administrative, securities, labor, and consumer law.

With a proven track record of winning in court and in Congress, we have represented and served clients since 1988 on issues of broad significance. Neither a mega-firm with 200 plus attorneys, nor a small firm with limited expertise, we are instead a group of over a dozen lawyers who together have decades of experience going to court to right wrongs. We focus on representing individuals and small businesses that have been victims of antitrust violations, faulty products, civil rights violations, and securities fraud.

#### **TRIAL AND APPELLATE**

Cuneo Gilbert & LaDuca attorneys are experienced advocates. Between them, our attorneys have:

- conducted numerous trials, the most recent of which resulted in a \$113 million verdict on behalf of our clients, and ultimately, approval of a settlement valued at \$117 million;
- argued contested motions in state and federal court and conducted quasi-adjudicative, administrative, and arbitral proceedings resulting in a final adjudication;
- argued appeals in federal circuit courts of appeal;
- argued appeals in state courts; and
- testified before Congress, state legislatures, or federal or state administrative bodies numerous times.

#### **GOVERNMENT SERVICE**

Cuneo Gilbert & LaDuca attorneys have held positions of trust in state or federal governments, including:

- One was the Executive Director of a Federal agency, the highest staff position; and
- Multiple were Assistant U.S. Attorneys or public defenders.

#### **ACADEMIC ACHIEVEMENTS/CLERKSHIPS**

Cuneo Gilbert & LaDuca attorneys have strong academic qualifications, and many were judicial clerks or interns. Multiple attorneys:

- Served as law review members or editors; and
- Served as judicial law clerks or interns.

#### **COMMUNITY AND CHARITY**

Cuneo Gilbert & LaDuca, LLP supports many charities in our community, both in the United States and abroad. Over the past five years, CGL has contributed to organizations supporting equal

justice, centers for human rights, groups combatting hunger, medical centers and universities in Israel, cancer research efforts, cancer survivor support, legal programs, law schools, juvenile justice initiatives, better government, and wounded veterans of the Iraqi and Afghanistan wars. CGL has also made a major financial commitment to help indigent clients seek representation in the District of Columbia through the “Raising the Bar” campaign of the D.C. Access to Justice Project.

## PARTNERS & FIRM MANAGEMENT COMMITTEE

**Charles J. LaDuca**, born Buffalo, New York, September 30, 1974. Admitted to the New York State Bar, 2001; District of Columbia Bar, 2002; United States Supreme Court, 2009; United States Court of Appeals for the Second Circuit, 2007; United States Court of Appeals for the Third Circuit, 2004; United States Court of Appeals for the Sixth Circuit, 2012; United States Court of Appeals for the Ninth Circuit, 2011; United States Court of Appeals for the District of Columbia Circuit, 2013; United States District Court for the Northern District of New York, 2002; United States District Court for the Western District of New York, 2004; United States District Court for the Southern District of New York, 2013; United States District Court for the District of Columbia, 2002; United States District Court for the Central District of Illinois, 2009; United States District Court for the District of Colorado, 2008; United States District Court for the Western District of Michigan, 2010. Education: George Washington University (B.A., 1996); Catholic University of America (J.D., 2000). Member: District of Columbia Bar Association (Corporation, Finance and Securities Law Section); New York State Bar Association; New York State Society.

**Pamela B. Gilbert**, born New Brunswick, New Jersey, October 3, 1958. Admitted to the New York Bar, 1985 (inactive); District of Columbia Bar 1986. Admitted to practice in D.C. Education: Tufts University (B.A., *magna cum laude*, 1980); New York University (J.D., 1984). Experience: Consumer Program Director, United States Public Interest Research Group (1984-1989); Legislative Director, Executive Director, Public Citizen's Congress Watch (1990-1992; 1992-1994); Attorney, M+R Strategic Services (1995); Executive Director, Consumer Product Safety Commission (1996-2001); Chief Operating Officer, M+R Strategic Services (2001-2002). Honors and Activities: Board Chair, American Antitrust Institute (2010 - ); Board Member, Project on Government Oversight (2016 - ); Past member of the Board of Directors, National Environmental Law Center (2006 - 2016); Past member of Board of Directors, Equal Justice Works (2004 - 2012). Publications: PRIVATE ENFORCEMENT OF THE ANTITRUST LAWS IN THE UNITED STATES (edited by Albert A. Foer and Randy M. Stutz), "Proposals for Reform," written with Victoria Romanenko. Member: New York Bar Association; District of Columbia Bar Association; American Bar Association; American Association for Justice; Public Justice; Consumer Attorneys of California.

**Michael J. Flannery**, born January 22, 1963. Admitted to the Virginia Bar, 1991; District of Columbia Bar, 1992; California Bar, 1998; Missouri Bar, 2001. Admitted to practice before the United States Court of Appeals for the Third Circuit; United States Court of Appeals for the Ninth Circuit; United States District Court for the Eastern District of Missouri, United States District Court for the Western District of Missouri, United States District Court for the Southern District of Illinois, United States District Court for the Northern District of Illinois, United States District Court for the Northern District of California, United States District Court for the Southern District of California, United States District Court for the Central District of California, United States District Court for the Eastern District of California, and the United States District Court for the District of Columbia. Education: University of Notre Dame (B.A., 1985); College of William and Mary Marshall-Wythe School of Law (J.D., 1991). Honors and Awards: William and Mary Law Review (1989-91); Publication of Student Note: "Abridged Too Far: Anticipatory Search Warrants and the Fourth Amendment," 32 WM. & MARY L. REV. 781 (1991) (reprinted in 14 Criminal Law Review (1992)); Teaching Assistant, William and Mary Legal Skills Program; Chief Justice, William and Mary Honor Council; Notre Dame Scholar/Edward W. Krause Academic

Scholarship. Experience: Cohen, Milstein, Hausfeld & Toll, Washington, DC, 1994-1997; Milberg Weiss Bershad Hynes & Lerach, San Diego, CA, 1997-2000; Carey, Danis & Lowe, St. Louis, MO, 2000-2012.

## ATTORNEYS

**R. Michael Smith**, born Manhattan, Kansas, May 16, 1948. Admitted to state bars of Virginia, Maryland, New York, Pennsylvania, Texas, and District of Columbia. Admitted to bars of United States Supreme Court; United States Courts of Appeals for First, Second, Third, Fourth, Sixth, Seventh, Ninth, Tenth, and District of Columbia Circuits; United States District Courts for Maryland, Eastern and Western Districts of Virginia, Eastern and Middle Districts of Pennsylvania, Southern and Eastern Districts of New York, District of Columbia, Eastern and Western Districts of Washington. Education: Colgate University (BA, *Cum Laude*, 1970); University of Chicago Law School (J.D. 1975); Georgetown University Law School (LLM 1985). Member: American Bar Association (Labor and Employment Law Section), District of Columbia Bar Association. Honors and Awards: College of Labor and Employment Lawyers; Samuel Klein *Pro Bono* Award. Military Service: United States Marine Corps (1970-1972, Honorable Discharge).

**Daniel M. Cohen**, born Detroit, Michigan, January 24, 1958. Admitted to the Florida Bar, 1989; District of Columbia Bar, 2001; Maryland State Bar, 2003; Virginia State Bar, 2010. Admitted to practice before the United States District Court for Maryland, 2002; United States District Court for the Middle District of Florida, 2003; United States District Court of District of Columbia, 2008; Eastern District of Virginia, 2010; Western District of Virginia, 2010; Southern District of Florida, 2013. Education: Ithaca College (B.A., 1981); Western New England School of Law (J.D., 1988). Experience: Criminal Defense Trial Attorney, Public Defenders Office, tried 70 jury trials, Jacksonville Florida, 1989-1999. Member: District of Columbia Bar Association (Antitrust and Consumer Law Section); Florida State Bar Association.

**Monica Miller**, born Queens, New York, May 16, 1966. Admitted to the Bar of the Commonwealth of Massachusetts, 1992; Louisiana Bar, 1993; District of Columbia Bar, 1994. Admitted to practice before the United States Courts of Appeals for the First Circuit, 1998, Fourth Circuit, 2010, Ninth Circuit, 2010, Tenth Circuit, 2011, D.C. Circuit, 2012; United States District Court for the District of Massachusetts, 1994; United States District Court for the District of the District of Columbia, 2008. Education: Tufts University (B.A., *magna cum laude*, 1988); University of Virginia (J.D., 1991). Experience: Law Clerk to the Honorable Edith Brown Clement, United States District Court for the District of Louisiana, 1991-1993; Berman, DeValerio & Pease, Boston, MA 1994-1999; sole practitioner, 1999-2008. Languages: French, Spanish.

**Mark H. Dubester**, born Washington, DC, May 17, 1955. Admitted to the District of Columbia Bar, 1980; Member of the United States District Court for the District of Columbia. Education: Tufts University (B.A., *magna cum laude*, 1977); New York University School of Law (J.D., 1980). Experience: Trial Attorney, United States Department of Justice, Antitrust Division (*AT&T* case) (1980-1983); Assistant United States Attorney, United States Attorneys Office for the District of Columbia (60 jury trials) (1983-2007); Counsel for the Committee and Special Impeachment Counsel, House Committee on the Judiciary (2007-2010); Deputy Chief Investigative Counsel, Special Inspector General for the Troubled Asset Relief Program

(SIGTARP) (2011-2012); Associate General Counsel/Prosecutor, Special Inspector General for Afghanistan Reconstruction (SIGAR) (2012-2017).

**Alexandra C. Warren**, born Bucharest, Romania, October 9, 1977. Admitted to the Florida Bar, 2016; New York Bar, 2003 (retired); Massachusetts Bar, 2003 (retired); Pennsylvania Bar, 2004 (retired); District of Columbia Bar, 2007 (retired). Admitted to practice before the United States District Court for the Eastern District of Pennsylvania, 2005; United States District Court for the Western District of Pennsylvania, 2007; United States District Court for the District of Columbia, 2007; United States District Court for the Middle District of Pennsylvania, 2009; United States District Court for the Western District of Michigan, 2010; United States District Court for the District of Massachusetts, 2012; United States Court of Appeals for the Third Circuit, 2009; United States Court of Appeals for the Fifth Circuit, 2009; United States Court of Appeals for the Ninth Circuit, 2011; United States Supreme Court, 2009. Education: Brandeis University (B.A., *cum laude*, 1999); Fordham University Law School (J.D., 2002) (Fordham Environmental Law Journal, Staff). Honors: Archibald R. Murray Public Service Award (2002); Addison M. Metcalf Labor Law Prize (2002). Experience: Law Clerk to the Honorable John E. Jones III, United States District Court for the Middle District of Pennsylvania (2002-2004); Associate, MacElree Harvey, Ltd. (2004-2006). Member: Florida Bar Association.

**Jennifer E. Kelly**, born Elmira, New York, July 7, 1975. Admitted to the Maryland Bar, 2007, District of Columbia Bar, 2008. Admitted to practice before the United States District Court for the District of Columbia, 2012; United States District Court for the Eastern District of Michigan, 2016; United States Court of Federal Claims, 2018. Education: Boston University (B.A., *cum laude*, 1997), American University (J.D., *cum laude*, 2007; highest grade designation, Wills, Trusts, & Estates). Experience: Internship, Parliament of Great Britain (1995); Internship, District of Columbia Corporation Counsel (1996); Legislative Assistant, Office of Senator Robert C. Byrd (1998-2002); American University Civil Practice Clinic (Oral Argument before the Maryland Court of Special Appeals and Maryland District Court Small Claims Trial) (2006); Associate, Bracewell, LLP (2007-2009) (Paralegal, 2003-2007); Volunteer Attorney, American Red Cross (2010-2011). Honors and Awards: Super Lawyers Rising Star 2015-2017 for Washington, DC area.

**Brendan S. Thompson**, born Buffalo, New York, February 21, 1974. Admitted to the Maryland Bar, 2008; Admitted to practice before the United States District Court for the District of Colorado, 2008; United States District Court for the Central District of Illinois, 2008; United States Court of Appeals for the Ninth Circuit, 2011. Education: University of Detroit (B.S., 1997); visiting student, George Mason Law School; University of Baltimore Law School (J.D., 2008). Experience: Student Internships: Congressman Brian Higgins (D-NY) (2007); Chambers of the Honorable LeRoy F. Millett Jr., Circuit Court for the 31st Judicial Circuit of Virginia (2006); The Commonwealth's Attorney's Office for Prince William County, Virginia (2005). Member: Maryland State Bar Association, Bar Association of Baltimore City, American Bar Association; New York State Society.

**Christian Hudson**, born Southampton, New York, July 26, 1985. Admitted to the New York Bar, 2013. Admitted to practice before the United States District Court for the Southern District of New York, 2013; Eastern District of Texas, 2014; Eastern District of New York, 2018. Education: New York University (J.D., 2012); Yale University (B.A., with distinction, 2007). Experience:

Associate, Gibson, Dunn & Crutcher LLP (2012-2018). Member: The Sedona Conference; LeGaL, the LGBT Bar Association of New York; American Bar Association.

**Amanda G. Lewis**, born Manhasset, New York, August 27, 1980. Admitted to the New York Bar, 2009. Admitted to practice before the United States District Court for the Southern District of New York and United States Court of Appeals for the Second Circuit. Education: Columbia University School of Law (J.D., Harlan Fiske Stone Scholar, 2008); New York University (B.A., *summa cum laude*, 2002). Experience: Associate, Cravath, Swaine & Moore LLP (2008-2009; 2010-2012); Law clerk to the Honorable Lawrence M. McKenna, United States District Court for the Southern District of New York (2009-2010); Attorney, Federal Trade Commission (2012-2022); Counsel on Detail to the Subcommittee on Antitrust, Commercial, and Administrative Law, United States House of Representatives Committee on the Judiciary Committee (2019-2022). Member: Advisory Board for American Antitrust Institute (“AAI”) (2023-Present); American Bar Association, Antitrust Section, Co-Chair U.S. Comments and Policy Committee (2022-Present); Vice Chair, Health Care and Pharmaceuticals Committee, (2017-2022); Executive Editor, Antitrust Health Care Chronicle (2014-2022); Advisory Board, American Antitrust Institute (“AAI”) (2023-Present) Awards: Janet D. Steiger Award for contributions to Staples/Office Depot Litigation (2016); Janet D. Steiger Award for contributions to Sysco/U.S. Foods Litigation (2015); Janet D. Steiger Award for contributions to Phoebe Putney/Palmyra Litigation (2013); Above & Beyond Award, Sanctuary for Families (2009).

**Cody McCracken**, born Havre, Montana, March 9, 1997. Admitted to the District of Columbia Bar, 2022; Montana Bar (*pending 2023*). Admitted to practice before the United States District Court for the District of Columbia, 2023. Education: William & Mary Law School (J.D., 2022), Montana State University (B.A., 2018). Member: American Agricultural Law Association. Publications: *Old MacDonald had a Trust: How Market Consolidation in the Agricultural Industry, Spurred on by a Lack of Antitrust Law Enforcement, is Destroying Small Agricultural Producers*, 13 Wm. & Mary Bus. L. Rev. 575 (2022); *Good For Business, Bad For Animals: The Rise of Industrialized Agriculture and Its Impact on Agricultural Animal Welfare*, 14 J.A.E.L. (Fall 2022).

**Lissa Morgans**, born Washington, DC, August 4, 1992. Admitted to the District of Columbia Bar, 2017. Admitted to practice before the United States Court of Appeals for the Fourth Circuit, 2023. Education: George Washington University Law School (J.D. with Honors, 2017) (Senior Editor, Law Journal), University of Virginia (B.A. with Distinction, 2014). Member: American Bar Association Antitrust Section. Publications: *Freedom of Speech, The War on Terror, and What’s YouTube Got to Do with it: American Censorship During Times of Military Conflict*, 69 Fed. Comm. L.J. 145 (2017). Experience: Law clerk, United States District Court for the Eastern District of North Carolina (2017-2020); Assistant Public Defender, Alaska Public Defender Agency (2020-2021); Staff law clerk, United States Court of Appeals for the Fourth Circuit (2022-2023).

#### SPECIAL COUNSEL

**Robert J. Cynkar**, born Chicago, Illinois, April 22, 1952. Admitted to the Illinois Bar, 1977; District of Columbia Bar, 1978; Virginia Bar, 1984. Admitted to practice before the United States Supreme Court and before the United States Courts of Appeals for the First, Second, Third, Fourth,

Fifth, Sixth, Eighth, Eleventh, District of Columbia Circuit, and Federal Circuits. Education: Princeton University (A.B., *magna cum laude*, 1974); New York University School of Law (J.D., 1977) (Staff, Law Review). Experience: Associate, Fried, Frank, Harris, Shriver & Kampelman, Washington, D.C. (1977-1979); Counsel to Chairman Bob Dole, Subcommittee on Improvements in Judicial Machinery, United States Senate Committee on the Judiciary (1979-1981); General Counsel to Chairman Paul Laxalt, Subcommittee on Regulatory Reform, United States Senate Committee on the Judiciary (1981-1983); Assistant United States Attorney, Eastern District of Virginia (Criminal Division) (1983-1985); Special Assistant to Attorney General Edwin Meese (1985); Deputy Assistant Attorney General, Civil Division, United States Department of Justice (1985-1988); Associate, Shaw, Pittman, Potts & Trowbridge, Washington, D.C. (1988-1991); Partner, Shaw, Pittman, Potts & Trowbridge, Washington, D.C. (1991-1996); Founding Partner, Cooper & Kirk, Washington, D.C. (1996-2003); Partner, Egan, Fitzpatrick, Malsch & Cynkar, Vienna, Virginia (2004-2006); has tried over 25 cases in federal and state courts; has briefed numerous appeals in the majority of Federal Circuits and in State Supreme Courts, and in the U. S. Supreme Court, and personally argued many of those appeals. Sample Noteworthy Cases: *U.S. v. Fleming* (E.D. Va. 1984) (successful prosecution of a drunk driver who killed a mother of 11 for second-degree murder); *U.S. v. Winstar* (U.S. Sup. Ct. 1996) (holding that even the requirements of a broad change in regulatory policy by Congress cannot excuse the federal government's breach of contract); *U.S. ex rel. Ubl v. IIF Data Solutions* (E.D. Va. 2009) (successful defense of a government contractor accused of violating the False Claims Act in a bet-the-company case); *Livingston v. Virginia Dept. of Transportation* (Va. Sup. Ct. 2012) (establishing that a damaging for public use does not need to rise to the level of a taking to qualify for just compensation under the Virginia Constitution); *Settle v. RGR*, (Prince William Cir. Ct. 2012)(over \$3 million jury award for the widow of a truck driver killed in a collision with a train). Publications: *Dumping on Federalism*, 75 U. COLO. L. REV. 1261 (2004); *The Changing Vocabulary of Administrative Law*, 43 FOOD DRUG COSM. L.J. 681 (1988); “*Buck v. Bell: ‘Felt Necessities’ v. Fundamental Values?*” 81 COLUM. L. REV. 1418 (1981). Member: District of Columbia Bar Association; Virginia Bar Association; Fairfax County Bar Association; Federalist Society.

## OF COUNSEL

**Charles Tiefer**, born January 21, 1954. Admitted to the District of Columbia Bar. Admitted to practice before the United States Supreme Court; United States Court of Federal Claims. Education: Columbia University (B.A., *summa cum laude*, 1974), Harvard Law School (J.D., *magna cum laude*, 1977) (Member, Harvard Law Review). Experience: Law clerk, United States Court of Appeals for the D.C. Circuit (1977-1978); Trial Attorney, United States Department of Justice, Civil Rights Division (1978-1979); Assistant Senate Legal Counsel, United States Senate (1979-1984); Solicitor and Deputy General Counsel, United States House of Representatives (1984-1995); Professor of Law, University of Baltimore School of Law (1995 - ). Publications: VEERING RIGHT: HOW THE BUSH ADMINISTRATION SUBVERTS THE LAW FOR CONSERVATIVE CAUSES (U. Cal. Berkeley, 2004); GOVERNMENT CONTRACT LAW: CASES AND MATERIALS (co-author) (Carolina Academic Press, 2d ed., 2004); THE SEMI-SOVEREIGN PRESIDENCY (Westview, 1994); CONGRESSIONAL PRACTICE AND PROCEDURE (Greenwood Press, 1989); *Congress’s Transformative “Republican Revolution” in 2001-2006 and the Future of One-Party Rule*, J. L. & POL. OF U. VA. (2008); *The Iran Debacle: The Rise and Fall of Procurement-Aided Unilateralism as a Paradigm of Foreign War*, UNIV. PENN. J. INT’L ECON. LAW (2008); *Can Appropriation*

*Riders Speed Our Exit From Iraq?* 42 STAN. J. INT'L L. 291 (2006); *The Gold Train Case: Successfully Suing the United States on Behalf of a Class of Holocaust-Era Victims*, 27 CLASS ACTION REP. 136 (2006); *Cancellation and Termination Without Forfeiture*, 54 MERCER L. REV. 1031 (2003). Member: District of Columbia Bar Association.

**David W. Stanley**, born St. Louis, Missouri, May 30, 1944. Admitted to the District of Columbia Bar, 1973; Virginia State Bar, 1972. Admitted to practice before the United States Supreme Court, 1980; United States Court of Appeals for the District of Columbia Circuit, 1978; United States District Court for the District of Columbia, 1974. Education: University of Virginia (B.A., 1966); University of Virginia School of Law (J.D., 1972). Experience: Law clerk to Honorable Gerard D. Reilly, Chief Judge, District of Columbia Court of Appeals (1972-1973). Assistant U.S. Attorney, U.S. Attorney's Office for the District of Columbia, 1973-1984 (Fraud Division, 1981-1984); Assistant Chief Trial Attorney, Division of Enforcement, U.S. Securities and Exchange Commission (1984-1987); Of Counsel, Swidler & Berlin, Chartered (1987-1992). Member: District of Columbia Bar Association (Corporation, Finance and Securities Law Section; Litigation Section); Assistant U.S. Attorneys Association (President, 1994-1995); Association of Securities and Exchange Commission Alumni; The Barristers.

**Bradford E. Kile**. Admitted to the District of Columbia Bar. Admitted to practice before the United States Supreme Court, United States Court of Appeals for the Federal, Fourth, and DC Circuits, United States District Court for the District of Columbia and Eastern District of Virginia. Registered to practice before the United States Patent and Trademark Office – Reg. No. 25,223. Education: The Ohio State University (B. Mech. Engr., 1966); The George Washington University (J.D., 1970; LL.M. 1978). Publications: *Legal 'X-Games' Risk: Officer and Director Passive Retention of Personal Liability for Patent Infringement*, 7 IP Litigator 11 (2001); "Lotus v. Borland-Copyright Protection of Computer Software in a State of Transition," Copyright World, 1995. Member: American Bar Association; Fellow of the Inn – Giles S. Rich American Inn of Court; American Intellectual Property Law Association; Federal Circuit Historical Society.

# **Exhibit B-5**

**Steven A. Martino**  
Taylor Martino, P.C.  
455 St. Louis Street, Suite 2100  
Mobile, Alabama 36602  
(251) 433-3131

Steven A. Martino is a senior shareholder at Taylor Martino, P.C. He concentrates primarily on wrongful death, personal injury, class action and mass-tort litigation with special emphasis on financing fraud, products liability and vehicle accidents. Mr. Martino has tried and settled many industrial and construction accident cases in the past twenty years. He has been licensed to practice in all courts of Alabama for over twenty-five years. Mr. Martino was born in Pennsylvania and raised in Cleveland, Ohio. He is married and has three children. He is a sustaining member of the Alabama Association for Justice (ALAJ).

For seven years, he served as National Co-Liaison Counsel for the Plaintiffs' Steering Committee in the Multi-District Litigation entitled in re: *Amtrak "Sunset Limited Train" Crash in Bayou Canot in Mobile, AL*, USDC Case No. CV-94-5000-RV-C, following the worst railroad disaster in U.S. history which occurred in September of 1993.

Mr. Martino served a Co-Lead Counsel in *Nealy v. Woodmen of the World*, a class action settlement of \$23.1 million, which alleged discriminatory practices by the Woodmen of the World Insurance Company in the sale and issuance of life insurance policies to African Americans. He served as Lead Class Counsel in cases against Bank One and First Tennessee Bank (multi-state class actions alleging fraud in the financing of home satellite systems, which successfully resolved); as well as on the Plaintiffs' Steering Committees in the *Carnegie v. Household International, Inc., H&R Block, et al.* (establishing a \$39 million settlement fund for misrepresentations in the offering of income tax refund anticipation loans "RALS). He also served as Lead Class Counsel in gas royalty litigation cases against Exxon and Texaco, which settled in Alabama State Court. He was Co-Lead Counsel in *Cox, et al v. Shell Oil, et al*, (establishing the \$1.1 billion Polybutylene Pipe Settlement Fund for claims of defective design, manufacture and distribution of polybutylene plumbing systems - the largest settlement of a property damage class action in United States history at that time).

Mr. Martino represented a cross section of businesses in the BP Oil Spill litigation including: hospitals, other health care providers, beverage distributors, major real estate developers and seafood suppliers and processors, card dealerships, and ad agencies.

In addition to these cases listed above, Mr. Martino has served on several Plaintiffs' Counsel committees for many statewide and national class action cases including those against hardboard siding manufacturers, vitamin and prescription drug manufacturers/distributors, cellular phone providers, personal finance/bank institutions, oil, and insurance companies. Mr. Martino has tried over 75 jury cases to conclusion.

# **Exhibit B-6**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

|   |                       |
|---|-----------------------|
| SAN MIGUEL HOSPITAL CORPORATION,<br>d/b/a ALTA VISTA REGIONAL HOSPITAL, on<br>behalf of itself and all others similarly situated,   | Case No. 1:25-cv-1010 |
| Plaintiff   |                       |
| v.  |                       |
| RICHARD SACKLER, DAVID SACKLER,<br>MORTIMER D.A. SACKLER, KATHE<br>SACKLER, ILENE SACKLER LEFCOURT,<br>THERESA SACKLER, GARRETT LYNAM AS<br>EXECUTOR OF THE ESTATE OF JONATHAN<br>SACKLER, RICHARD SACKLER AND DAVID<br>SACKLER AS CO-EXECUTORS OF THE<br>ESTATE OF BEVERLY SACKLER, and<br>RICHARD SACKLER AND DAVID SACKLER<br>AS CO-EXECUTORS OF THE ESTATE OF<br>RAYMOND SACKLER. |                       |
| Defendants  |                       |

**DECLARATION OF JOHN W. BARRETT IN SUPPORT OF CLASS PLAINTIFFS’  
AGREED MOTION TO CERTIFY THE SETTLEMENT CLASS FOR SETTLEMENT  
PURPOSES, PRELIMINARILY APPROVE CLASS ACTION SETTLEMENTS,  
APPROVE FORM AND MANNER OF NOTICE, AND SET DATE FOR FINAL  
FAIRNESS HEARING**

Pursuant to 28 U.S.C. § 1746, I declare and state as follows:

I am senior partner with law firm Barrett Law Group, P.A. and counsel for Plaintiff in the above-captioned litigation. I submit this declaration in support of Class Plaintiffs’ Agreed Motion to Certify the Settlement Class for Settlement Purposes, Preliminarily Approve Class Action Settlements, Approve Form and Manner of Notice, and Set Date for Final Fairness Hearing.

This declaration is based upon my personal knowledge, unless otherwise indicated. If called upon to testify as to the matters stated herein, I could and would competently do so.

My law firm and I have worked on a number of complex actions over the past several decades, including several MDL and class action cases. I have been appointed lead and co-lead counsel in many

class and mass tort actions nationwide. As set out below, my firm currently represents approximately 950 hospitals across the nation and a national class of hospitals as plaintiffs in litigation against the opioids industry.

My firm continues to have success handling prominent complex cases. We are a smaller firm, with only eight attorneys and ten non-lawyer employees. Since June of 2018 through today, cases led by our firm have achieved recoveries for our clients of over \$1.7 billion.

I was a Carrier Scholar at the University of Mississippi, graduating *magna cum laude* in 1967. While at Ole Miss, I was a member of numerous scholastic and leadership honorary societies, was editor of the 1967 *Ole Miss* yearbook, and was elected to the University Hall of Fame. I graduated with honors from the Ole Miss Law School in 1969.

Except for a short stint in the Air Force, I have been actively engaged in the practice of law in Lexington, Mississippi, for fifty-five years; and have held an AV rating by Martindale-Hubbell for many years. I have an active trial practice throughout Mississippi and have substantial experience in state and federal courts throughout the nation, primarily representing plaintiffs in complex civil cases.

## **I. ACTIVE CASES**

In 2017, I was appointed to the Plaintiffs' Steering Committee on behalf of the Indirect Reseller Plaintiffs in *In re: Generic Pharmaceutical Pricing Antitrust Litigation*, MDL No. 2724. We brought claims on behalf of the Indirect Reseller Plaintiffs for injunctive relief and to recoup overcharges that resulted from an unlawful agreement among Defendants to allocate customers, rig bids, and fix, raise and/or stabilize the prices of generic drugs.

In January of 2019, the State of Mississippi retained me to sue the U.S. Corps of Engineers in the U.S. Court of Claims for taking thousands of acres of its land for a floodway along the Mississippi River, without paying for it. Since then, private landowners along the lower Mississippi, owning approximately 600,000 acres in Arkansas, Louisiana and Mississippi, have retained our firm to sue the

Corps for the same reason. We lost on a statute of limitations motion to dismiss, appealed to the Court of Appeals for the Federal Circuit. Oral argument was May 6, 2026 in Washington, D.C., and we believe that we will win a remand.

In September 2020, my firm was appointed as co-lead counsel for a class of direct purchasers of analog insulins, seeking recovery of damages under the Sherman Act and RICO for price-fixing in *In Re: Direct Purchaser Insulin Pricing Litigation*; Case No. 3:20-cv-3426, in the United States District Court for the District of New Jersey.

My firm regularly serves in leadership roles in complex litigation, including antitrust class action litigation. For example, my firm serves in leadership in class actions related to the price fixing of certain proteins, including pork, turkey and beef. On March 1, 2022, my firm was appointed as Interim Co-Lead Counsel in for the Commercial and Institutional Indirect Purchaser Plaintiffs in *In Re Cattle & Beef Antitrust Litigation*, Case No. 20-cv-1319 (D. Minn.). On July 28, 2021, my firm was appointed as co-Settlement Class Counsel in *In Re Turkey Antitrust Litigation*, No. 19-cv-8318 (N.D. Ill.) on behalf of the Commercial and Institutional Indirect Purchaser Plaintiffs, such as restaurants and caterers. On March 5, 2021, my firm was appointed to the Plaintiffs' Steering Committee on behalf of the Commercial and Institutional Indirect Purchaser Plaintiffs in *In re Pork Antitrust Litigation*; Case No. 18-cv-01776 (D. Minn.).

## II. SETTLED CASES

Since 1986, I have taken a national leadership role in litigation against cigarette companies. I am one of only a handful of plaintiff's attorneys in the United States to have tried three tobacco liability cases through jury submission. I had a leadership role in the massive *Castano* class action litigation in the U.S. District Court in New Orleans, and in its related state class action cases around the country. I am one of the attorneys who represented the State of Mississippi, through Attorney General Mike Moore, in the state's successful efforts to recover its cigarette-related health care monies sent over the

past years. I also represented the Attorneys General of New York, Louisiana, Arizona, Washington, Indiana, Alaska, Idaho, Oregon, Rhode Island, Ohio, Vermont, Illinois, and the Commonwealth of Puerto Rico in their successful litigation against the tobacco industry. I was one of three plaintiffs' attorneys who negotiated the landmark settlement with Liggett Group announced in March of 1996, as well as one of the lead attorneys in the historic settlement agreement entered into by twenty-two Attorneys General with Liggett Group on March 20, 1997. My tobacco litigation experiences have been chronicled in various national publications, including the *ABA Journal*, *The New York Times*, *The American Lawyers*, *the Wall Street Journal*, and *The Washington Post*. I have been featured in two books concerning tobacco litigation: Cornered: Big Tobacco at the Bar of Justice, by Peter Pringle (Henry Holt and Company, New York City, 1998); and The People vs. Big Tobacco, by Carrick Mollencamp, et al (Bloomberg Press, Princeton, N.J., 1998), and my experiences in tobacco litigation are the primary focus of another book, Assuming the Risk, by Michael Orey (Little, Brown & Co., New York City, September, 1999). I have been unable to shake my addiction to tobacco litigation: In October of 2013, a state court in Arkansas certified a class of Arkansas smokers of light cigarettes against the Philip Morris Company, a case in which I was co-counsel for the class; in the fall of 2016 that case settled for \$45 million.

One of my earliest class action cases, from the early 1990's was *Nealy v. Woodman of the World Life Insurance Society*. This was a discrimination case brought against an insurance company, in which I was co-lead counsel. This case was settled for \$23.1 million, which settlement was approved by Chief Judge William H. Barbour, Jr., of the U.S. District Court for the Southern District of Mississippi. In approving this settlement, Judge Barbour had the following to say:

THE COURT... I have got a very brief statement to make that I want to make into the record...

Despite the protestations of Woodmen as to their innocence of discrimination, I think it is fairly clear that the company has since its inception practiced invidious racial discrimination against African-

American citizens. I think that obviously... this lawsuit has been the impetus on the very direct actions of Woodmen to hire black agents and to begin very actively selling and soliciting to black policyholders. This should also serve to remove the discrimination from the lodge systems and other fraternal benefits.

So I think that this is a very good example of how (the) private attorney general idea under the class action mechanism can be used to obtain very real results and I see the results in this case not so much in the substantial settlement of \$23 million, which will benefit these class members, but in the breakdown of a very strong system of racial discrimination which has apparently been followed by this company until it had the heat put on it by this lawsuit...

Accordingly, I congratulate the class counsel for the settlement that you have made, for the progress you have made in regard to this particular company and for the results that have been obtained.

I was lead counsel in *Houchens, et al v. Rockwell*, a complex environmental tort case which resulted in a \$218 million verdict for the plaintiffs on May 31, 1996, after a two-month trial in Russellville, Kentucky. After multiple trips through the Kentucky appellate system, this verdict was finally overturned in the fall of 2004. We should have settled. Over the past several years I have tried and collected damages for various plaintiffs in other environmental cases, the total of which exceeds \$35 million.

I also represented the State of Mississippi in its effort to recover monies lost by Mississippi consumers, and by the state itself, as a result of an alleged price-fixing conspiracy among infant formula manufacturers. I was also co-counsel for plaintiffs in state court class- actions in thirteen state court actions involving this same price-fixing conspiracy. These cases resulted in multi-million-dollar settlements in twelve of these states, but only in the making of some bad law in the thirteenth state (Louisiana), on a remand issue that plaintiffs lost in a tie vote (4-4) before the U.S. Supreme Court in March of 2000.

I was the lead Court-appointed counsel for the plaintiffs in the litigation against General Motors Corporation concerning the "sidesaddle" fuel tank litigation. Final approval of a nationwide

settlement with a minimum value to the class of \$500 million was achieved in April of 1999.

I was co-lead counsel in the national class action against Chrysler Corporation for its defective rear minivan door latches. In this case, a settlement was reached in the U.S. District Court for the Middle District of California in the fall of 1995, and was finally approved by the Ninth Circuit Court of Appeals in early 1999.

I was lead counsel for the plaintiffs in *Cox v. Shell Oil Co., et al*, in state court in Obion County, Tennessee, a class action case concerning defective home plumbing systems; this case resulted in a nation-wide settlement in November, 1995, of approximately \$1.1 billion, by far the largest property-damage settlement achieved in this country as of that time. As a result of the *Cox* litigation, on July 22, 1997, I was awarded the Public Justice Achievement Award by the Trial Lawyers for Public Justice Foundation “in recognition of (my) extraordinary contribution to the public interest.”

I was co-lead counsel for the plaintiff class in *Holmes v. Trustmark National Bank, et al*, U.S.D.C., So. Dist. Mississippi, No. 1:95-cv-323BrR, a forced-placed insurance class action which resulted in an \$8.8 million settlement approved by Judge David Bramlette on June 4, 1997. In approving the settlement, the Court referred to my “substantial experience in mass-tort litigation” and wrote that class counsel “vigorously and zealously represented (the class members’) interests throughout this litigation.”

I was lead class counsel and lead trial attorney for the plaintiffs in a national class action against State Farm Mutual Insurance Company in Illinois, concerning State Farm’s use of imitation crash parts in auto repair. After a seven-week trial ending in October of 1999, the jury awarded a verdict of \$456 million and an additional \$600 million in punitive damages was awarded by the trial judge. This was the largest verdict ever rendered in the State of Illinois and the largest against any insurance company in the United States. As a result of that litigation, I was named the first-ever “Litigator of the Month” by the National Law Journal in its issue of November 22, 1999. This verdict was subsequently

affirmed by a unanimous Illinois Court of Appeals, and reversed by the Illinois Supreme Court. From the ashes of that case arose *Hale et al v. State Farm Mutual Insurance Company*, filed in the Southern District of Illinois, which alleged that State Farm engineered the election of an Illinois Supreme Court justice, then lied about its election activities, to avoid a recusal of that justice from the panel deciding the *Avery v. State Farm* appeal. State Farm's motion to dismiss was denied and class certification was granted, and State Farm had three petitions denied in the Seventh Circuit. Sometimes justice takes a while to play out: On September 13, 2018, after the trial jury was empaneled, and over 21 years after the original litigation began, Judge Herndon granted final approval to a settlement with State Farm for \$250 million. From the bench, Judge Herndon stated, "Important principles have been vindicated by this settlement," and also stated, "Class Counsel were diligent...and they performed at the highest level of professional standards."

On November 22, 2000, I was appointed as the Lead Class Counsel by Chief Judge Sarah Evans Barker in the Bridgestone/Firestone/Ford tire and Explorer litigation, centralized in the U.S. District Court for the Southern District of Indiana (MDL No. 1373). A Nationwide settlement of the consumer class case against Bridgestone/Firestone was achieved in 2004 and approved by the Court in a Texas state case. On December 3, 2007, Judge David DeAlba of the Superior Court of Sacramento County, California preliminarily approved a multi-state class action settlement with Ford Motor Company. Final approval was granted in April, 2008.

In the Summer of 2001, I was named by Judge Kathleen O'Malley, U.S.D.C., Northern District of Ohio, to the Plaintiffs' Steering Committee in *In Re: Inter-Op Hip Prosthesis Liability Litigation*, MDL No. 1401, and I was a principal negotiator for the plaintiff class for a \$1.045 billion settlement reached with defendants, which settlement was finally approved by Judge O'Malley on May 22, 2002. Successful class action personal injury cases, especially successful ones, are pretty much extinct now, and were so even back in 2002.

I was lead counsel in the “alternative commission” class action litigation against Progressive Insurance Company, in which a nationwide settlement valued by the court at \$493 million was reached in the Circuit Court of Johnson County, Illinois, with final approval being given by the court on November 14, 2002. In its order granting class counsel’s petition for fees, the court said:

Class Counsel were highly competent. The Class Counsel who prosecuted this case have an impressive background, and substantial experience in prosecuting similar cases on behalf of large classes against well-funded corporations. It is evident from the record that Class Counsel worked efficiently, aggressively, and with a high degree of professionalism.

In 2003, I was co-lead trial counsel in a national class action in the U.S. District Court for the Central District of California, entitled *Austin, et al. v. Lehman Brothers, Inc. et al.* At the conclusion of this three-month trial, on May 14, 2003, Judge David O. Carter made the following statement:

Mr. Barrett, you are a superb attorney. Truly this jury has come to recognize your humor and your competency. I will never forget you looking for the elephant on your tiptoes.

You’ve been courteous. You’ve been competent. The class is, indeed, fortunate to have you as a presenter.

You mastered the complicated fact situations and brought clarity in this Court’s opinion to an extremely complex area, on behalf of your clients, and it was very helpful to the jury.

After five weeks of deliberation, the jury on June 16, 2003, returned a verdict for the plaintiff class. According to the Los Angeles Times, “the verdict marked the first time a financial backer of an abusive lender has been held liable, carving out a new area of vulnerability for Wall Street.”

On September 17, 2003, I was appointed plaintiffs’ co-lead counsel in *In Re Welding Fume Litigation* (MDL 1535) by the U.S. District Court in Cleveland, Ohio. At a contested class certification hearing in that Court on April 24, 2007, nationally-prominent defense attorney John Beisner represented to the Court that I am one of “the most outstanding lawyers in the country.” I do not believe that Mr. Beisner really meant it, but he did say it.

On November 22, 2004, I was appointed Plaintiffs' Co-Lead Counsel in *In Re High Sulfur Content Gasoline Products Liability Litigation* (MDL No. 1632), by U.S. District Judge Ivan L.R. Lemelle of the Eastern District of Louisiana. A \$100 million plus settlement received final approval by the Court in September of 2006.

On December 16, 2004, I was appointed one of six members of the Class Plaintiffs' Steering Committee in the *In Re Neurontin Marketing and Sales Practices Litigation* (MDL No. 1629), by U.S. District Judge Patti B. Saris of the District of Massachusetts. In that MDL, the case of an individual plaintiff (Kaiser Foundation Health Plan) against the defendant Pfizer, Inc., was tried over a five-week period in February and March, 2010 in Boston, and I was a member of the trial team for Kaiser. That trial resulted in a jury verdict for plaintiff on its civil RICO claim in the amount of \$47.34 million, which was trebled under the RICO statute. This is believed to be the first civil RICO verdict ever rendered against a major pharmaceutical company. This verdict was affirmed by the 1st Circuit Court of Appeals, and was paid in full.

During the course of that trial the Court told the jury that the lawyers in the case on both sides were "the best in the country," and thanked the attorneys for conducting "a fabulous trial... it's the kind of thing that you become a judge to sit on." As a result of my work on this case, I was selected by the Public Justice Foundation as a finalist for the 2011 Trial Lawyer of the Year Award.

The accompanying class action, after ten years of litigation and three denials of class certification, was settled in May of 2014 for \$325 million. Final approval of this settlement was granted by Judge Saris in October 2014. Good things are worth waiting on.

I was lead counsel of the Katrina Litigation Group, a consortium of lawyers who represented hundreds of homeowners along the Mississippi Coast who were victimized first by Hurricane Katrina in August, 2005, and then by their insurance companies. Our group favorably settled over 1,600 homeowners' claims (including those of former U.S. Senator Trent Lott, former U.S. Representative

Gene Taylor, and U.S. District Court Judge Louis Guirola) for more than \$215 million. We are the only attorneys to have tried Hurricane Katrina cases to successful verdict in both state and federal court (*Lisanby v. USAA*, in June of 2008, resulting in a verdict and payment to Admiral and Mrs. Lisanby of \$849,841; and *Penthouse v. Certain Underwriters at Lloyds*, resulting in a verdict on February 24, 2011, amounting to \$1,832,804. On December 21, 2011, the *Penthouse* Court entered final judgment in the case, adding attorneys' fees, costs, and interest in the amount of \$3,111,533, bringing the total award to \$4,944,135. This time, *they* should have settled.

I was co-lead counsel in a class action lawsuit (*Holman v. Noble Energy, Inc.*, District Court County of Weld, Colorado) brought on behalf of royalty owners in the Greater Wattenberg natural gas field in Colorado. This suit, which complained of systematic under-payments of royalties by a major natural gas producer, resulted in a \$98 million settlement for the class. This settlement received final approval by the Colorado court on June 11, 2007. Since that time, we have achieved class settlement in four similar cases. These five cases have produced settlements exceeding \$150 million. I was also co-lead counsel in several similar cases in the Western District of Virginia. In the first of these cases, a settlement of \$3.4 million, which recovered over 95% of all compensatory damages claimed by the plaintiff class, received final approval by the District Court on October 4, 2011. In approving the fee application for that case, Judge James P. Jones complimented our work, adding, "I'm sure the class realizes that, were it not for the experienced and well-resourced counsel in this case, there would be no recovery." In the cases against CNX and EQT, Judge Jones certified classes by orders entered on March 29, 2017, and those cases have now been settled.

On January 26, 2009, in *Stanich, et al v. Travelers Indemnity Company, et al*, U.S.D.C., N.D. Ohio, No. 1:06 CV 962-KMO, I with others was appointed as class counsel in a certified class action concerning fraudulent insurance pricing. In this order the Court stated,

Counsel has been both thorough and insightful in its analysis of the potential claims of class members... The Court is quite familiar with

the attorneys..., all of whom are well-qualified, experienced and capable of conducting class action litigation... Finally, the Plaintiff's counsels' conduct to date as well as the Court's familiarity with their attorneys and firms, clearly indicates that they have sufficient resources to prosecute this action and intend to apply themselves to the task diligently.

On March 31, 2010, the Court approved a settlement reached in that case which the Court values at \$17,398,633, finding that class counsel were "experienced, professional, and highly skilled."

I was co-lead class counsel in *Vereen v. Lowe's Home Centers, Inc.*, a national class action over the sale of defective drywall, pending in the Superior Court of Muscogee County, Georgia. On January 12, 2012, a settlement was finally approved by that court, affording financial relief to over 40,000 claimants. In approving the requested fee award, the *Vereen* Court spoke of our "excellent reputations in the legal community."

On May 22, 2014, Judge Paul Magnuson of the District of Minnesota appointed me to the plaintiff's Executive Committee for U.S. banking and financial institutions in the *In Re: Target Corporation Customer Data Security Breach Litigation*, MDL No. 14-2522 (PAM/JJK). That litigation resulted in a \$65 million settlement for our clients in 2016.

On November 30, 2017, our firm led the filing of the first RICO class action on behalf of U.S. hospitals against pharmacies, manufacturers and distributors of opioids. On January 4, 2018, Judge Dan Polster, presiding over *In Re: National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio), appointed me to the Plaintiffs' Executive Committee as the representative of hospitals. Our firm currently represents approximately 950 acute care hospitals in 44 states in this important litigation. We are also representing a class of about 5,400 acute care hospitals nationwide. In this class case, we have reached settlements against several defendants totaling over \$850 million. We have a trial date in late August for a group of Florida hospitals against the three big box pharmacies in the nation.

I was co-lead counsel for a national class of direct purchasers of dairy products in *First Impressions Salon, Inc. et al v National Milk Producers Federation, et al*, in the Southern District of Illinois.

We settled this in September 2019, on the eve of trial, for \$220 million. The Court gave final approval to this settlement on April 27, 2020.

Our firm led the team hired in 2017 by the State of Mississippi to pursue corporations which bribed the Mississippi Department of Corrections Commissioner to obtain contracts to provide our prisons with goods and services. We finished that assignment in October of 2018, having sued and settled with 14 of these companies for a total of over \$29 million.

On December 22, 2017, the University of Mississippi retained me and a Jackson firm to prosecute an appeal from an NCAA Order imposing harsh and excessive sanctions on the University. In announcing these retentions, Chancellor Jeff Vitter stated that Ole Miss had hired “the best lawyers in the country” to fight these sanctions. We were successful in reversing the order as to its harshest penalties.

I was co-lead counsel for plaintiff trucking firms from around the nation in a class action against the Pilot/Flying J truck stop group over alleged rebate under-payments to the truckers concerning the purchase of diesel fuel, I negotiated a settlement of 106% of all under-payments, plus all costs and fees of the litigation. Payments approached \$85 million; the final approval was given November 25, 2013, by the U.S. District Court in Little Rock, Arkansas.

At this hearing, Judge James Moody stated:

I have been impressed with the quality of the counsel here on both sides... I think this is an exceptional effort by both sides and has inured to the benefit of everyone in this class. So I'm pleased with the way it was handled. I'm satisfied and confident that all of the class members are being treated fairly.

In October 2013, my firm filed a suit on behalf of Bridgestone Americas, Inc., the largest manufacturer and seller of tires in the Western Hemisphere. This great company retained my firm as lead outside counsel to represent it in a multi-million-dollar fraud lawsuit against IBM, over the failed implementation of a business enterprise computer system for the entire company. That suit settled in

June 2018, on the eve of trial. *Bridgestone Americas, Inc. v. International Business Machines Corporation*; Case No. 3:13-cv-1196 (M.D. of Tenn.).

I was co-lead class counsel for the Automobile Dealer Actions in *In Re: Automotive Parts Antitrust Litigation*, MDL No. 2311, in the Eastern District of Michigan. In this capacity, we represented some 8,000 automobile dealers in 31 states, victimized by one of the largest price-fixing conspiracies in history. In this litigation, we have forged a unique pact with the end-payer plaintiffs, and together reached settlements with 72 different defendants one mediation at a time, for a total of approximately \$1.6 billion, by the time the litigation was concluded in 2024.

On April 14, 2026, my firm filed a major lawsuit against Google LLC for flagrant violations of the U.S. copyright laws in *Emmerich Newspapers Incorporated v. Google LLC*, Case No. 2:26-cv-00057,

### **III. AWARDS AND ACKNOWLEDGEMENTS**

I was lead counsel in a group of thirty-five attorneys from around the country prosecuting cases, mostly in California, against major food producers who routinely misbrand their food products to hide unhealthy ingredients. As a result of this litigation, I have been featured in stories on the front page of the *New York Times* and other papers around the nation, I was the subject of a major article in the London *Sunday Times*, I was interviewed at length on BBC's *Newsbour*, by the Swedish newspaper *Aftonbladet*, and by a Paris television station, and I have given numerous interviews on public radio and on radio stations around the country, as well as in Canada and even in New Zealand. All this publicity says little or nothing about my own character or ability but does suggest that our firm was prosecuting litigation which has struck a nerve with the American people and others who share our values. We have forced corrective label changes in every case we filed.

The 2014 edition of *Benchmark Plaintiff, The Definitive Guide to America's Leading Plaintiff Firms*, "highly recommends" only two firms in Mississippi, and Barrett Law Group is one of them. (No, this is not like a listing in the *Million Dollar Roundtable*: we did not buy it!).

Our firm typically represents ordinary people, and we are proud of this fact. However, we do represent a few extraordinary clients worthy of particular note. One of these is the world-renowned concert piano virtuoso, Bruce Levingston. Another is former NFL all-pro quarterback Brett Favre, and another is former Ole Miss and Baltimore Ravens star Michael Oher.

The State of Mississippi publishes the *MS Blue Book – Official and Historical Register* every four years. The May 2017 edition has a “Defining Mississippi” section which has a photograph of me with this blurb:

Now in the third generation of Barrett family ownership, Barrett Law Group, P.A. represents clients and litigates cases throughout the country, including tobacco, antitrust, insurance scams, defective products and pharmaceutical and consumer fraud. From his office in Lexington, attorney Don Barrett has become one of the preeminent trial lawyers in America.

It’s in the *Blue Book*, so...it’s official.

I am a former chairman of the toxic torts section of Mississippi Trial Lawyers Association, a founding member of the Charles Clark Inn of Court in Jackson, the founding president of the Mississippi Community College Attorneys Association, and have twice been the Mississippi Bar delegate to Fifth Circuit Judicial Conferences.

I have also been featured on national television shows, including CBS’s 60 Minutes, ABC’s Day One, CNN’s Moneyline, CourtTV’s Cochran & Grace and Pro’s & Con’s, British Broadcasting Company (BBC)’s The Tobacco Wars, which was rebroadcast in the United States by The Learning Channel, for my work in tobacco litigation, and on NBC’s Dateline concerning my insurance fraud litigation.

I understand that I have a good reputation among the bar that I practice with and against. Alex Alston, a past president of the Mississippi Bar, said the following in an affidavit filed in support of our petition for approval of the settlement in the *Nealy* case:

Highly skilled and competent counsel were required to achieve these

results, from the basic formulation of a theory and a filing of a class action complaint to the class action settlement before this court. In my opinion, the members of the team working together to resolve this matter on behalf of the class were highly skilled, and their respective talents were necessary to bring about this remarkable result. All of class counsel (have) previously been involved in class action and complex litigation over the country, especially in the southeastern United States.

Class counsel Don Barrett has been practicing law primarily on the side of plaintiffs in the southeastern United States for over 25 years. I have observed him and worked with him throughout his practice. He is an extremely highly skilled plaintiff's lawyer who is recognized as one of the best in this state.

At the Pilot/Flying J settlement hearing in Little Rock on November 25, 2013, prominent Nashville defense attorney Aubrey Harwell had this to say:

I must tell you, Judge, that Don Barrett, Mike Roberts, and Tom Thrash are due tremendous credit. They have been absolutely dedicated advocates, but they have been decent, honorable men, and they've operated at the highest level of professionalism, and if it were not for that, this litigation would have gone on for years and years and years.

I confess that I am not held in high esteem by everybody. My great friends at Adams & Reese, a high quality, blue chip defense firm headquartered in New Orleans, which represents mostly major corporations, in September of 2002 declined an invitation from my firm to associate in a new case, pointing out in an internal memorandum that "Barrett... is seen as the devil incarnate by many of our clients."

The *Austin v. Lehman Brothers* trial rated a chapter in the book The Monster: How a Gang of Predatory Lenders and Wall Street Bankers Fleeced America – and Spawned a Global Crisis, by Michael W. Hudson (Henry Holt & Company, New York City, 2010). Lehman Brothers should have listened to what both we and the jury told them.

I have been frequently invited to speak at nationally-recognized legal seminars and conferences. I have spoken twice at Practising Law Institute seminars in New York City, and at the American Conference Institute seminar in New Orleans in November of 2004, and I was the co-

chairman of the Mealey's Welding Rods Litigation Conference held in West Palm Beach in October of 2004. I was a faculty member at the Sedona Conference on Complex Litigation held in April of 2005. I was an invited speaker at the 12th Annual Energy Litigation Conference, held in Houston on November 7, 2013. On November 12, 2014, I spoke to students at Harvard Law School's Food Law Society, prompting my wife to tell people that her husband "teaches at Harvard."

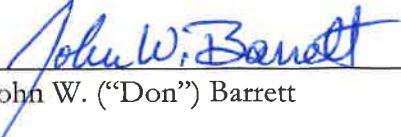
In an article entitled "Victory at Hand for GOP Tort Reform?" in the February 3-16, 2004, edition of *Insight*, a national news magazine, I was extensively quoted, and described therein as "one of the nation's leading litigators." I believe that description to be an exaggeration, but I do consider myself to be an experienced plaintiffs' attorney and class action litigator.

On April 13, 2006, I was inducted as a Fellow of the Mississippi Bar Foundation, "for outstanding legal ability and devotion to the public and profession."

Outside the practice of law, I am engaged in the usual civic and religious affairs of our community. Over the course of my adult life, I have been president of the Lexington Rotary Club (and on February 15, 2011, was named a Paul Harris Fellow by the Rotary Foundation), chairman of the Board of Stewards of the Lexington Methodist Church, and the chairman of the school board. I even got elected a few years ago by the Holmes County Chamber of Commerce as Holmes County's "Man of the Year," an unusual honor for a trial lawyer. I founded and until May of 2017 was a director of Lexington Homes, Inc., a successful manufactured housing company that has employed several hundred people in our town over the past sixteen years, and am founder (and until recently co-owner) of Lexington Home Center, a hardware store/lumber yard that does right well and keeps Lexingtonians from having to shop at Lowe's or Walmart. A small award, but the one I cherish the most, came in 2005, when a local African-American church gave me its Good Samaritan Award for "generosity, compassion, kindness and love exemplified toward your fellow man and toward the poorest of the poor."

My wife Nancy Katherine and I have been married for fifty-nine years. We have three children, so far, ten grandchildren, and, as of September 2024, one great grandson. In our spare time, we share a keen interest in American history. Nancy has served a nine-year term on the governing board of the Hermitage, President Andrew Jackson's home in Nashville. I am a founding member of the Advisory Board of the Center for Civil War Research at the University of Mississippi, and was in June of 2016 appointed by Chancellor Vitter to his Advisory Committee for History and Context, which gave me a hot seat on the "third rail" of Mississippi social, political and academic affairs. Our committee was able to bring the diverse groups together in a final report issued June 7, 2017, which received favorable attention in Atlantic Magazine, in an article entitled "What Ole Miss Can Teach Universities About Grappling With Their Pasts." My favorite line is "The Ole Miss response has been deliberate, thoughtful, and measured." Since September of 2011, I have been a member of the governing Board of Trustees of the American Battlefield Trust, the nation's largest non-profit organization dedicated to the preservation of America's battlefields. I was chair of the Milton Lee Olive Memorial Committee, which raised the money for, erected, and on July 4, 2017, dedicated a beautiful courtyard monument to the memory of Holmes County's only Medal of Honor winner. (A great video of that dedication is on our website at [www.Barrettlawgroup.com](http://www.Barrettlawgroup.com)). Last year, I concluded a six-year term on the Board of the University of Mississippi Foundation, which manages the University's endowment. I still ski better than some of my grandchildren, and am a pretty good duck hunter.

Dated: May 8, 2027

  
\_\_\_\_\_  
John W. ("Don") Barrett

## **Exhibit B-7**

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

SAN MIGUEL HOSPITAL CORPORATION,  
d/b/a/ ALTA VISTA REGIONAL HOSPITAL, on  
behalf of itself and all others similarly situated,

Plaintiff

v.

RICHARD SACKLER, DAVID SACKLER,  
MORTIMER D.A. SACKLER, KATHE  
SACKLER, ILENE SACKLER LEFCOURT,  
THERESA SACKLER, GARRETT LYNAM AS  
EXECUTOR OF THE ESTATE OF JONATHAN  
SACKLER, RICHARD SACKLER AND DAVID  
SACKLER AS CO-EXECUTORS OF THE  
ESTATE OF BEVERLY SACKLER, and  
RICHARD SACKLER AND DAVID SACKLER  
AS CO-EXECUTORS OF THE ESTATE OF  
RAYMOND SACKLER.

Defendants

Case No. 1:25-1010

The Hon. Judge Matthew L. Garcia

**DECLARATION OF KAYLA KOPETSKY OF A.B. DATA IN SUPPORT OF CLASS  
PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT**

I, Kayla Kopetsky, declare under penalty of perjury as follows:

1. I am a Project Manager at the class action notice and settlement administration division of A.B. Data, Ltd. ("A.B. Data"), the Notice Administrator appointed by the Court in this action. I am responsible for overseeing the notice process on behalf of A.B. Data for this matter. I am fully familiar with the facts contained herein based upon my personal knowledge, and if called as a witness I could and would competently testify to them.

2. I submit this declaration to supplement my previous Declaration of Kayla Kopetsky of A.B. Data Regarding Notice, dated April 23, 2026 (ECF No. 51-1) ("Notice Declaration").

3. The Notice Declaration and its corresponding exhibits are attached hereto as Exhibit 1.

**Email Notices**

4. As detailed in my prior Notice Declaration, beginning April 10, 2026, A.B. Data caused the Court-approved Email Notice to be sent via email to 1,377 potential Class Members for whom we had a valid email address. Of the 1,377 Email Notices sent by A.B. Data, 1,160 emails were delivered, 25 emails bounced, and 218 were dropped as invalid. An email was considered “delivered” if it was sent and did not bounce back as undeliverable.

**Mail Notices**

5. As detailed in the Notice Declaration, on April 10, 2024, A.B. Data mailed the Court-approved Notice Packet to 5,892 potential Class Members.

6. As of May 8, 2026, the USPS has returned 124 total Notice Packets as undeliverable as addressed (“UAA”). A.B. Data promptly remails Notice Packets returned to A.B. Data as UAA with a forwarding address provided. None of the Notice Packets returned UAA contained a forwarding address. For UAA Notice Packets returned with no forwarding address provided, A.B. Data searches for an updated address using an information provider to which we subscribe (called an “Advanced Address Search”) and then promptly remails the Notice Packets to the updated address. Updated addresses were available for 109 of the UAA Notice Packets returned without a forwarding address, so A.B. Data remailed the Notice Packet to those updated addresses. No updated address was available for 15 of the UAA Notice Packets returned without a forwarding address.

**Media Notice**

7. As detailed in the Notice Declaration, beginning on April 10, 2026, A.B. Data implemented the supplemental paid media plan designed to reach those who do not receive notice via email or mail via targeted banner ads appearing on newsletters, email-blasts, and certain websites. The digital media campaign will be completed on May 10, 2026.

8. As of May 6, 2026, a total of 8,862,709 digital (banner) advertising impressions have been served across desktop, tablet, and mobile devices on the Google Display Network

(“GDN”) and Google AdWords.

9. As of May 6, 2026, a total of 82,249 impressions have been served on Healthcare Drive.

10. As of May 6, 2026, a total of 23,620 impressions have been served on Modern Healthcare. Additionally, A.B. Data distributed an e-Newsletter on April 16, 2026, reaching 24,963 subscribers.

### **Website**

11. As detailed in the Notice Declaration, Cherry Bekaert Advisory, LLC published a dedicated website, [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com), on November 19, 2024, which pertained to four class action settlements between acute care hospitals and certain opioid manufacturers and distributors. On April 9, 2026, Claims Administrator, Cherry, Bekaert Advisory, LLC, updated the website to account for this Settlement.

12. The settlement website provides information to potential Class Members about the Action and the Settlement and contains links to important case and settlement documents, including the Settlement Agreement, Notices, Plan of Allocation, Claims and Registration Forms, and Preliminary Approval Order.

### **Toll-Free Number**

13. A.B. Data continues to maintain the following toll-free telephone line devoted to this Settlement that is listed in all forms of notice: 877-354-3788. The toll-free line utilizes the IVR system to provide potential Class Members with responses to frequently asked questions and important information regarding the Settlement.

### **Exclusions**

14. The deadline for potential Class Members to submit a request to opt out is May 26, 2026.

15. As of May 8, 2026, A.B. Data has received no opt-out requests.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge. Executed this 8<sup>th</sup> day of May 2026 in Milwaukee, Wisconsin.

  
\_\_\_\_\_  
Kayla Kopetsky

# EXHIBIT 1

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

SAN MIGUEL HOSPITAL CORPORATION,  
d/b/a/ ALTA VISTA REGIONAL HOSPITAL, on  
behalf of itself and all others similarly situated,

Plaintiff

v.

RICHARD SACKLER, DAVID SACKLER,  
MORTIMER D.A. SACKLER, KATHE  
SACKLER, ILENE SACKLER LEFCOURT,  
THERESA SACKLER, GARRETT LYNAM AS  
EXECUTOR OF THE ESTATE OF JONATHAN  
SACKLER, RICHARD SACKLER AND DAVID  
SACKLER AS CO-EXECUTORS OF THE  
ESTATE OF BEVERLY SACKLER, and  
RICHARD SACKLER AND DAVID SACKLER  
AS CO-EXECUTORS OF THE ESTATE OF  
RAYMOND SACKLER.

Defendants

Case No. 1:25-1010

The Hon. Judge Matthew L. Garcia

**DECLARATION OF KAYLA KOPETSKY OF A.B. DATA REGARDING NOTICE**

I, Kayla Kopentsky, declare under penalty of perjury as follows:

1. I am a Project Manager at the class action notice and settlement administration division of A.B. Data, Ltd. (“A.B. Data”), the Notice Administrator appointed by the Court in this action. I am responsible for overseeing the notice process on behalf of A.B. Data for this matter. I am fully familiar with the facts contained herein based upon my personal knowledge, and if called as a witness I could and would competently testify to them.

2. The purpose of this Declaration is to provide the Court with information regarding the implementation of the Court-approved Notice Plan, including the distribution of notice and receipt of exclusion requests.

3. A.B. Data has been appointed as Notice Administrator in the Court’s Preliminary

Approval Order to, among other things: (a) distribute notice to the Class Members via the methods delineated in the Notice Plan; (b) establish and maintain a toll-free telephone number; (c) respond to Class Member inquiries; and (d) perform all other duties assigned to the Notice Administrator.

#### **Class List**

4. A.B. Data originally obtained, through its list services division, a mailing list of over 5,852 hospitals nationwide that have emergency services. A.B. Data also received a list provided by the Parties containing 4,703 hospitals. A.B. Data, working with the Claims Administrator, Cherry, Bekaert Advisory, LLC, reviewed the two lists and removed duplicate entries and parties not included in the Class Definition, resulting in a class list containing 5,732 (“Original Notice List”). Pursuant to the Notice Plan, A.B. Data utilized the Original Notice List along with 160 additional notice entries provided Cherry, Bekaert Advisory, LLC resulting in an updated notice list of 5,892 entries (“Updated Notice List”).

#### **Dissemination of Notice**

##### **Email Notices**

5. Commencing on April 10, 2026, A.B. Data caused the Court-approved Email Notice to be sent via email to 1,377 potential Class Members for whom we had a valid email address. The Email Notice consisted of a Short-Form Notice and Cover Letter. A true and accurate copy of the Court-approved Email Notice is attached hereto as **Exhibit A**.

6. Of the 1,377 Email Notices sent by A.B. Data, 1,160 emails were delivered, 25 emails bounced, and 218 were dropped as invalid. An email was considered “delivered” if it was sent and did not bounce back as undeliverable.

##### **Mail Notices**

7. On April 10, 2026, A.B. Data mailed the Court-approved Notice Packet to 5,892 potential Class Members. The Notice Packet consisted of a Cover Letter, Short-Form Notice, a Registration Form, and a Claim Form. A true and accurate copy of the Notice Packet is attached hereto as **Exhibit B**.

8. Prior to mailing the Notice Packet, A.B. Data processed the names and mailing

addresses through the National Change of Address database compiled and maintained by the United States Postal Service (“USPS”) to standardize and update the addresses pursuant to any moves registered with the USPS in the last 24 months. For any Class Member with a registered change of address, A.B. Data mailed a Notice Packet to the updated mailing address provided by the USPS.

9. Of the 5,892 Notice Packets mailed by A.B. Data, zero (0) Notice Packets have been returned by the USPS as undeliverable as addressed (“UAA”). If any Notice Packet is returned to A.B. Data as UAA with a forwarding address provided, A.B. Data will promptly remail the Notice Packet to the forwarding address. For any UAA Notice Packet returned with no forwarding address provided, A.B. Data will search for an updated address using an information provider to which we subscribe (called an “Advanced Address Search”). If an updated address is available, A.B. Data will promptly remail the Notice Packet to the updated address.

**Media Notice**

10. Beginning on April 10, 2026, A.B. Data implemented the supplemental paid media plan designed to reach those who do not receive notice via email or mail, placing ads on Healthcare Drive, Google Display Network impressions, and Modern Healthcare.

11. As of April 23, 2026, a total of 8,509,682 digital (banner) advertising impressions have been served across desktop, tablet, and mobile devices on the Google Display Network (“GDN”) and Google AdWords. This campaign is slated to run for thirty (30) consecutive days and will be completed on May 10, 2026. As of April 23, 2026, the campaign has surpassed delivery expectations, generating approximately 8 million impressions across Google Display Network, Google Search, and search partners.

12. A.B. Data has verified that both banner ads and e-newsletter placements were executed on Modern Healthcare and Healthcare Dive.

13. The Modern Healthcare placement included 30,000 planned impressions, with an e-newsletter sent on April 16 reaching more than 31,622 subscribers. Healthcare Dive included 110,000 planned impressions. The campaign is set to run for a total of thirty (30) consecutive days,

with a scheduled end date of May 10, 2026.

14. True and accurate copies of sample pages reflecting the banner ad displays are attached hereto as **Exhibit C**.

#### **Website**

15. On November 19, 2024, the Claims Administrator, Cherry, Bekaert Advisory, LLC, published a dedicated website, [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com), pertaining to four class action settlements between acute care hospitals and certain opioid manufacturers and distributors. On April 9, 2026, Claims Administrator, Cherry, Bekaert Advisory, LLC, updated the website to account for this Settlement.

#### **Toll-Free Number**

16. On November 20, 2024, A.B. Data established a toll-free telephone line (877-354-3788) devoted to the four class action settlements between acute care hospitals and certain opioid manufacturers and distributors. On April 9, 2026, A.B. Data updated the prior interactive voice response (“IVR”) system to account for this Settlement. The toll-free line utilizes the IVR system to provide potential Class Members with responses to frequently asked questions and important information regarding the Settlement. The toll-free line is accessible 24 hours a day, 7 days a week. This toll-free line is listed on all forms of the notice.

#### **Exclusions**

17. The deadline for potential Class Members to submit a request for exclusion is May 26, 2026.

18. As of April 23, 2026, A.B. Data has received no exclusion requests.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge. Executed this 23<sup>rd</sup> day of April 2026 in Milwaukee, Wisconsin.

*Kayla Kopetsky*  
\_\_\_\_\_  
Kayla Kopetsky

# EXHIBIT A

**From:** [help@mg.abdataclassactionmail.com](mailto:help@mg.abdataclassactionmail.com) on behalf of [Notice Administrator](#)  
**To:** [REDACTED]  
**Subject:** Notice of Acute Care Hospital Settlement  
**Date:** Friday, April 10, 2026 11:42:08 AM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**If you are an Acute Care Hospital that treated patients diagnosed with opioid use disorder and/or other opioid-related conditions, you may receive a payment from up to \$174.2 million in a class action settlement.**

Records show that you may qualify for a payment from the proposed settlement (“Settlement”) in a class action lawsuit. The lawsuit alleges, among other things, that to sell as many prescription opioids as possible, the Settling Defendants and opioid manufacturers misrepresented the risks and safety of prescription opioid use, and conspired with others to promote their improper use, including distributors who did not properly monitor, stop, or report suspicious orders, and pharmacies who filled opioid prescriptions that were not written for legitimate medical purposes. The lawsuit further alleges that as a result, acute care hospitals must now spend additional money and resources to treat opioid-dependent patients and patients with opioid-related conditions that they would not have had to treat otherwise. The Settlement totals up to \$174,215,320.82 and would resolve all claims with the Settling Defendants. Settling Defendants deny any wrongdoing.

### **WHO IS INCLUDED?**

Generally, you are included if you are an Acute Care Hospital in the United States that: (i) is not owned or operated by a federal, state, county, parish, city, or other municipal government; (ii) treated patients diagnosed with opioid use disorder and/or other opioid-related conditions at any time from January 1, 2009, through March 20, 2026; and (iii) is not a physician practice group. Any Acute Care Hospital whose Released Claims were released by any other settlement with Settling Defendants is excluded from the Class.

### **What do the Settlements provide?**

The Settlement will provide up to \$174,215,320.82 to pay money to Qualifying Class Members, attorneys’ fees and expenses, notice and administrative costs, claims administration costs and expenses, and taxes and tax expenses.

### **How can I get a payment?**

To make a claim for a payment from the Settlement Funds, you must submit a Registration Form and may submit a Claim Form. The deadline to submit these forms is **July 15, 2026**. These forms and the Plan of Allocation are available at [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com).

### **How much will my payment be?**

The amount of your payment will be based on the proposed Plan of Allocation and the option you select.

- If you select the “Quick Pay” option: You do not have to fill out a Claim Form or provide claims data, and, after an eligibility determination, you will get a \$5,000 payment under the Settlement.

- If you do not select the "Quick Pay" option: You must submit a Business Associate and Confidentiality Agreement, a Claim Form and supporting claims data. You will receive an Allocated Amount for damages based on a formula detailed in the Plan of Allocation. This Allocated Amount will be, at minimum, as much as the Quick Pay amount.

### **What are my rights?**

Even if you do nothing, you will be bound by the Court's decisions. If you want to keep your right to sue the Defendants yourself, you must exclude yourself by **May 26, 2026**. If you do not exclude yourself, you may object to the Settlement, the Plan of Allocation, and/or requests for attorneys' fees and expenses by **May 26, 2026**. Detailed instructions about how to act on your rights are available at [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com).

The Court will hold a hearing on **July 15, 2026**, to consider if it will approve the Settlement, Plan of Allocation, and a request for reimbursement of litigation expenses and for attorneys' fees of up to one-third of the Settlement Funds. You or your own lawyer may appear and speak at the hearing at your own expense.

**1-877-354-3788 [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com)**

### **Submitting a Claim under the Acute Care Hospital Class Action Settlement Agreement**

To make a Claim for benefits under the Acute Care Hospital Class Action Settlement Agreement reached in the litigation titled *San Miguel Hospital Corp., d/b/a Alta Vista Regional Hospital v. David Sackler, et. al.*, No. 1:25-cv-01010 (the "Settlement"), a representative from your Acute Care Hospital must fill out the attached Registration Form and submit it via email to [Sacklerinfo@acutecarehospitalsettlement.com](mailto:Sacklerinfo@acutecarehospitalsettlement.com) no later than July 15, 2026.<sup>1</sup> Upon registration, a secure file transfer protocol ("SFTP") link will be provided for you to submit the attached Claim Form and any supporting documentation. Claim Form and documentation submissions must be completed no later than July 15, 2026. Each Acute Care Hospital making a Claim must submit a separate Registration Form and Claim Form. You may obtain extra copies of all forms at [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com). Your Allocated Amount for each Settlement will be determined in accordance with the Plan of Allocation, available at [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com).

**Deadline: If you do not complete and submit your Registration and Claim Forms by 5:00 p.m. Central Prevailing Time on July 15, 2026, your Claim will be rejected and you will be precluded from receiving an Allocated Amount under the Acute Care Hospital Class Action Settlement Agreement. Do not send your Registration Form or Claim Form to the Court or to anyone other than the Notice and Claims Administrators.**

Capitalized terms not otherwise defined shall have the meaning ascribed to them in the Acute Care Hospital Class Action Settlement Agreement in *San Miguel Hospital Corp., d/b/a Alta Vista Regional Hospital v. David Sackler, et. al.*, No. 1:25-cv-01010, available at [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com).

Class Members submitting Claims may be contacted by representatives of Class Counsel or the Notice and Claims Administrators for additional information regarding the Class Member's Claims.

A Class Member must do each of the following, according to the guidelines set forth below:

1. Complete the Registration Form electronically, which is a fillable PDF that can be downloaded from [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com) and must be emailed to [Sacklerinfo@acutecarehospitalsettlement.com](mailto:Sacklerinfo@acutecarehospitalsettlement.com);

If the "Quick Pay" option is selected on the Registration Form in Section E, a completed IRS Form W-9 (or IRS Form W-8, if applicable), which is a fillable PDF that can be downloaded from [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com) must also be emailed to [Sacklerinfo@acutecarehospitalsettlement.com](mailto:Sacklerinfo@acutecarehospitalsettlement.com) with the Registration Form. If the "Quick Pay" option is **NOT** selected, a Class Member must complete the steps outlined in Items 3-6 below;

2. Once the Registration Form is received, the Notice and Claims Administrators will communicate instructions to you for accessing an SFTP;
3. Complete the Business Associate and Confidentiality Agreement (the "BAA") electronically, which is a fillable PDF that can be downloaded from [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com), and submit it via SFTP;
4. The Notice and Claims Administrators will provide you with an executed BAA via the SFTP to download for your records;
5. Complete the Claim Form, as applicable, electronically, which is a fillable PDF that can be downloaded from [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com); and
6. Submit the completed Claim Form with all supporting documents and information requested therein, along with the requisite claims data as described in Section F.8 of the Claim Form, via SFTP.

**PLEASE NOTE THAT THE BAA, CLAIM FORM, AND ACCOMPANYING CLAIMS DATA ABOVE SHALL NOT BE SUBMITTED VIA EMAIL.** Instead, by submitting the Registration Form described in Item 1 above, you will receive instructions for accessing an SFTP to which the BAA, the Claim Form, and accompanying requisite claims data must be submitted.

**IT IS IMPORTANT THAT YOU ANSWER ALL QUESTIONS FULLY AND ACCURATELY. FAILURE TO PROVIDE THE REQUESTED INFORMATION, DATA, AND/OR DOCUMENTATION BY THE DEADLINE WILL CAUSE YOUR CLAIM TO BE REJECTED AND YOUR ACUTE CARE HOSPITAL WILL BE PRECLUDED FROM RECEIVING AN ALLOCATED AMOUNT.**

\*<sup>1</sup> Unless you opt for a "Quick Pay" Amount instead of an Allocated Amount, you are advised to submit the Registration Form in advance of the July 15, 2026 deadline to allow sufficient time for submission of all other required documents and information required to process your Claim.

If you'd like to unsubscribe [click here](#).

# EXHIBIT B



Acute Care Hospitals  
c/o A.B. Data, Ltd.  
PO Box 173034  
Milwaukee, WI 53217

**YOU MUST SUBMIT YOUR  
REGISTRATION FORM  
AND CLAIM FORM BY  
JULY 15, 2026**

April 10, 2026

### **Submitting a Claim under the Acute Care Hospital Class Action Settlement Agreement**

To make a Claim for benefits under the Acute Care Hospital Class Action Settlement Agreement reached in the litigation titled *San Miguel Hospital Corp., d/b/a Alta Vista Regional Hospital v. David Sackler, et. al.*, No. 1:25-cv-01010 (the “Settlement”), a representative from your Acute Care Hospital must fill out the attached Registration Form and submit it via email to [Sacklerinfo@acutecarehospitalsettlement.com](mailto:Sacklerinfo@acutecarehospitalsettlement.com) no later than July 15, 2026.<sup>1</sup> Upon registration, a secure file transfer protocol (“SFTP”) link will be provided for you to submit the attached Claim Form and any supporting documentation. Claim Form and documentation submissions must be completed no later than July 15, 2026. Each Acute Care Hospital making a Claim must submit a separate Registration Form and Claim Form. You may obtain extra copies of all forms at [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com). Your Allocated Amount for each Settlement will be determined in accordance with the Plan of Allocation, available at [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com).

**Deadline: If you do not complete and submit your Registration and Claim Forms by 5:00 p.m. Central Prevailing Time on July 15, 2026, your Claim will be rejected and you will be precluded from receiving an Allocated Amount under the Acute Care Hospital Class Action Settlement Agreement. Do not send your Registration Form or Claim Form to the Court or to anyone other than the Notice and Claims Administrators.**

Capitalized terms not otherwise defined shall have the meaning ascribed to them in the Acute Care Hospital Class Action Settlement Agreement in *San Miguel Hospital Corp., d/b/a Alta Vista Regional Hospital v. David Sackler, et. al.*, No. 1:25-cv-01010, available at [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com).

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<sup>1</sup> Unless you opt for a “Quick Pay” Amount instead of an Allocated Amount, you are advised to submit the Registration Form in advance of the July 15, 2026 deadline to allow sufficient time for submission of all other required documents and information required to process your Claim.

Class Members submitting Claims may be contacted by representatives of Class Counsel or the Notice and Claims Administrators for additional information regarding the Class Member's Claims.

A Class Member must do each of the following, according to the guidelines set forth below:

1. Complete the Registration Form electronically, which is a fillable PDF that can be downloaded from [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com) and must be emailed to [Sacklerinfo@acutecarehospitalsettlement.com](mailto:Sacklerinfo@acutecarehospitalsettlement.com);

If the "Quick Pay" option is selected on the Registration Form in Section E, a completed IRS Form W-9 (or IRS Form W-8, if applicable), which is a fillable PDF that can be downloaded from [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com) must also be emailed to [Sacklerinfo@acutecarehospitalsettlement.com](mailto:Sacklerinfo@acutecarehospitalsettlement.com) with the Registration Form. If the "Quick Pay" option is **NOT** selected, a Class Member must complete the steps outlined in Items 3-6 below;

2. Once the Registration Form is received, the Notice and Claims Administrators will communicate instructions to you for accessing an SFTP;
3. Complete the Business Associate and Confidentiality Agreement (the "BAA") electronically, which is a fillable PDF that can be downloaded from [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com), and submit it via SFTP;
4. The Notice and Claims Administrators will provide you with an executed BAA via the SFTP to download for your records;
5. Complete the Claim Form, as applicable, electronically, which is a fillable PDF that can be downloaded from [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com); and
6. Submit the completed Claim Form with all supporting documents and information requested therein, along with the requisite claims data as described in Section F.8 of the Claim Form, via SFTP.

**PLEASE NOTE THAT THE BAA, CLAIM FORM, AND ACCOMPANYING CLAIMS DATA ABOVE SHALL NOT BE SUBMITTED VIA EMAIL.** Instead, by submitting the Registration Form described in Item 1 above, you will receive instructions for accessing an SFTP to which the BAA, the Claim Form, and accompanying requisite claims data must be submitted.

**IT IS IMPORTANT THAT YOU ANSWER ALL QUESTIONS FULLY AND ACCURATELY. FAILURE TO PROVIDE THE REQUESTED INFORMATION, DATA, AND/OR DOCUMENTATION BY THE DEADLINE WILL CAUSE YOUR CLAIM TO BE REJECTED AND YOUR ACUTE CARE HOSPITAL WILL BE PRECLUDED FROM RECEIVING AN ALLOCATED AMOUNT.**

**If you are an Acute Care Hospital that treated patients diagnosed with opioid use disorder and/or other opioid-related conditions, you may receive a payment from up to \$174.2 million in a class action settlement.**

Records show that you may qualify for a payment from the proposed settlement (“Settlement”) in a class action lawsuit. The lawsuit alleges, among other things, that to sell as many prescription opioids as possible, the Settling Defendants and opioid manufacturers misrepresented the risks and safety of prescription opioid use, and conspired with others to promote their improper use, including distributors who did not properly monitor, stop, or report suspicious orders, and pharmacies who filled opioid prescriptions that were not written for legitimate medical purposes. The lawsuit further alleges that as a result, acute care hospitals must now spend additional money and resources to treat opioid-dependent patients and patients with opioid-related conditions that they would not have had to treat otherwise. The Settlement totals up to \$174,215,320.82 and would resolve all claims with the Settling Defendants. Settling Defendants deny any wrongdoing.

**Who is included?**

Generally, you are included if you are an Acute Care Hospital in the United States that: (i) is not owned or operated by a federal, state, county, parish, city, or other municipal government; (ii) treated patients diagnosed with opioid use disorder and/or other opioid-related conditions at any time from January 1, 2009, through March 20, 2026; and (iii) is not a physician practice group. Any Acute Care Hospital whose Released Claims were released by any other settlement with Settling Defendants is excluded from the Class.

**What do the Settlements provide?**

The Settlement will provide up to \$174,215,320.82 to pay money to Qualifying Class Members, attorneys’ fees and expenses, notice and administrative costs, claims administration costs and expenses, and taxes and tax expenses.

**How can I get a payment?**

To make a claim for a payment from the Settlement Funds, you must submit a Registration Form and may submit a Claim Form. The deadline to submit these forms is **July 15, 2026**. These forms and the Plan of Allocation are available at [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com).

**How much will my payment be?**

The amount of your payment will be based on the proposed Plan of Allocation and the option you select.

- If you select the “Quick Pay” option: You do not have to fill out a Claim Form or provide claims data, and, after an eligibility determination, you will get a \$5,000 payment under the Settlement.
- If you do not select the “Quick Pay” option: You must submit a Business Associate and Confidentiality Agreement, a Claim Form and supporting claims data. You will receive an Allocated Amount for damages based on a formula detailed in the Plan of Allocation. This Allocated Amount will be, at minimum, as much as the Quick Pay amount.

**What are my rights?**

Even if you do nothing, you will be bound by the Court's decisions. If you want to keep your right to sue the Defendants yourself, you must exclude yourself by **May 26, 2026**. If you do not exclude yourself, you may object to the Settlement, the Plan of Allocation, and/or requests for attorneys' fees and expenses by **May 26, 2026**. Detailed instructions about how to act on your rights are available at [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com).

The Court will hold a hearing on **July 15, 2026**, to consider if it will approve the Settlement, Plan of Allocation, and a request for reimbursement of litigation expenses and for attorneys' fees of up to one-third of the Settlement Funds. You or your own lawyer may appear and speak at the hearing at your own expense.

**1-877-354-3788**

[www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com)



## SACKLER PARTIES CLAIM REGISTRATION FORM / “QUICK PAY” ELECTION FORM

### Claim Registration Form / “Quick Pay” Election Form Deadline (the “Registration Form Deadline”): Wednesday, July 15, 2026

Please provide the following information to the Notice and Claims Administrators by completing this Claim Registration Form (the “Registration Form”) and emailing it to [Sacklerinfo@acutecarehospitalsettlement.com](mailto:Sacklerinfo@acutecarehospitalsettlement.com) prior to completing the Claim Form. Capitalized terms not otherwise defined shall have the meanings ascribed to them in the Class Action Settlement Agreement<sup>1</sup> by and between the Settling Defendants and Acute Care Hospitals (the “Settlement Agreement”) in *San Miguel Hospital Corp., d/b/a Alta Vista Regional Hospital v. Sackler Parties, et al.*, Case No. 1:25-cv-01010 (D.N.M.), ECF No. 18-2, available on the settlement website at [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com). Each entity making a Claim (“Claimant”) must submit a separate Registration Form.

To be eligible to make a Claim, the Claimant must fall within the following category: Claimant is an Acute Care Hospital in the United States that (i) treated patients diagnosed with opioid use disorder and/or other opioid-related conditions at any time from January 1, 2009, through March 20, 2026; (ii) is not owned or operated by a federal, state, county, parish, city, or other municipal government; and (iii) is not a physician practice group. To be considered an Acute Care Hospital under the Settlement Agreement, Claimant must (a) provide medical care and other related services for surgery, acute medical conditions or injuries for a period of treatment time that is, on average, less than 25 days; and (b) (i) appear as either active or inactive under its current or former name, including any hospital that has changed its name through merger, acquisition, or any other change to its corporate form, in the American Hospital Directory® as a “short term acute care” hospital or a “critical access” hospital, and (ii) have an emergency department that is subject to the Emergency Medical Treatment and Labor Act (“EMTALA”).

A Claimant is ineligible for recovery under the Settlement Agreement if any of its Released Claims were released in any other settlement with the Settling Defendant(s) that are party to the Settlement Agreement.

A Claimant that submits a Registration Form or Claim Form may be contacted by representatives of Class Counsel or by the Notice and Claims Administrators for additional information regarding the Class Member’s Claims.

The Claim Deadline is 5:00 p.m. Central Prevailing Time Wednesday, July 15, 2026. **HOWEVER, unless you are electing to receive a “Quick Pay Amount”, you should submit this Registration Form in advance of the Registration Form Deadline on Wednesday, July 15, 2026 to allow sufficient time for submission of all other required documents and information required to process your Claim.** Your Claim will be rejected and you will be precluded from receiving an Allocated Amount by the Settlement Agreement if this Registration Form is not received by the Registration Form Deadline. Do not send your Registration Form and Claim Form to the Court or to anyone other than the Notice and Claims Administrators.

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<sup>1</sup> A complete copy of the Settlement Agreement is available at [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com).

A person who files a fraudulent Claim on behalf of a Class Member may, at a minimum, be fined up to \$500,000.00, imprisoned for up to five years, or both, in accordance with 18 U.S.C. §§ 152, 157. Class Members shall provide the information requested that is, to the best of their knowledge, current and valid as of the date this Registration Form is completed and delivered to the Notice and Claims Administrators.

**A. Claimant Information**

Please provide the information in Section A.1 for the operating entity that owns one or more hospitals/facilities (“Operating Entity”).

**1. Operating Entity**

|  |                       |       |     |
|--|-----------------------|-------|-----|
| 1. Name of Operating Entity:                                   |                       |       |     |
| 2. Address:  | Street Address Line 1 |       |     |
|  | Street Address Line 2 |       |     |
|  | City                  | State | Zip |
| 3. Federal Employer Identification Number of Operating Entity: | _____ - _____         |       |     |

**2. Acute Care Hospital Information**

Please provide the information in Section A.2 for the Acute Care Hospital owned and/or operated by the above referenced Claimant in Section A.1 for which the Claim is filed.

|   |   |  |                         |
|---|---|--|-------------------------|
| 1. Name of Acute Care Hospital:               |   |  |                         |
| 2. Address:                                   | Street Address Line 1                     |  |                         |
|   | Street Address Line 2                     |  |                         |
|   | City                                      | State                                    | Zip                     |
| 3. a) Ownership (Check the one that applies): | Current Owner<br><input type="checkbox"/> | Former Owner<br><input type="checkbox"/> |                         |
|   | b) Duration of Ownership:                 | Date Acquired/Opened<br>/ /              | Date Sold/Closed<br>/ / |

4. If the Acute Care Hospital listed in Section A.2 timely filed a Claim to the Notice and Claims Administrators in the San Miguel Hospital Corp., d/b/a Alta Vista Regional Hospital v. Johnson & Johnson, et al., Case No. 1:23-cv-00903-KWR-JFR in the United States District Court for the District of New Mexico, please provide that four or five digit Claimant Number: \_\_\_\_\_

**B. Contact Information**

Please provide the information in Section B where notices should be sent:

|  |                             |        |      |
|--|-----------------------------|--------|------|
| 1. Contact Name:   |                             |        |      |
| 2. Contact Title:  |                             |        |      |
| 3. Address:  | Street Address Line 1       |        |      |
|  | Street Address Line 2       |        |      |
|  | City                        | State: | Zip: |
| 4. Phone:  | (            )            - |        |      |
| 5. Email:  |                             |        |      |
| By filling out this Registration Form, you are deemed to consent to receipt of this notice by email. |                             |        |      |

**For promptness and accuracy, we prefer to contact you by email and will do so if possible. Accordingly, please provide your email address. If necessary, we may also contact you by phone or by U.S. mail.**

**C. Attorney Information**

1. Is your Acute Care Hospital submitting this Registration Form with the assistance of an attorney?

Yes

No

**If yes, please provide the following information:**

|  |                       |       |     |
|--|-----------------------|-------|-----|
| 1. Attorney Contact Name:  |                       |       |     |
| 2. Law Firm Name:  |                       |       |     |
| 3. Address:  | Street Address Line 1 |       |     |
|  | Street Address Line 2 |       |     |
|  | City                  | State | Zip |
| 4. Phone:  | (      )      -       |       |     |
| 5. Email:  |                       |       |     |
| By filling out this Registration Form, you are deemed to consent to receipt of this notice by email. |                       |       |     |

2. Do you want any potential payment mailed to your attorney?

Yes

No

**D. Aggregator Information**

1. Is your Acute Care Hospital submitting this Registration Form with the assistance of an aggregator?

Yes   
 No

**If yes, please provide the following information:**

|  |                       |       |     |
|--|-----------------------|-------|-----|
| 1. Aggregator Contact Name:  |                       |       |     |
| 2. Company Name:   |                       |       |     |
| 3. Address:  | Street Address Line 1 |       |     |
|  | Street Address Line 2 |       |     |
|  | City                  | State | Zip |
| 4. Phone:  | ( ) -                 |       |     |
| 5. Email:  |                       |       |     |
| By filling out this Registration Form, you are deemed to consent to receipt of this notice by email. |                       |       |     |

**E. Calculation of Allocated Amount and Quick Pay Election**

The Class Action Settlement Agreement by and between the Settling Defendants and Acute Care Hospitals provides benefits to certain Claimants who can establish “Eligible Damages,” and allocates available settlement funds to Qualifying Class Members (“Allocated Amount”). A copy of the Settlement Agreement and Plan of Allocation may be found at [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com). To determine your Allocated Amount under the Settlement Agreement, you must submit Claims data. For purposes of the Settlement, you, as a Class Member, are eligible for an Allocated Amount if you are a Qualified Class Member that treated patients with OUD and/or other opioid-related conditions and, as a result of that care, you suffered identifiable operational losses reflected in your Claims data, including losses reflected in the charges to payments ratio for various treatment codes.

**If you do not wish to complete a Claim Form and submit the data necessary to calculate an Allocated Amount, you may elect to receive your “Quick Pay Amount” instead. Subject to the Plan of Allocation, the Quick Pay Amount is \$5,000 and will be disbursed as promptly as practicable after the Class Settlement Effective Date. Any eligible Class Member may elect to receive their Quick Pay Amount by answering the questions below:**

**1. Do you agree to be bound by the terms of the Class Action Settlement Agreement and to participate in the Quick Pay option?**

Yes  No

**If yes, please sign, verify below and complete the IRS Form W-9 (or IRS Form W-8, if applicable), which is a fillable PDF that can be downloaded from [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com), and return it with this Registration Form for the Claimant identified in Section A above. The entity name and the EIN number noted in the W-9 (or W-8, if applicable) must match the Operating Entity Name and EIN noted in Section A.1 above:**

I, \_\_\_\_\_, am authorized on behalf of \_\_\_\_\_, (“Participant”) to elect to participate in the “Quick Pay” option under the Plan of Allocation. By completing this “Quick Pay” box and signing my name, I understand that the Participant waives any objection to the Class Action Settlement Agreement, requests payment of the Quick Pay Amount of \$5,000, and that the Participant will be ineligible for any further Allocated Amount under the Settlement Agreement.

I direct and authorize the Notice and Claims Administrators to process the Participant’s Claim as a “Quick Pay” for the Participant to receive its Quick Pay Amount under the Plan of Allocation. Payment checks will be mailed to the law firm identified in Section C of this Claim Form if Yes was selected in Section C.2. If not working with an attorney or if No was selected in Section C.2, the check will be mailed to the contact person identified in Section B.

Signed: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Title: \_\_\_\_\_

**F. Supporting Documentation**

**Important notices regarding submission to the jurisdiction of the Court in New Mexico**

By the filing of this Registration Form, you hereby submit to the jurisdiction of the United States District Court, for the District of New Mexico for the purposes of this Claim.

**Verification of Properly Submitted Claim**

The benefits provided by the Class Action Settlement Agreement by and between the Settling Defendants and Acute Care Hospitals are for the operational losses to Class Members resulting from providing treatment to individuals with substance use disorder, opioid use disorder, or other opioid-related conditions. By submitting this Registration Form, you verify that other than what you disclosed in this Registration Form, you have not otherwise been reimbursed or compensated by the Settling Defendants for the costs and expenses you are seeking.

By submitting this Registration Form, you verify, under oath and penalty of perjury, that, to the best of your knowledge, all the damages for which you seek benefits in this Registration Form relate to your provision of medical treatment in an emergency department, inpatient, or outpatient setting at an Acute Care Hospital.

**G. Certification**

**I certify that I am authorized to sign this Registration Form, and I understand that an authorized signature on this Registration Form serves as an acknowledgement that I have a reasonable belief that the information is true and correct.**

**I certify that the Settlement Class Member has authority to release all Released Claims as identified in the Settlement Agreement on behalf of itself and all other entities who are Releasers by virtue of their relationship or association with it.**

**I certify that the Settlement Class Member I am submitting this Registration Form on behalf of is eligible to receive funds under the Settlement Agreement.**

**I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.**

Your typed signature and submission of this Registration Form will have the same force and effect as if you signed the Registration Form on paper, which you may do alternatively.

Signature: \_\_\_\_\_

Executed on date (MM/DD/YYYY): \_\_\_\_\_

Print the name of the person who is completing and signing this Claim.

Name (First Middle Last): \_\_\_\_\_

Title: \_\_\_\_\_

Acute Care Hospital: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Contact Phone: \_\_\_\_\_

Email: \_\_\_\_\_



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

**SACKLER PARTIES CLAIM FORM**

**Claim Deadline: Wednesday, July 15, 2026**

Please read the instructions carefully before filling out this Claim Form (this “Claim Form”). Capitalized terms not otherwise defined shall have the meanings ascribed to them in the Class Action Settlement Agreement (the “Settlement Agreement”) by and between the Settling Defendants and Acute Care Hospitals in *San Miguel Hospital Corp., d/b/a Alta Vista Regional Hospital v. David Sackler, et al.*, Case No. 1:25-cv-01010 (D.N.M.), ECF No. 18-2, available on the settlement website at [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com). Each entity making a Claim (“Claimant”) must submit a separate Claim Form.

To be eligible to make a Claim, the Claimant must fall within the following category: Claimant is an Acute Care Hospital in the United States that (i) treated patients diagnosed with opioid use disorder and/or other opioid-related conditions at any time from January 1, 2009, through March 20, 2026; (ii) is not owned or operated by a federal, state, county, parish, city, or other municipal government; and (iii) is not a physician practice group. To be considered an Acute Care Hospital under the Settlement Agreement, Claimant must (a) provide medical care and other related services for surgery, acute medical conditions or injuries for a period of treatment time that is, on average, less than 25 days; and (b) (i) appear as either active or inactive under its current or former name, including any hospital that has changed its name through merger, acquisition, or any other change to its corporate form, in the American Hospital Directory® as a “short term acute care” hospital or a “critical access” hospital, and (ii) have an emergency department that is subject to the Emergency Medical Treatment and Labor Act (“EMTALA”).

A Claimant is ineligible for recovery under the Settlement Agreement if any of its Released Claims were released in any other settlement with the Settling Defendant(s) that are party to the Settlement Agreement.

A Claimant that submits a Registration Form or Claim Form may be contacted by representatives of Class Counsel or by the Notice and Claims Administrators for additional information regarding the Class Member’s claims.

The submission of this Claim Form by the Claim Deadline of 5:00 p.m., Central Prevailing Time, on Wednesday, July 15, 2026 (the “Claim Deadline”) is a prerequisite to eligibility for an Allocated Amount but does not guarantee that a Class Member will be deemed eligible to receive an Allocated Amount. If a Class Member is deemed eligible to receive an Allocated Amount, the information provided in this Claim Form will be used to determine each such Allocated Amount. Class Members may redact information on this Claim Form or any attached documents as they deem necessary, although redactions may impact the Notice and Claims Administrators’ determinations as to eligibility or the Allocated Amount. A Class Member shall only submit through the Secure File Transfer Protocol (“SFTP”) link *copies* of any documents that support a Claim and shall not mail or transmit hard copies or original documents; documents submitted may be destroyed after scanning and will not be returned to the Class Member.

A person who files a fraudulent claim on behalf of a Class Member may, at a minimum, be fined up to \$500,000.00, imprisoned for up to five years, or both, in accordance with 18 U.S.C. §§ 152, 157. Class Members shall provide the information requested that is, to the best of their knowledge, current and valid as of the date this Claim Form is completed and delivered to the Notice and Claims Administrators.

**Please provide the following information to the Notice and Claims Administrators by delivering this completed Claim Form by SFTP according to the instructions that will be provided to you once you register prior to the Claim Form Deadline set forth on page 1 of this Claim Form.**

**Failure to submit a completed copy of this Claim Form and Requisite Claims Data (as described in Item F.8) herein by the Claim Deadline set forth on page 1 of this Claim Form may disqualify you from receiving an Allocated Amount. Additionally, failure to complete any portion of the Claim Form or to provide Requisite Claims Data (as described herein) may result in a reduced Allocated Amount or disqualification from receiving an Allocated Amount.**

**A. Claimant Information**

Please provide the information in Section A.1 for the operating entity that owns one or more hospitals/facilities (“Operating Entity”).

**1. Operating Entity**

|   |                       |       |     |
|---|-----------------------|-------|-----|
| 1. Name of Operating Entity:  |                       |       |     |
| 2. Address:   | Street Address Line 1 |       |     |
|   | Street Address Line 2 |       |     |
|   | City                  | State | Zip |
| 3. Federal Employer Identification Number of Operating Entity:  | _____ - _____         |       |     |
| 4. Claim Number: If you received a Claim Number after you completed your Registration Form, please provide that six-digit Claim Number. | _____                 |       |     |

## 2. Acute Care Hospital Information

Please provide the information in Section A.2 for the Acute Care Hospital owned and/or operated by the above referenced Claimant in Section A.1 for which the Claim is filed.

|  |                       |       |     |
|--|-----------------------|-------|-----|
| 1. Name of Acute Care Hospital:          |                       |       |     |
| 2. Address:                              | Street Address Line 1 |       |     |
|  | Street Address Line 2 |       |     |
|  | City                  | State | Zip |
| 3. Number of Staffed Beds <sup>1</sup> : |                       |       |     |

## B. Contact Information

Please provide the information in Section B where notices should be sent:

|   |                       |        |      |
|---|-----------------------|--------|------|
| 1. Contact Name:  |                       |        |      |
| 2. Contact Title:   |                       |        |      |
| 3. Address:   | Street Address Line 1 |        |      |
|   | Street Address Line 2 |        |      |
|   | City                  | State: | Zip: |
| 4. Phone:   |                       |        |      |
| 5. Email:   |                       |        |      |
| By filling out this Claim Form, you are deemed to consent to receipt of this notice by email. |                       |        |      |

**For promptness and accuracy, we prefer to contact you by email and will do so if possible. Accordingly, please provide your email address. If necessary, we may also contact you by phone or by U.S. mail.**

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<sup>1</sup> The number of beds reported from a hospital’s most recent Medicare cost report (W/S S-3, Part I, line 7 column 2). Cost report instructions define staffed beds as, “the number of beds available for use by patients at the end of the cost reporting period. A bed means an adult bed, pediatric bed, birthing room, or newborn bed maintained in a patient care area for lodging patients in acute, long-term, or domiciliary areas of the hospital. Beds in labor room, birthing room, post-anesthesia, postoperative recovery rooms, outpatient areas, emergency rooms, ancillary departments, nurses’ and other staff residences, and other such areas which are regularly maintained and utilized for only a portion of the stay of patients (primarily for special procedures or not for inpatient lodging) are not termed a bed for these purposes.”

**C. Attorney Information**

1. Is your Acute Care Hospital submitting this Claim Form with the assistance of an attorney?

Yes   
 No

**If yes, please provide the following information:**

|   |                       |       |     |
|---|-----------------------|-------|-----|
| 1. Attorney Contact Name:   |                       |       |     |
| 2. Law Firm Name:   |                       |       |     |
| 3. Address:   | Street Address Line 1 |       |     |
|   | Street Address Line 2 |       |     |
|   | City                  | State | Zip |
| 4. Phone:   |                       |       |     |
| 5. Email:   |                       |       |     |
| By filling out this Claim Form, you are deemed to consent to receipt of this notice by email. |                       |       |     |

2. Do you want any potential payment mailed to your attorney?

Yes   
 No

**D. Aggregator Information**

1. Is your Acute Care Hospital submitting this Claim Form with the assistance of an aggregator?

Yes  No

**If yes, please provide the following information:**

|   |                       |       |     |
|---|-----------------------|-------|-----|
| 1. Aggregator Contact Name:   |                       |       |     |
| 2. Company Name:  |                       |       |     |
| 3. Address:   | Street Address Line 1 |       |     |
|   | Street Address Line 2 |       |     |
|   | City                  | State | Zip |
| 4. Phone:   |                       |       |     |
| 5. Email:   |                       |       |     |
| By filling out this Claim Form, you are deemed to consent to receipt of this notice by email. |                       |       |     |

**E. Payment Information**

Payment checks will be mailed to the law firm identified in Section C of this Claim Form if Yes was selected in Section C.2. If working with an aggregator, the check will be mailed to the Operating Entity identified in Section A.1 above. If not working with an attorney or an aggregator, or if No was selected in Section C.2, the check will be mailed to the contact person identified in Section B of this Claim Form.

**F. Additional information for Claimants seeking an Allocated Amount  
(non-Quick-Pay option)**

If you wish to claim an Allocated Amount on the basis of a calculated amount, and not the Quick-Pay option as defined in the Registration Form and Plan of Allocation, you must complete this Section F, including all of the data identified in Item F.8 below.<sup>2</sup> **Failure to provide claims data for the entire time period from January 1, 2015 through December 31, 2020 may result in a reduction in Operational Impact, as defined in the Plan of Allocation.**

1. Are you a named plaintiff in any active cause of action against the Settling Defendants, and/or their alleged co-conspirators, as specified in the Complaint?  Yes  No
  - a. If yes, please provide whether the active cause of action is filed (check one):
    - i. in the Multidistrict Litigation, Case No. 1:17-md-2804:
    - ii. in state court:
  - b. If yes, attach a copy of the most recently filed complaint.
  
2. Is the hospital/facility listed above an Acute Care Hospital in the United States that treated patients diagnosed with opioid use disorder and/or other opioid-related conditions from January 1, 2009, through March 20, 2026, is not owned or operated by a federal, state, county, parish, city, or other municipal government and not a physician practice group that (i) provides medical care and other related services for surgery, acute medical conditions, or injuries for a period of treatment time that is, on average, less than 25 days; and (ii) (a) appear as active or inactive under its current or former name, including any hospital that has changed its name through merger, acquisition, or any other change to its corporate form, in the American Hospital Directory® as a “short term acute care” hospital or a “critical access” hospital, and (b) includes an emergency department that is subject to the Emergency Medical Treatment and Labor Act (“EMTALA”);  
 Yes  No
  
3. Has the Acute Care Hospital listed above hosted experts’ visits at the Acute Care Hospital for the purpose of enabling the experts to engage with hospital personnel on the opioid epidemic at the hospital, and to review hospital policies, procedures, and programs regarding opioids?  
 Yes  No

---

<sup>2</sup> The Notice and Claims Administrators and the Special Master shall have complete discretion to determine whether a Claimant has complied with this requirement.

4. Has the Acute Care Hospital listed above produced claims data (as described in Item 8 below herein) to the Settling Defendants and/or their alleged co-conspirators, as specified in the Complaint, for the cause of action noted in Item 1a) above?

Yes  No

5. Has the Acute Care Hospital listed above actively engaged in discovery, for the cause of action, if any, noted in Item F1.a above?  Yes  No

If yes, please indicate below those activities in which the Acute Care Hospital has actively engaged<sup>3</sup>:

a. Responded to interrogatories and requests for production and requests for admissions?

Yes  No

b. Supplied hospital financial documents, policies and procedures, custodial emails, dispensing and discharge prescription data in response to requests by Settling Defendants and/or their alleged co-conspirators, as specified in the Complaint, or orders of a court?  Yes  No

c. Provided 30(b)(6) and/or fact witness testimony?  Yes  No

d. Propounded discovery to Settling Defendants and/or their alleged co-conspirators, as specified in the Complaint?

Yes  No

e. Formally disclosed expert opinions consistent with federal and/or state court rules?

Yes  No

f. Engaged in motion practice before a court and/or a special master?

Yes  No

6. Did the Acute Care Hospital listed above have a court-ordered trial date, for the cause of action, if any, noted in Item F1.a above?

Yes  No

If yes, please enter the court ordered trial date: \_\_\_\_\_

---

<sup>3</sup> To receive the 5% weight for this participation factor, the Acute Care Hospital must have participated in at least three of the six identified activities.

7. Did the Acute Care Hospital listed in Section A.2 timely file a claim to the Notice and Claims Administrators in the *San Miguel Hospital Corp., d/b/a Alta Vista Regional Hospital v. Johnson & Johnson, et al.*, Case No. 1:23-cv-00903-KWR-JFR in the United States District Court for the District of New Mexico?

Yes  No

- a. If Yes, to the best of your knowledge, (a) did you provide all of the Requisite Claims Data from January 1, 2015 through December 31, 2020, (b) were you approved for an Allocated Amount, and (c) do you wish to utilize the Requisite Claims Data previously provided for this Claim and the Acute Care Hospital noted in Section A.2 above?

Yes  No

- i. If Yes, then proceed to Item F.9.
- ii. If No to Item F.7 or F.7.a, then proceed to Item F.8.
8. For all inpatient and outpatient discharges during the period January 1, 2015 through December 31, 2020, from the Acute Care Hospital listed in Section A.2 above, please provide the following data in CSV (Comma Delimited) Electronic File or Pipe-Delimited Electronic Text File to be used in connection with the determination of the Allocated Amount. **An example of the data formatting is set forth in Exhibit A. This data should be in a separate CSV (Comma Delimited) Electronic File or Pipe-Delimited Electronic Text File for each Acute Care Hospital.** Physician office visits and non-acute care visits should **NOT** be included in data provided.

For the CSV (Comma Delimited) Electronic File or Pipe-Delimited Electronic Text File, please include in the file name the Name of the Acute Care Hospital, City and State where located and Date Range of Data Provided, for example, PhoenixGeneral-Phoenix-AZ-Jan09-Dec12.csv. If more than one file is provided due to size limitations, each file name will be the same with only the date range of the data provided changing (e.g., PhoenixGeneral-Phoenix-AZ-Jan13-Dec20.csv).

It is important to note, and as further described below, that the following data for each visit/discharge will need to be repeated on each row corresponding to each different ICD diagnosis code (except for ICD diagnosis code, ICD diagnosis code description and ICD diagnosis code priority). The data for the ICD diagnosis codes, ICD diagnosis code descriptions and ICD diagnosis code priority for each visit/discharge will therefore be unique to each row. For example, if a visit has 18 ICD diagnosis codes, there would be 18 rows/lines for that visit/discharge with each line containing a different ICD diagnosis code, ICD diagnosis code description and ICD diagnosis code priority. For all other data fields such as Patient Medical Record Number, Date of Discharge, etc. this data will be the same, and thus repeated, on all 18 rows/lines for that visit/discharge.

To the extent the qualifying Acute Care Hospital utilizes a coding system for any columns/data fields, please provide an index to explain the contents of any column/data field to the secure portal provided by the Notice and Claims Administrators. For example, the Patient Type data provided includes a 1, 2, or 3 and these respective contents are 1=Inpatient, 2=Outpatient, and 3=Emergency.

If sending the requested data in a CSV (Comma Delimited) Electronic File, please also ensure that all columns/data fields that may contain commas are updated so that such columns/data fields are placed in quotations when populating the CSV or Pipe-Delimited Electronic Text File. The columns/data fields that often contain commas include, but are not limited to, Attending Physician Name, DRG and ICD Diagnosis Code Descriptions.

Once the CSV (Comma Delimited) or Pipe-Delimited Electronic Text File is prepared, **please review the data VERY CAREFULLY** to confirm the data in each column contains the applicable data for that respective column's data field description. For example, payment amounts (Total Payments) should not be shown in the DRG Code column/data field or ICD Diagnosis Code column/data field should not be blank or designated null for a patient visit without an explanation, etc. In conducting your review, this will require that you "reality test" your data before submission to ensure that it does not contain obvious errors and inconsistencies. **After submission of the Registration Form, each Class Member will be provided a secure portal (SFTP) by the Notice and Claims Administrators to upload an executed BAA (as described in Section F.9 of this Claim Form), and then upload this Requisite Claims Data to the SFTP.**

| Column | Data Fields              | Definitions and Clarifications  |
|--------|--------------------------|---|
| a.     | Name                     | Name of hospital/facility for which data is provided.   |
| b.     | Address                  | Address of hospital/facility for which data is provided.  |
| c.     | City                     | City of hospital/facility for which data is provided.   |
| d.     | State                    | State of hospital/facility for which data is provided.  |
| e.     | Zip Code                 | Zip Code of hospital/facility for which data is provided.   |
| f.     | CMS Certification Number | Center for Medicare & Medicaid Services Certification Number – Formerly known as the Medicare Provider Number. This should be a six-digit Medicare certification number for which the data is provided. |
| g.     | Patient Medical Record # |   |
| h.     | Patient Account #        |   |
| i.     | Payor Financial Class    | e.g., Blue Cross, Medicaid, Private Pay, etc.   |

| <b>Column</b> | <b>Data Fields</b>                       | <b>Definitions and Clarifications</b>  |
|---------------|--|--|
|               | <b>Description</b>                       |  |
| <b>j.</b>     | <b>Patient Type</b>                      | e.g., Inpatient or Outpatient. Hospital-related clinics or physician office visits should NOT be included in data provided.  |
| <b>k.</b>     | <b>Custom Patient Type</b>               | e.g., Inpatient Psych, Outpatient Single Visit, Surgery, Lab, etc. Hospital related clinics or physician office visits should NOT be included in data provided.  |
| <b>l.</b>     | <b>Date of Admission</b>                 | Date formats must be consistent within each file provided.   |
| <b>m.</b>     | <b>Date of Discharge</b>                 | Date formats must be consistent within each file provided.   |
| <b>n.</b>     | <b>Length of Stay (days)</b>             |  |
| <b>o.</b>     | <b>Admission Type Description</b>        | e.g., Emergency, Reservation, Reference Lab, etc.  |
| <b>p.</b>     | <b>Discharge Disposition Description</b> | e.g., Discharge Home, Nursing Home, Expired, etc.  |
| <b>q.</b>     | <b>Patient Date of Birth</b>             |  |
| <b>r.</b>     | <b>Patient Age at Discharge</b>          |  |
| <b>s.</b>     | <b>Patient Gender</b>                    |  |
| <b>t.</b>     | <b>Patient Race</b>                      |  |
| <b>u.</b>     | <b>Patient City</b>                      |  |
| <b>v.</b>     | <b>Patient State</b>                     |  |
| <b>w.</b>     | <b>Patient Zip Code</b>                  |  |
| <b>x.</b>     | <b>Attending Physician Name</b>          |  |
| <b>y.</b>     | <b>Total Charges</b>                     |  |
| <b>z.</b>     | <b>Total Payments</b>                    | Total Payments should only contain actual payments received (e.g., insurance/self-pay). It should NOT include adjustments, bad debt, write-offs or contractual adjustments.  |
| <b>aa.</b>    | <b>DRG Code</b>                          | Diagnosis-Related Group (“DRG”) code for each inpatient visit/discharge.   |
| <b>ab.</b>    | <b>DRG Code Description</b>              | Provide a DRG code description for the above DRG code.   |
| <b>ac.</b>    | <b>All ICD Diagnosis Codes</b>           | All International Classification of Disease (ICD) diagnosis codes (ICD-9 or ICD-10, as applicable) associated with each patient visit/discharge. Note: In most instances there should be multiple ICD codes for a patient visit/discharge. Each of these ICD Diagnosis Codes related to each patient's visit |

| <b>Column</b> | <b>Data Fields</b>                     | <b>Definitions and Clarifications</b>  |
|---------------|--|--|
|               |  | should NOT be listed in multiple columns but rather each ICD Code should be listed in the same single column with each ICD Code shown on separate rows within the same single column. See Exhibit A.   |
| <b>ad.</b>    | <b>ICD Diagnosis Code Descriptions</b> | ICD Diagnosis Code descriptions for the above ICD Diagnosis Codes.   |
| <b>ae.</b>    | <b>ICD Diagnosis Code Priority</b>     | Indicate whether each ICD Diagnosis Code is a Primary, Secondary, Tertiary, etc. diagnosis. These categories must be expressed in terms of a numerical code such as 1=Primary, 2=Secondary, 3=Tertiary, etc. ADD "Location of Service (LOS) or Place of Service (POS) as i.e. Office, Home, Telehealth, etc.   |
| <b>af.</b>    | <b>Mother's MRN (if applicable)</b>    | This field pertains only to Acute Care Hospitals that deliver newborn babies or have a neonatal unit. If this visit/charge is for a birth mother, then this field should be blank as it would be the same MRN as the patient reported in #g above. However, if this visit/charge pertains to a baby, then this field should contain the mother's MRN so that there can be a mother/baby link associated therewith. |
| <b>ag.</b>    | <b>Baby's MRN (if applicable)</b>      | This field pertains only to Acute Care Hospitals that deliver newborn babies or have a neonatal unit. If this visit/charge is for a baby, then this field should be blank as it would be the same MRN as the patient reported in # g. above. However, if this visit/charge pertains to a birth mother, then this field should contain the Baby's MRN so that there can be a mother/baby link associated therewith. |

9. Please execute and submit a Business Associate and Confidentiality Agreement ("**BAA**") to Cherry Bekaert Advisory, LLC (formerly known as Legier & Company, apac) as attached as Exhibit B and return with this Claim Form for the Operating Entity listed in Section A.1 above. This BAA is not subject to revision or update.
10. Please complete the IRS Form W-9 attached hereto (or IRS Form W-8, if applicable) and return it with this Claim Form for the claimant identified in Section A above. The entity name and the EIN number noted in the W-9 (or W-8, if applicable) must match the Operating Entity Name and EIN noted in Section A.1 above.

**G. Certification**

**I certify that I am authorized to sign this Claim Form and I understand that an authorized signature on this Claim Form serves as an acknowledgement that I have a reasonable belief that the information is true and correct.**

**I certify that the Settlement Class Member has authority to release all Released Claims as identified in the Settlement Agreement on behalf of itself and all other entities who are Releasers by virtue of their relationship or association with it.**

**I certify that the Settlement Class Member I am submitting this Claim Form on behalf of is eligible to receive funds under the Settlement Agreement.**

**I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.**

Your typed signature and submission of this Claim Form will have the same force and effect as if you signed the Claim Form on paper, which you may do alternatively.

Signature: \_\_\_\_\_

Executed on date (MM/DD/YYYY): \_\_\_\_\_

Print the name of the person who is completing and signing this Claim.

Name (First Middle Last): \_\_\_\_\_

Title: \_\_\_\_\_

Acute Care Hospital: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Contact Phone: \_\_\_\_\_

Email: \_\_\_\_\_

# EXHIBIT C



**If you are an ACUTE CARE HOSPITAL** that treated patients diagnosed with opioid use disorder, you may be eligible for payment from a **\$174.2 MILLION** class action settlement.

[Learn About Eligibility](#)

[AcuteCareHospitalSettlement.com](https://AcuteCareHospitalSettlement.com)



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Thursday, April 16, 2026



### Here's what's driving the 2026 rebound in hospital deals

Health systems proposed 22 hospital transactions in the first quarter, matching pre-pandemic levels of deal activity.

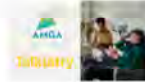
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### Abbott cuts profit forecast in wake of Exact Sciences deal

Abbott Laboratories now expects full-year adjusted earnings in the range of \$5.38 to \$5.58 a share, the company said in a statement Thursday.

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### AMGA, Talkiatry partner to expand psychiatric care access

Providers who are members of AMGA can refer patients to Talkiatry providers.

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### WellSpan, Ascension executives to speak at Leading Women conference

Too decision-makers nationwide will gather in Chicago June 3 to tackle the biggest challenges facing women in healthcare.

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### The ACA exchanges are shaky. This insurer wants in anyway

"We don't expect that we are going to make money off of this for some time," said Colorado Access President and CEO Anne Lee.

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### Baylor Scott & White Health Plan exits Medicaid, exchange

Baylor Scott & White Health Plan reportedly will eliminate 321 jobs as a result.

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### Digital health companies share plans for Medicare's ACCESS Model

Earlier this week, the Centers for Medicare and Medicaid Services named more than 150 healthcare companies as ACCESS participants.

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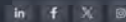
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## **Exhibit B-8**

**ACH Opioid Litigation Time Summary**Inception through May 3, 2024<sup>1</sup>

| <b>Firm</b>                          | <b>Hours</b>      |
|--------------------------------------|-------------------|
| <b>Burns Charest LLP</b>             | 63,094.14         |
| <b>Barrett Law Group</b>             | 27,689.50         |
| <b>Clifford Law Offices</b>          | 11,478.30         |
| <b>Cuneo Gilbert &amp; LaDuca</b>    | 41,688.55         |
| <b>Farmer Cline and Campbell</b>     | 15,303.50         |
| <b>Taylor Martino, P.C.</b>          | 18,968.90         |
| <b>Abdalla Law, PLLC</b>             | 387.50            |
| <b>Burr &amp; Foreman</b>            | 4,207.30          |
| <b>Gilpin Givhan, PC</b>             | 1,101.50          |
| <b>Harrison Davis Morrison Jones</b> | 1,879.25          |
| <b>King Law</b>                      | 3,922.00          |
| <b>Povall &amp; Jeffreys, P.A.</b>   | 940.15            |
| <b>Roberts Law Firm, P.A.</b>        | 5,270.80          |
| <b>Rupp Pfalzgraf LLC</b>            | 3,301.20          |
| <b>Tanner &amp; Associates</b>       | 322.90            |
| <b>Aleshire Robb &amp; Rapp</b>      | 497.50            |
| <b>Linkous Law, PLLC</b>             | 623.00            |
| <b>Mitchell &amp; Mitchell LLC</b>   | 11,262.35         |
| <b>TOTAL</b>                         | <b>211,938.34</b> |

*This summary includes time across the following cases:*

1. *San Miguel Hospital Corporation, d/b/a Alta Vista Regional Hospital, et al. v. Johnson & Johnson, et al.*, Case No. 1:23-cv-00903, In the United States District Court for the District of New Mexico.
2. *The DCH Health Care Authority, et al. v. Purdue Pharma, L.P., et al.*, Case No. CV-2019-000007, In the Circuit Court of Conecuh County, Alabama.
3. *Florida Health Sciences Center, Inc., et al., v. Richard Sackler, et al.*, Case No. 19-018882, In the Circuit Court of the Seventeenth Judicial Circuit in and For Broward County, Florida.
4. *In Re: Opioids Litigation MDL*, Civil Action, No. 20-C-82 PNM(M), In the Circuit Court of Kanawha County, West Virginia.
5. *Tucson Medical Center v. Purdue Pharma, L.P., et al.*, Case No. C20184991 (Super. Ct. Pima Cnty., Ark.)
6. *Kingman Hospital Inc., et al. v. Purdue Pharma LP, et al.*, Case No. S8015CV201900563, In the Superior Court of the State of Arizona in and for the County of Mohave.
7. *Eastern Maine Medical Center, et al., v. Teva Pharmaceuticals USA, Inc., et al.*, Docket No. BCD-CIV-2022-00025, In the State of Maine Cumberland, ss, Business & Consumer Court.

<sup>1</sup> Burns Charest LLP included time from May 3, 2024 to November 30, 2024 related to *San Miguel Hospital Corporation, d/b/a Alta Vista Regional Hospital, et al. v. Johnson & Johnson, et al.*, Case No. 1:23-cv-00903, for time spent on settlement work.

8. *Fayetteville Arkansas Hospital Company, LLC, et al., v. Amneal Pharmaceuticals, LLC, et al.*, Case No. 72-cv-20-156, In the Circuit Court of Washington County, Arkansas.

## **Exhibit B-9**

**ACH Opioid Litigation Time Summary**May 4, 2024 through November 12, 2025<sup>1</sup>

| <b>Firm</b>                        | <b>Hours</b>    |
|------------------------------------|-----------------|
| <b>Burns Charest LLP</b>           | 58,477.2        |
| <b>Barrett Law Group</b>           | 8,857.9         |
| <b>Clifford Law Offices</b>        | 4,359.05        |
| <b>Cuneo Gilbert &amp; LaDuca</b>  | 8,918.55        |
| <b>Farmer Cline and Campbell</b>   | 1,521           |
| <b>Taylor Martino, P.C.</b>        | 710.7           |
| <b>Povall &amp; Jeffreys, P.A.</b> | 153.4           |
| <b>Roberts Law Firm, P.A.</b>      | 5.3             |
| <b>TOTAL</b>                       | <b>83,003.1</b> |

*This summary includes time across the following cases:*

1. *San Miguel Hospital Corporation, d/b/a Alta Vista Regional Hospital, et al. v. Johnson & Johnson, et al.*, Case No. 1:23-cv-00903, In the United States District Court for the District of New Mexico.
2. *The DCH Health Care Authority, et al. v. Purdue Pharma, L.P., et al.*, Case No. CV-2019-000007, In the Circuit Court of Conecuh County, Alabama.
3. *Florida Health Sciences Center, Inc., et al., v. Richard Sackler, et al.*, Case No. 19-018882, In the Circuit Court of the Seventeenth Judicial Circuit in and For Broward County, Florida.
4. *In re Opioids Litigation MDL*, Civil Action, No. 20-C-82 PNM(M), In the Circuit Court of Kanawha County, West Virginia.
5. *Kingman Hospital Inc., et al. v. Purdue Pharma LP, et al.*, Case No. S8015CV201900563, In the Superior Court of the State of Arizona in and for the County of Mohave.
6. *Eastern Maine Medical Center, et al., v. Teva Pharmaceuticals USA, Inc., et al.*, Docket No. BCD-CIV-2022-00025, In the State of Maine Cumberland, ss, Business & Consumer Court.
7. *Fayetteville Arkansas Hospital Company, LLC, et al., v. Amneal Pharmaceuticals, LLC, et al.*, Case No. 72-cv-20-156, In the Circuit Court of Washington County, Arkansas.
8. *Saint Elizabeth Medical Center, et al. v. AmerisourceBergen Drug Corporation, et al.*, Case No. 1:18-op-46046, In the United States District Court for the District of Ohio.
9. *Mississippi Baptist Medical Center, Inc., et al. v. Amneal Pharmaceuticals, LLC, et al.*, Case No. 20-00291, In the Circuit Court of Hinds County, Mississippi.
10. *San Miguel Hospital Corporation, d/b/a Alta Vista Regional Hospital, et al., v. McKinsey & Company, Inc., et al.*, Case No. 3:24-cv-04217, In the United States District Court for the Northern District of California.

<sup>1</sup> Burns Charest LLP's time related to *San Miguel Hospital Corporation, d/b/a Alta Vista Regional Hospital, et al. v. Johnson & Johnson, et al.*, Case No. 1:23-cv-00903 has been calculated from December 1, 2024, to November 12, 2025, so as to exclude time included in Exhibit B-8.

# **Exhibit B-10**

**Purdue Bankruptcy and Sackler Settlement Time Summary**  
Inception through November 12, 2025

| Firm                              | Hours            |
|-----------------------------------|------------------|
| <b>Burns Charest LLP</b>          | 21.7             |
| <b>Barrett Law Group</b>          | 1,139.8          |
| <b>Clifford Law Offices</b>       | 9,445.15         |
| <b>Cuneo Gilbert &amp; LaDuca</b> | 1,695.7          |
| <b>Farmer Cline and Campbell</b>  | 18.2             |
| <b>Taylor Martino, P.C.</b>       | 397              |
| <b>Abdalla Law, PLLC</b>          | 5.4              |
| <b>Roberts Law Firm, P.A.</b>     | 628.7            |
| <b>Rupp Pfalzgraf LLC</b>         | 20.2             |
| <b>TOTAL</b>                      | <b>13,371.85</b> |

*This summary includes time across the following cases:*

1. *San Miguel Hospital Corporation, d/b/a Alta Vista Regional Hospital, et al., v. Richard Sackler, et al.*, Case No. 1:25-cv-01010, In the United States District Court for the District of New Mexico.
2. *In re Purdue Pharma L.P., et al.*, Case No. 19-23649, In the U.S. Bankruptcy Court for the Southern District of New York.

# **Exhibit B-11**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

SAN MIGUEL HOSPITAL CORPORATION  
d/b/a ALTA VISTA REGIONAL HOSPITAL, *et al.*,  
*al.*, on behalf of themselves and all others similarly  
situated,

Plaintiff

v.

RICHARD SACKLER, *et al.*,

Defendants

Case No. 1:25-cv-1010 The

Hon. Matthew Garcia

**DECLARATION OF JOHN W. BARRETT FILED ON BEHALF DON BARRETT, P.A.  
IN SUPPORT OF APPLICATION FOR AWARD OF EXPENSES**

I, John W. (“Don”) Barrett, declare as follows:

1. I am the senior and managing partner in the firm Don Barrett, P.A. (the “Firm”). I submit this declaration in support of Interim Class Counsel’s application for an award of expenses incurred in connection with this Settlement and the Purdue Bankruptcy proceedings — proceedings that gave rise to, and ultimately culminated in, this Settlement.

2. I have been appointed as Interim Class Counsel for the Settlement Classes.

3. The Firm has also acted as treasurer of the ACH Opioids Litigation and the Purdue Bankruptcy and in that capacity, the Firm maintained and administered the litigation funds.

4. The information in this declaration regarding the Firm’s expenses is based on my personal knowledge and the expense reports kept by the Firm in the ordinary course of business.

5. As more fully described in the Declaration of Warren Burns, given the history and nature of this Settlement, Interim Class Counsel are requesting 67% of expenses incurred from the Purdue Bankruptcy proceedings as well as any expenses incurred in this specific Settlement with Settling Defendants.


6. To date, \$1,989,085.79 has been spent by the litigation fund in connection with the Purdue Bankruptcy. Attached as **Exhibit A** is an itemization of the litigation fund expenses which have been paid.

7. Separately, the Firm incurred \$17,892.19 in expenses and charges in the Purdue Bankruptcy through November 12, 2025. Those expenses and charges are summarized in the attached **Exhibit B**.

8. Therefore, the Firm seeks an award of 67% of those expenses and charges, which amounts to \$1,344,675.25.

9. A Firm resume is attached as **Exhibit C**.

I declare under penalty of perjury that the foregoing is true and corrected. Executed this 8th day of May, 2026, in Lexington, Mississippi.

  
\_\_\_\_\_  
John W. ("Don") Barrett

**Purdue Litigation Fund**

|          |                             |                         |                     |
|----------|-----------------------------|-------------------------|---------------------|
| 8/19/19  | Lovell Communications, Inc. | Consulting              | \$5,000.00          |
| 11/25/19 | Lovell Communications, Inc. | Consulting              | 60,636.93           |
| 12/30/20 | Taft Stettinius & Hollister | Consulting              | \$50,844.75         |
| 3/11/21  | Taft Stettinius & Hollister | Consulting              | \$16,116.00         |
| 7/20/21  | Taft Stettinius & Hollister | Consulting              | \$144,667.00        |
| 7/27/21  | Taft Stettinius & Hollister | Consulting              | \$65,150.35         |
| 8/18/21  | Taft Stettinius & Hollister | Consulting              | \$81,160.40         |
| 9/1/21   | Taft Stettinius & Hollister | Consulting              | \$73,995.00         |
| 10/4/21  | Taft Stettinius & Hollister | Consulting              | \$9,333.00          |
| 11/4/21  | Taft Stettinius & Hollister | Consulting              | \$10,761.60         |
| 12/2/21  | Taft Stettinius & Hollister | Consulting              | \$10,098.00         |
| 1/4/22   | Taft Stettinius & Hollister | Consulting              | \$12,517.00         |
| 1/26/22  | Taft Stettinius & Hollister | Consulting              | \$8,241.00          |
| 2/16/22  | Taft Stettinius & Hollister | Consulting              | \$4,794.00          |
| 5/16/22  | Taft Stettinius & Hollister | Consulting              | \$12,087.00         |
| 6/15/22  | Taft Stettinius & Hollister | Consulting              | \$6,018.00          |
| 7/5/22   | Taft Stettinius & Hollister | Consulting              | \$5,202.00          |
| 7/28/22  | Taft Stettinius & Hollister | Consulting              | \$1,428.00          |
| 10/5/22  | Taft Stettinius & Hollister | Consulting              | \$816.00            |
| 10/5/22  | Taft Stettinius & Hollister | Consulting              | \$510.00            |
| 2/2/23   | Taft Stettinius & Hollister | Consulting              | \$306.00            |
| 9/26/23  | Taft Stettinius & Hollister | Consulting              | \$19,229.65         |
| 11/27/23 | Taft Stettinius & Hollister | Consulting              | \$282.50            |
| 6/5/23   | Taft Stettinius & Hollister | Consulting              | \$989.50            |
| 6/22/23  | Taft Stettinius & Hollister | Consulting              | \$1,122.00          |
| 7/20/23  | Taft Stettinius & Hollister | Consulting              | \$734.50            |
| 8/22/24  | Taft Stettinius & Hollister | Consulting              | \$15,353.70         |
| 8/9/23   | Taft Stettinius & Hollister | Consulting              | \$508.50            |
| 9/25/24  | Taft Stettinius & Hollister | Consulting              | \$8,757.50          |
| 12/31/24 | Taft Stettinius & Hollister | Consulting              | \$8,614.50          |
| 4/2/25   | Taft Stettinius & Hollister | Consulting              | \$9,846.00          |
| 6/3/25   | Taft Stettinius & Hollister | Consulting              | \$15,799.00         |
| 7/24/25  | Taft Stettinius & Hollister | Consulting              | \$61,960.00         |
| 8/14/25  | Taft Stettinius & Hollister | Consulting              | \$9,435.00          |
| 9/4/25   | Taft Stettinius & Hollister | Consulting              | \$25,789.00         |
|          |                             | <b>Total Consulting</b> | <b>\$758,103.38</b> |
| 12/5/19  | McGrail Bensinger           | Expert                  | 957.00              |
| 12/11/19 | Schulte Roth & Zabel, LLP   | Expert                  | 20,000.00           |
| 6/24/20  | Schulte Roth & Zabel, LLP   | Expert                  | \$8,609.00          |
| 7/9/20   | McGrail & Bensinger         | Expert                  | \$14,007.57         |
| 8/10/20  | McGrail & Bensinger         | Expert                  | \$24,400.83         |

**Purdue Litigation Fund**

|          |                         |                     |                     |
|----------|-------------------------|---------------------|---------------------|
| 12/29/20 | Cohen Dowd Quigley      | Expert              | \$314,367.73        |
| 1/12/21  | Cohen Dowd Quigley      | Expert              | \$72,748.74         |
| 3/11/21  | Cohen Dowd Quigley      | Expert              | \$1,652.03          |
| 6/28/21  | Dr Gayle Galan          | Expert              | \$2,500.00          |
| 7/12/21  | Rahul Gupta             | Expert              | \$2,500.00          |
| 11/1/21  | Legier Company          | Expert              | \$176,227.25        |
| 12/29/21 | Cohen Dowd Quigley      | Expert              | \$5,122.56          |
| 5/2/22   | Legier Company          | Expert              | \$38,711.64         |
| 7/19/22  | Legier Company          | Expert              | \$79,037.31         |
| 12/27/23 | Joseph R Mason          | Expert              | \$10,822.50         |
| 4/9/24   | Cherry Bekaert Advisors | Expert              | \$21,298.14         |
| 5/8/24   | Gaines C McCorquodale   | Expert              | \$21,700.00         |
| 6/17/24  | Stefan Maxwell          | Expert              | \$9,600.00          |
| 6/20/24  | Gaines C. McCorquodale  | Expert              | \$2,050.00          |
| 8/22/24  | Stephen Taylor          | Expert              | \$54,950.00         |
| 1/28/25  | Cherry Bekaert Advisors | Expert              | \$5,761.56          |
| 3/6/25   | Stephan Taylor          | Expert              | \$15,400.00         |
| 6/3/25   | Cherry Bekaert Advisors | Expert              | \$14,387.63         |
| 7/24/25  | Cherry Bekaert Advisors | Expert              | \$23,357.20         |
| 9/4/25   | Cherry Bekaert Advisors | Expert              | \$19,892.25         |
|          |                         | <b>Total Expert</b> | <b>\$960,060.94</b> |

|          |                    |                     |                     |
|----------|--------------------|---------------------|---------------------|
| 5/25/21  | Underwood & Reimer | Mediation           | \$1,961.25          |
| 8/18/21  | Underwood & Reimer | Mediation           | \$3,968.75          |
| 10/17/21 | Underwood & Reimer | Mediation           | \$12,817.37         |
| 10/20/21 | Underwood & Reimer | Mediation           | \$4,062.50          |
| 12/27/21 | Underwood & Reimer | Mediation           | \$8,729.36          |
| 12/2/21  | Underwood & Reimer | Mediation           | \$10,245.22         |
| 2/2/22   | Riemer Law, LLC    | Mediation           | \$5,322.17          |
| 6/22/22  | Riemer Law, LLC    | Mediation           | \$5,333.05          |
| 7/26/22  | Riemer Law, LLC    | Mediation           | \$951.88            |
| 10/10/22 | Riemer Law, LLC    | Mediation           | \$7,788.75          |
| 11/1/22  | Riemer Law, LLC    | Mediation           | \$10,416.15         |
| 12/12/22 | Riemer Law, LLC    | Mediation           | \$14,314.50         |
| 3/1/22   | Riemer Law, LLC    | Mediation           | \$14,996.30         |
| 4/18/23  | Riemer Law, LLC    | Mediation           | \$15,207.54         |
| 6/5/23   | Riemer Law, LLC    | Mediation           | \$14,854.10         |
| 7/24/23  | Riemer Law, LLC    | Mediation           | \$15,102.64         |
| 4/2/24   | Riemer Law, LLC    | Mediation           | \$5,653.79          |
| 6/17/24  | Riemer Law, LLC    | Mediation           | \$8,606.80          |
|          |                    | <b>Total Expert</b> | <b>\$160,332.12</b> |

**Purdue Litigation Fund**

|         |          |                     |                     |
|---------|----------|---------------------|---------------------|
| 2/16/23 | Veritext | Court Reporter      | \$12,901.65         |
| 2/16/23 | Veritext | Court Reporter      | \$13,305.60         |
| 2/21/23 | Veritext | Court Reporter      | \$3,619.70          |
| 3/1/22  | Veritext | Court Reporter      | \$1,174.50          |
| 3/13/23 | Veritext | Court Reporter      | \$1,758.40          |
| 4/6/23  | Veritext | Court Reporter      | \$2,320.95          |
| 4/6/23  | Veritext | Court Reporter      | \$701.35            |
| 6/5/23  | Veritext | Court Reporter      | \$46,416.63         |
| 8/9/23  | Veritext | Court Reporter      | \$15,250.65         |
| 8/22/23 | Reporter | Court Reporter      | \$1,881.00          |
| 4/30/24 | Veritext | Court Reporter      | \$4,674.97          |
| 6/17/24 | Reporter | Court Reporter      | \$781.00            |
| 6/19/24 | Veritext | Court Reporter      | \$5,669.65          |
|         |          | <b>Total Expert</b> | <b>\$110,456.05</b> |

|          |                       |                     |                 |
|----------|-----------------------|---------------------|-----------------|
| 8/22/23  | Source One Legal Copy | copies              | \$82.58         |
| 10/26/23 | Source One Legal Copy | copies              | <u>\$50.72</u>  |
|          |                       | <b>Total Expert</b> | <b>\$133.30</b> |

**Total** **\$1,989,085.79**

**EXHIBIT B**  
*Purdue Bankruptcy*  
Inception through November 12, 2025

| CATEGORY                      | AMOUNT             |
|-------------------------------|--------------------|
| Lodging                       | \$6,117.42         |
| Meals                         | \$3,785.87         |
| Travel Air and Transportation | \$7,713.50         |
| Filing Fees                   | \$71.77            |
| Research                      | \$4.83             |
| Copies                        | \$198.80           |
| <b>Total</b>                  | <b>\$17,892.19</b> |

# Exhibit C

BARRETT  
LAW GROUP, PA

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ATTORNEYS AT LAW

LEXINGTON | OXFORD  
MISSISSIPPI

**BARRETT LAW GROUP, P.A.**

**Firm Overview**

Barrett Law Office, P.A. was founded by Pat M. Barrett in Lexington, Mississippi. Mr. Barrett graduated from Cumberland School of Law in Lebanon, Tennessee, in 1933. He began his law practice in Lexington serving Holmes County and Central Mississippi. His sons Pat M. Barrett, Jr., and Don Barrett joined their father's practice in the late 1960s. Over the years, several of Pat Barrett's grandchildren also joined the firm. In 2007, Barrett Law Office joined with The Law Offices of Richard R. Barrett, PLLC to form Barrett Law Group, P.A. (the "firm" or "BLG"). Since then, Barrett Law Group, P.A. has evolved into a nationwide practice and has expanded to reach many new facets of the law. Barrett Law Group, P.A. has secured billions of dollars for its clients and litigated cases across the nation ranging from antitrust violations, insurance scams, defective products, to consumer fraud while at the same time continuing the tradition of Pat Barrett in taking care of the local citizens.

**Active Cases**

In 2017, the firm was appointed to the Plaintiffs' Steering Committee on behalf of the Indirect Reseller Plaintiffs in *In re: Generic Pharmaceutical Pricing Antitrust Litigation*, MDL No. 2724. We brought claims on behalf of the Indirect Reseller Plaintiffs for injunctive relief and to recoup overcharges that resulted from an unlawful agreement among Defendants to allocate customers, rig bids, and fix, raise and/or stabilize the prices of generic drugs.

In 2017, the firm recognized that the litigation brought against the pharmaceutical industry for the opioids addiction epidemic lacked an important piece, addressing the claims of those entities which bore the brunt of treating the addicted patient, hospitals. Working with other firms, BLG filed the first class action case for hospitals. Since that time, BLG and its co-counsel have

and continue to vigorously pursue these claims to bring resolution and provide much needed relief to many of our nation's hospitals.

At the same time, the firm continues to pursue other complex litigation, including through class actions. This includes claims against leading national insurers and industrial defendants for corporate wrongdoing. These cases include class actions against the nation's largest businesses and insurers.

The firm regularly serves in leadership roles in complex litigation, including antitrust class action litigation. For example, the firm serves in leadership in class actions related to the price fixing of certain proteins, including pork, turkey and beef. On March 1, 2022, Sterling Aldridge and the firm were appointed as Interim Co-Lead Counsel in for the Commercial and Institutional Indirect Purchaser Plaintiffs in *In Re Cattle & Beef Antitrust Litigation*, Case No. 20-cv-1319 (D. Minn.). On July 28, 2021, Mrs. Aldridge was appointed as co-Settlement Class Counsel in *In Re Turkey Antitrust Litigation*, No. 19-cv-8318 (N.D. Ill.) on behalf of the Commercial and Institutional Indirect Purchaser Plaintiffs, such as restaurants and caterers. On March 5, 2021, our firm was appointed to the Plaintiffs' Steering Committee on behalf of the Commercial and Institutional Indirect Purchaser Plaintiffs in *In re Pork Antitrust Litigation*; Case No. 18-cv-01776 (D. Minn.).

The firm is presently pursuing relief for hundreds of farmers whose crops were effectively seized by a foreclosing lender. The firm has filed actions against the lender and others who we allege propped up the operations of a grain elevator which they long knew to be insolvent and headed for bankruptcy. *Island Farms, LLC, et al. v. UMB Bank, N.A.*; Case No. 3:21-cv-00721 (S.D. Miss.).

On August 27, 2021, Don Barrett and Sterling Aldridge of the firm were appointed co-lead counsel by Judge Sarah E. Pitlyk of the Eastern District of Missouri in nationally important anti-trust litigation representing farmers *In Re: Crop Inputs Litigation*; Case No. 4:21-MD-02993-SEP. (E.D. Mo.).

In September 2020, our firm was appointed as co-lead counsel for a class of direct purchasers of analog insulins, seeking recovery of damages under the Sherman Act and RICO for price-fixing in *In Re: Direct Purchaser Insulin Pricing Litigation*; Case No. 3:20-cv-3426, in the United States District Court for the District of New Jersey.

Richard Barrett of the firm was appointed a Plaintiffs' Steering Committee member on behalf of plaintiffs alleging that their use of defendant Gilead Sciences, Inc.'s tenofovir-based drugs caused them to develop kidney and/or bone injuries. *In re Gilead Tenofovir Cases*, JCCP No. 5043 (Cal. Super. Ct.).

On November 30, 2017, our firm led the filing of the first RICO class action on behalf of U.S. hospitals against the manufacturers and distributors of opioids. On January 4, 2018, Judge Dan Polster, presiding over *In Re: National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio), appointed Don Barrett of Barrett Law Group to the Plaintiffs Executive Committee as the representative of hospitals. Our firm represents 950 hospitals in 44 states in this important litigation. In this litigation, we have settled two claims in bankruptcy for \$256 million dollars, settled cases for over \$850 million, and have a trial date of September 2025 for our hospitals in Florida against the pharmacy defendants.

### **Notable Past Cases**

Don Barrett of the firm was co-lead class counsel for the Automobile Dealer Actions in *In Re: Automotive Parts Antitrust Litigation*, MDL No. 2311, in the Eastern District of Michigan. In

this capacity, we represented some 8,000 automobile dealers in 31 states, victimized by one of the largest price-fixing conspiracies in history. In this litigation, we have forged a unique pact with the end-payer plaintiffs, and together reached settlements with 72 different defendants one mediation at a time, for a total of approximately \$1.6 billion, by the time the litigation was concluded in 2024.

On July 22, 2022, Sterling Aldridge, of our firm, was appointed Plaintiffs' Co-Lead Counsel by Judge Sheryl H. Lipman of the Western District of Tennessee for a class of consumers who purchased contaminated products sold in 404 Family Dollar Stores in Tennessee, Mississippi, Arkansas, Louisiana, Alabama, and Missouri. *In re: Family Dollar Stores, Inc., Pest Infestation Litigation*; 2:22-md-03032 (W.D. Tenn.). In June 2023, a class settlement was achieved, and final approval was granted in May 2024.

In April 2020, our firm and co-counsel received final approval for a settlement of \$220 million on behalf of a class of direct purchasers in an antitrust action prior to trial in *First Impression Salon, Inc., et. al. v. National Milk Producers*, Case No. 3:13-cv-00454, in the United States District Court for the Southern District of Illinois.

In September 2018, our firm obtained relief for Mississippi insureds by providing recovery of improperly withheld labor depreciation in *Mitchell v. State Farm*, Case No. 3:17-cv-170. Following certification, the Fifth Circuit affirmed, leading to a multi-million dollar class recovery for the insureds.

In 2018, the firm resolved a breach of contract and fraud claims by way of a confidential settlement on behalf of Bridgestone Americas, Inc. in an action against IBM. *See Bridgestone Americas, Inc. v. International Business Machines Corporation*, Civil Action No. 3:13-cv-1196, in the United States District Court for the Middle District of Tennessee.

Don Barrett was lead class counsel and lead trial attorney for the plaintiffs in a national class action against State Farm Mutual Insurance Company in Illinois, concerning State Farm's use of imitation crash parts in auto repair. After a seven-week trial ending in October of 1999, the jury awarded a verdict of \$456 million and an additional \$600 million in punitive damages was awarded by the trial judge. This was the largest verdict ever rendered in the State of Illinois and the largest against any insurance company in the United States. This verdict was subsequently affirmed by a unanimous Illinois Court of Appeals and reversed by the Illinois Supreme Court.

From the ashes of that case arose *Hale et al v. State Farm Mutual Insurance Company*, filed in the Southern District of Illinois, which alleged that State Farm engineered the election of an Illinois Supreme Court justice, then lied about its election activities, to avoid a recusal of that justice from the panel deciding the *Avery v. State Farm* appeal. Don Barrett was appointed as co-lead counsel for the class, and Richard Barrett served on both the lead trial team and Discovery committee leadership. State Farm's motion to dismiss was denied and class certification was granted, and State Farm had three petitions denied in the Seventh Circuit. On September 13, 2018, after the trial jury was empaneled, and over 21 years after the original litigation began, Judge Herndon granted final approval to a settlement with State Farm for \$250 million.

On December 22, 2017, the University of Mississippi retained Barrett Law Group and a Jackson firm to prosecute an appeal from an NCAA Order imposing harsh and excessive sanctions on the University. In announcing these retentions, Chancellor Jeff Vitter stated that Ole Miss had hired "the best lawyers in the country" to fight these sanctions. We were successful in reversing the order as to its harshest penalties.

On May 28, 2015, our firm was appointed co-lead counsel for plaintiffs in *In Re: Coca-Cola Products Marketing and Sales Practices Litigation*, MDL No.14-02555, by Judge Jeffrey

White of the Northern District of California that dealt with federal and state violations of food misbranding. Richard Barrett of the firm was co-lead.

On May 22, 2014, Judge Paul Magnuson of the District of Minnesota appointed Don Barrett to the plaintiff's Executive Committee for U.S. banking and financial institutions in the *In Re: Target Corporation Customer Data Security Breach Litigation*, MDL No. 14-2522 (PAM/JJK). That litigation resulted in a \$65 million settlement for our clients in 2016.

Don Barrett and Sterling Aldridge of the firm were co-lead counsel for plaintiff trucking firms from around the nation in a class action against the Pilot/Flying J truck stop group over alleged rebate under-payments to the truckers concerning the purchase of diesel fuel. Don Barrett negotiated a settlement of 106% of all under-payments, plus all costs and fees of the litigation. Payments approached \$85 million; the final approval was given November 25, 2013, by the U.S. District Court in Little Rock, Arkansas.

Richard Barrett served as a member of the Plaintiffs Steering Committee and Discovery Committee in the 2011 MDL *In re: Navistar Diesel Engine Products Liability Litigation*, Case No. 11C 2496. This MDL was based upon faulty Ford Navistar 6.0 engines. A nationwide class was certified and settled in 2013.

On December 16, 2004, Don Barrett was appointed one of six members of the Class Plaintiffs' Steering Committee in the *In Re Neurontin Marketing and Sales Practices Litigation* (MDL No. 1629), by U.S. District Judge Patti B. Saris of the District of Massachusetts. In that MDL, the case of an individual plaintiff (Kaiser Foundation Health Plan) against the defendant Pfizer, Inc., was tried over a five-week period in February and March of 2010 in Boston. That trial resulted in a jury verdict for plaintiff on its civil RICO claim in the amount of \$47.34 million, which was trebled under the RICO statute. This is believed to be the first civil RICO verdict ever

rendered against a major pharmaceutical company. This verdict was affirmed by the 1st Circuit Court of Appeals and has been paid in full. The accompanying class action, after ten years of litigation and three denials of class certification, was settled in May of 2014 for \$325 million. Final approval of this settlement was granted by Judge Saris in October 2014.

Barrett Law Group was co-lead class counsel in *Holman v. Noble Energy, Inc.*, District Court County of Weld, Colorado, brought on behalf of royalty owners in the Greater Wattenberg natural gas field in Colorado. This suit, which complained of systematic under-payments of royalties by a major natural gas producer, resulted in a \$98 million settlement for the class. This settlement received final approval by the Colorado court on June 11, 2007. Since that time, we have achieved class settlement in four similar cases, most recently in the federal district court in Denver on October 29, 2010. These five cases have produced settlements exceeding \$150 million; Barrett Law Group was also co-lead counsel in several similar cases currently pending in the Western District of Virginia. In the first of these cases, a settlement of \$3.4 million, which recovered over 95% of all compensatory damages claimed by the plaintiff class, received final approval by the District Court on October 4, 2011. In the cases against CNX and EQT, Judge Jones certified classes by orders entered on March 29, 2017, and those cases have now been settled.

On January 26, 2009, in *Stanich, et al v. Travelers Indemnity Company, et al*, U.S.D.C., N.D. Ohio, No. 1:06 CV 962-KMO, Barrett Law Group was appointed as class counsel in a certified class action concerning fraudulent insurance pricing. On March 31, 2010, the Court approved a settlement reached in that case which the Court values at \$17,398,633, finding that class counsel were “experienced, professional, and highly skilled.”

Barrett Law Group was co-lead class counsel in *Vereen v. Lowe’s Home Centers, Inc.*, a national class action over the sale of defective drywall, pending in the Superior Court of Muscogee

County, Georgia. On January 12, 2012, a settlement was finally approved by that court, affording financial relief to over 40,000 claimants. In approving the requested fee award, the *Vereen* Court spoke of our “excellent reputations in the legal community.”

Barrett Law Group was lead counsel of the Katrina Litigation Group, a consortium of lawyers who represented hundreds of homeowners along the Mississippi Coast who were victimized first by Hurricane Katrina in August 2005, and then by their insurance companies. Our group favorably settled over 1,600 homeowners’ claims (including those of former U.S. Senator Trent Lott, former U.S. Representative Gene Taylor, and U.S. District Court Judge Louis Guirola) for more than \$215 million. We are the only attorneys to have tried Hurricane Katrina cases to successful verdict in both state and federal court (*Lisanby v. USAA*, in June of 2008, resulting in a verdict and payment to Admiral and Mrs. Lisanby of \$849,841; and *Penthouse v. Certain Underwriters at Lloyds*, resulting in a verdict on February 24, 2011, amounting to \$1,832,804). On December 21, 2011, the *Penthouse* Court entered final judgment in the case, adding attorneys’ fees, costs, and interest in the amount of \$3,111,533, bringing the total award to \$4,944,135.

On November 22, 2004, Barrett Law Group was appointed Plaintiffs’ Co-Lead Counsel in *In Re High Sulfur Content Gasoline Products Liability Litigation* (MDL No. 1632), by U.S. District Judge Ivan L.R. Lemelle of the Eastern District of Louisiana. A \$100 million plus settlement was finally approved by the Court in September of 2006.

On September 17, 2003, Barrett Law Group was appointed plaintiffs’ co-lead counsel in *In Re Welding Fume Litigation* (MDL 1535) by the U.S. District Court in Cleveland, Ohio. This litigation only recently settled with the remaining cases settling for \$26.5 million.

On November 22, 2000, Don Barrett was appointed as the Lead Class Counsel by Chief Judge Sarah Evans Barker in the Bridgestone/Firestone/Ford tire and Explorer litigation,

centralized in the U.S. District Court for the Southern District of Indiana (MDL No. 1373). A Nationwide settlement of the consumer class case against Bridgestone/Firestone was achieved in 2004 and approved by the Court in a Texas state case. On December 3, 2007, Judge David DeAlba of the Superior Court of Sacramento County, California preliminarily approved a multi-state class action settlement with Ford Motor Company. Final approval was granted in April 2008.

Barrett Law Group was co-lead counsel in the class action case of *Nealy v. Woodman of the World Life Insurance Society*. This was a discrimination case brought against an insurance company and was settled for \$23.1 million, which settlement was approved by Chief Judge William H. Barbour, Jr., of the U.S. District Court for the Southern District of Mississippi.

Barrett Law Group was lead Court-appointed counsel for the plaintiffs in the litigation against General Motors Corporation concerning the “sidesaddle” fuel tank litigation. Final approval of a nationwide settlement with a minimum value to the class of \$500 million was achieved in April of 1999.

Barrett Law Group was lead counsel for the plaintiffs in *Cox v. Shell Oil Co., et al*, in state court in Obion County, Tennessee, a class action case concerning defective home plumbing systems; this case resulted in a nation-wide settlement in November 1995, of approximately \$1.1 billion, by far the largest property-damage settlement achieved in this country as of that time.

Don Barrett of the firm held a national leadership role in litigation against cigarette companies and was one of only a handful of plaintiff’s attorneys in the United States to try three tobacco liability cases through jury submission. Don had a leadership role in the massive Castano class action litigation in the U.S. District Court in New Orleans, and in related state class actions around the country. Don also represented the State of Mississippi, through Attorney General Mike Moore, in the State’s successful efforts to recover its cigarette-related health care monies sent over

the past years. Likewise, Don represented the Attorneys General of New York, Louisiana, Arizona, Washington, Indiana, Alaska, Idaho, Oregon, Rhode Island, Ohio, Vermont, Illinois, and the Commonwealth of Puerto Rico in their successful litigation against the tobacco industry. Don was one of three plaintiffs' attorneys who negotiated the landmark settlement with Liggett Group announced in March of 1996, as well as one of the lead attorneys in the historic settlement agreement entered into by twenty-two Attorneys General with Liggett Group on March 20, 1997. Don's tobacco litigation experiences have been chronicled in various national publications, including the ABA Journal, The New York Times, The American Lawyers, The Wall Street Journal, and The Washington Post. Two books concerning tobacco litigation also featured Don: *Cornered: Big Tobacco at the Bar of Justice*, by Peter Pringle 6 (Henry Holt and Company, New York City, 1998); and *The People vs. Big Tobacco*, by Carrick Mollencamp, et al (Bloomberg Press, Princeton, N.J., 1998), and his experiences in tobacco litigation are the primary focus of another book, *Assuming the Risk*, by Michael Orey (Little, Brown & Co., New York City, September, 1999). More recently, in October of 2013, Don served as co-counsel for the class in an Arkansas state court class action against the Philip Morris Company; in the fall of 2016 that case settled for \$45 million. Don's tobacco experience has also found him featured on national television shows, including CBS's 60 Minutes, ABC's Day One, CNN's Moneyline, CourtTV's Cochran & Grace and Pro's & Con's, British Broadcasting Company (BBC)'s The Tobacco Wars, which was rebroadcast in the United States by The Learning Channel for his work in tobacco litigation.

Barrett Law Group was lead Court-appointed counsel for the plaintiffs in the litigation against General Motors Corporation concerning the "sidesaddle" fuel tank litigation. Final

approval of a nationwide settlement with a minimum value to the class of \$500 million was achieved in April of 1999. *In re: GM Pick-Up Truck Fuel Tank Products Liability Litigation*.

### **Representation for the State of Mississippi**

Our firm has been honored to represent our home state of Mississippi in various litigation over the years.

In January 2019, the State of Mississippi retained our firm to sue the U.S. Corps of Engineers for taking thousands of acres of its land for a floodway along the Mississippi River, without paying for it. Suit has been filed in the U.S. Court of Claims. Since then, private landowners along the lower Mississippi, owning approximately 600,000 acres in Arkansas, Louisiana and Mississippi, have retained our firm to sue the Corps for the same reason. We lost on a statute of limitations motion to dismiss, appealed to the Court of Appeals for the Federal Circuit. Oral argument was May 6, 2026 in Washington, D.C., and we believe that we will win a remand.

Our firm led the team hired by the State of Mississippi in 2017 to pursue corporations which bribed the Mississippi Department of Corrections Commissioner to obtain contracts to provide our prisons with goods and services. We finished that assignment in October 2018, having sued and settled with 14 of these companies for a total of over \$29 million.

Barrett Law Group also represented the State of Mississippi in its effort to recover monies lost by Mississippi consumers, and by the State itself, as a result of an alleged price-fixing conspiracy among infant formula manufacturers. Don Barrett was also co-counsel for plaintiffs in thirteen state court actions involving this same price-fixing conspiracy. These cases resulted in multi-million-dollar settlements in twelve of these states, but only in the making of some bad law

in the thirteenth state (Louisiana), on a remand issue that plaintiffs lost in a tie vote (4-4) before the U.S. Supreme Court in March of 2000.

### **Accolades**

In 2020, Barrett Law Group, PA received The University of San Francisco Huntington School of Law Top Law Firm in the field of antitrust litigation.

On July 29, 2019, Barrett Law Group's Richard Barrett and Don Barrett were awarded the Public Justice Foundation's *2019 Trial Lawyer of the Year* award as part of the *Hale v. State Farm* trial team.

In 2018, Richard Barrett of Barrett Law Group was named as the best attorney in Oxford, Mississippi's "Best of Oxford."

The State of Mississippi publishes the *MS Blue Book – Official and Historical Register* every four years. The May 2017 edition has a "Defining Mississippi" section which has a photograph of Don Barrett with this blurb:

Now in the third generation of Barrett family ownership, Barrett Law Group, P.A. represents clients and litigates cases throughout the country, including tobacco, antitrust, insurance scams, defective products and pharmaceutical and consumer fraud. From his office in Lexington, attorney Don Barrett has become one of the preeminent trial lawyers in America.

The 2014 edition of *Benchmark Plaintiff, The Definitive Guide to America's Leading Plaintiff Firms*, "highly recommends" only two firms in Mississippi, and Barrett Law Group is one of them.

Don Barrett was one of the focus points of the 2000 book *Assuming the Risk: The Mavericks, The Lawyers, And The Whistle-Blowers Who Beat Big Tobacco* by Michael Orey.

In both 2010 and 2011, Richard Barrett of our firm was named one of the Top 100 Trial Attorneys in Mississippi by The Mississippi Bar Association and Mississippi Association for Justice.

David McMullan has held a Martindale rating of “AV Preeminent” since 2018 and is annually listed among the “Mid- South Super Lawyers.”

Gary M. Yarborough, Jr. of our firm was named Mid-South Super Lawyers, Rising Stars for 2014-2016.

# **Exhibit B-12**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

SAN MIGUEL HOSPITAL CORPORATION  
d/b/a ALTA VISTA REGIONAL HOSPITAL, *et al.*,  
*al.*, on behalf of themselves and all others similarly  
situated,

Plaintiff

v.

RICHARD SACKLER, *et al.*,

Defendants

Case No. 1:25-cv-1010 The

Hon. Matthew Garcia

**DECLARATION OF STEVEN A. MARTINO FILED ON BEHALF TAYLOR  
MARTINO, P.C. IN SUPPORT OF APPLICATION FOR AWARD OF EXPENSES**

I, Steven A. Martino, declare as follows:

1. I am a partner at the firm Taylor Martino, P.C. (the "Firm"). I submit this declaration in support of Interim Class Counsel's application for an award of expenses incurred in connection with this Settlement and the Purdue Bankruptcy proceedings — proceedings that gave rise to, and ultimately culminated in, this Settlement.

2. I have been appointed as Interim Class Counsel for the Settlement Classes.

3. The information in this declaration regarding the Firm's expenses is based on my personal knowledge and the expense reports kept by the Firm in the ordinary course of business.

4. As more fully described in the Declaration of Warren Burns, given the history and nature of this Settlement, Interim Class Counsel are requesting 67% of expenses incurred from the Purdue Bankruptcy proceedings as well as any expenses incurred in this specific Settlement with Settling Defendants.

5. The Firm incurred \$8,829.09 in expenses and charges in the Purdue Bankruptcy through November 12, 2025. Those expenses and charges are summarized in the attached **Exhibit A**.

6. Therefore, the Firm seeks an award of 67% of those expenses and charges, which amounts to \$5,915.49.

7. A Firm resume is attached as **Exhibit B**.

I declare under penalty of perjury that the foregoing is true and corrected. Executed this 8th day of May, 2026, in Mobile, Alabama.

  
\_\_\_\_\_  
Steven A. Martino

**EXHIBIT A**  
*Purdue Bankruptcy*  
Inception through November 12, 2025

| <b>CATEGORY</b>               | <b>AMOUNT</b>     |
|-------------------------------|-------------------|
| Travel Air and Transportation | 1,524.51          |
| Filing Fees                   | \$72.00           |
| Research                      | \$1,275.44        |
| Copies                        | \$300.75          |
| Court Reporter                | \$5,267.50        |
| Office                        | \$388.89          |
| <b>Total</b>                  | <b>\$8,829.09</b> |

**TAYLOR ♦ MARTINO**  
♦ ROWAN ♦  

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**ATTORNEYS AT LAW**

\*RICHARD H. TAYLOR  
\*STEVEN A. MARTINO  
\*EDWARD P. ROWAN  
EATON G. BARNARD

\*\*AMANDA D. SUMMERLIN  
RUTH R. LICHTENFELD  
TIFFANY N. RAY  
JOSEPH S. DENNIS  
\*Also Admitted in Mississippi  
\*Also Admitted in New York  
\*Also Admitted in Pennsylvania

**Taylor Martino, P.C., Mobile, Alabama**

Taylor Martino, P.C. ("TM") was founded in 1988 by Richard Taylor and Steven Martino. The lawyers at TM are passionate advocates for their clients, and remain deeply committed to ensuring that their clients who are harmed by the negligence of others are compensated. TM has a long history of success, and it has achieved favorable outcomes both through negotiations and through litigation.

Steven A. Martino is a senior shareholder at Taylor Martino, P.C. He concentrates primarily on wrongful death, personal injury, class action and mass-tort litigation with special emphasis on financing fraud, products liability and vehicle accidents. Mr. Martino has tried and settled many industrial and construction accident cases in the past twenty years. He has been licensed to practice in all courts of Alabama for over twenty-five years. Mr. Martino was born in Pennsylvania and raised in Cleveland, Ohio. He is married and has three children. He is a sustaining member of the Alabama Association for Justice (ALAJ).

For seven years, he served as National Co-Liaison Counsel for the Plaintiffs' Steering Committee in the Multi-District Litigation entitled in re: *Amtrak "Sunset Limited Train" Crash in Bayou Canot in Mobile, AL*, USDC Case No. CV-94-5000-RV-C, following the worst railroad disaster in U.S. history which occurred in September of 1993.

Mr. Martino served a Co-Lead Counsel in *Nealy v. Woodmen of the World*, a class action settlement of \$23.1 million, which alleged discriminatory practices by the Woodmen of the World Insurance Company in the sale and issuance of life insurance policies to African Americans. He served as Lead Class Counsel in cases against Bank One and First Tennessee Bank (multi-state class actions alleging fraud in the financing of home satellite systems, which successfully resolved); as well as on the Plaintiffs' Steering Committees in the *Carnegie v. Household International, Inc., H&R Block, et al.* (establishing a \$39 million settlement fund for misrepresentations in the offering of income tax refund anticipation loans "RALS). He also served as Lead Class Counsel in gas royalty litigation cases against Exxon and Texaco, which settled in Alabama State Court.

♦ Representing Victims for Over 30 Years ♦

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Fax: 251.433.4207

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Mobile, Alabama 36601  
Toll Free: 800.256.7728  
www.TaylorMartino.com

**EXHIBIT**

**B**

Mr. Martino represented a cross section of businesses in the BP Oil Spill litigation including: hospitals, other health care providers, beverage distributors, major real estate developers and seafood suppliers and processors, card dealerships, and ad agencies.

In addition to these cases listed above, Mr. Martino has served on several Plaintiffs' Counsel committees for many statewide and national class action cases including those against hardboard siding manufacturers, vitamin and prescription drug manufacturers/distributors, cellular phone providers, personal finance/bank institutions, oil, and insurance companies. Mr. Martino has tried over 75 jury cases to conclusion.

# **Exhibit B-13**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

SAN MIGUEL HOSPITAL CORPORATION  
d/b/a ALTA VISTA REGIONAL HOSPITAL, *et al.*,  
*al.*, on behalf of themselves and all others similarly  
situated,

Plaintiff

v.

RICHARD SACKLER, *et al.*,

Defendants

Case No. 1:25-cv-1010 The

Hon. Matthew Garcia

**DECLARATION OF CHARLES J. LADUCA FILED ON BEHALF CUNEO GILBERT  
FLANNERY & LADUCA, LLP IN SUPPORT OF APPLICATION FOR AWARD OF  
EXPENSES**

I, Charles J. LaDuca, declare as follows:

1. I am a partner at the firm Cuneo Gilbert Flannery & LaDuca, LLP (the “Firm”). I submit this declaration in support of Interim Class Counsel’s application for an award of expenses incurred in connection with this Settlement and the Purdue Bankruptcy proceedings — proceedings that gave rise to, and ultimately culminated in, this Settlement.

2. I have been appointed as Interim Class Counsel for the Settlement Classes.

3. The information in this declaration regarding the Firm’s expenses is based on my personal knowledge and the expense reports kept by the Firm in the ordinary course of business.

4. As more fully described in the Declaration of Warren Burns, given the history and nature of this Settlement, Interim Class Counsel are requesting 67% of expenses incurred from the Purdue Bankruptcy proceedings as well as any expenses incurred in this specific Settlement with Settling Defendants.

5. The Firm incurred \$34,530.31 in expenses and charges in the Purdue Bankruptcy through November 12, 2025. Those expenses and charges are summarized in the attached **Exhibit A**.

6. Therefore, the Firm seeks an award of 67% of those expenses and charges, which amounts to \$23,135.31.

7. A Firm resume is attached as **Exhibit B**.

I declare under penalty of perjury that the foregoing is true and corrected. Executed this 8th day of May, 2026, in Washington, D.C.

  
\_\_\_\_\_  
Charles J. LaDuca

**EXHIBIT A**  
***Purdue Bankruptcy***  
**Inception through November 12, 2025**

| <b>CATEGORY</b>                               | <b>AMOUNT</b>      |
|---|--------------------|
| Travel Air, Transportation, Lodging and Meals | \$31,852.25        |
| Research                                      | \$2,653.29         |
| Postage                                       | \$24.77            |
| <b>Total</b>                                  | <b>\$34,530.31</b> |

## **EXHIBIT B**

### **CUNEO GILBERT & LADUCA, LLP FIRM PROFILE**

We specialize in civil litigation in federal and state courts, including general commercial practice, antitrust, civil rights, government relations, products liability, administrative, securities, labor, and consumer law.

With a proven track record of winning in court and in Congress, we have represented and served clients since 1988 on issues of broad significance. Neither a mega-firm with 200 plus attorneys, nor a small firm with limited expertise, we are instead a group of over a dozen lawyers who together have decades of experience going to court to right wrongs. We focus on representing individuals and small businesses that have been victims of antitrust violations, faulty products, civil rights violations, and securities fraud.

#### **TRIAL AND APPELLATE**

Cuneo Gilbert & LaDuca attorneys are experienced advocates. Between them, our attorneys have:

- conducted numerous trials, the most recent of which resulted in a \$113 million verdict on behalf of our clients, and ultimately, approval of a settlement valued at \$117 million;
- argued contested motions in state and federal court and conducted quasi-adjudicative, administrative, and arbitral proceedings resulting in a final adjudication;
- argued appeals in federal circuit courts of appeal;
- argued appeals in state courts; and
- testified before Congress, state legislatures, or federal or state administrative bodies numerous times.

#### **GOVERNMENT SERVICE**

Cuneo Gilbert & LaDuca attorneys have held positions of trust in state or federal governments, including:

- One was the Executive Director of a Federal agency, the highest staff position; and
- Multiple were Assistant U.S. Attorneys or public defenders.

#### **ACADEMIC ACHIEVEMENTS/CLERKSHIPS**

Cuneo Gilbert & LaDuca attorneys have strong academic qualifications, and many were judicial clerks or interns. Multiple attorneys:

- Served as law review members or editors; and
- Served as judicial law clerks or interns.

## COMMUNITY AND CHARITY

Cuneo Gilbert & LaDuca, LLP supports many charities in our community, both in the United States and abroad. Over the past five years, CGL has contributed to organizations supporting equal justice, centers for human rights, groups combatting hunger, medical centers and universities in Israel, cancer research efforts, cancer survivor support, legal programs, law schools, juvenile justice initiatives, better government, and wounded veterans of the Iraqi and Afghanistan wars. CGL has also made a major financial commitment to help indigent clients seek representation in the District of Columbia through the “Raising the Bar” campaign of the D.C. Access to Justice Project.

## PARTNERS & FIRM MANAGEMENT COMMITTEE

**Charles J. LaDuca**, born Buffalo, New York, September 30, 1974. Admitted to the New York State Bar, 2001; District of Columbia Bar, 2002; United States Supreme Court, 2009; United States Court of Appeals for the Second Circuit, 2007; United States Court of Appeals for the Third Circuit, 2004; United States Court of Appeals for the Sixth Circuit, 2012; United States Court of Appeals for the Ninth Circuit, 2011; United States Court of Appeals for the District of Columbia Circuit, 2013; United States District Court for the Northern District of New York, 2002; United States District Court for the Western District of New York, 2004; United States District Court for the Southern District of New York, 2013; United States District Court for the District of Columbia, 2002; United States District Court for the Central District of Illinois, 2009; United States District Court for the District of Colorado, 2008; United States District Court for the Western District of Michigan, 2010. Education: George Washington University (B.A., 1996); Catholic University of America (J.D., 2000). Member: District of Columbia Bar Association (Corporation, Finance and Securities Law Section); New York State Bar Association; New York State Society.

**Pamela B. Gilbert**, born New Brunswick, New Jersey, October 3, 1958. Admitted to the New York Bar, 1985 (inactive); District of Columbia Bar 1986. Admitted to practice in D.C. Education: Tufts University (B.A., *magna cum laude*, 1980); New York University (J.D., 1984). Experience: Consumer Program Director, United States Public Interest Research Group (1984-1989); Legislative Director, Executive Director, Public Citizen’s Congress Watch (1990-1992; 1992-1994); Attorney, M+R Strategic Services (1995); Executive Director, Consumer Product Safety Commission (1996-2001); Chief Operating Officer, M+R Strategic Services (2001-2002). Honors and Activities: Board Chair, American Antitrust Institute (2010 - ); Board Member, Project on Government Oversight (2016 - ); Past member of the Board of Directors, National Environmental Law Center (2006 - 2016); Past member of Board of Directors, Equal Justice Works (2004 - 2012). Publications: PRIVATE ENFORCEMENT OF THE ANTITRUST LAWS IN THE UNITED STATES (edited by Albert A. Foer and Randy M. Stutz), “Proposals for Reform,” written with Victoria Romanenko. Member: New York Bar Association; District of Columbia Bar Association; American Bar Association; American Association for Justice; Public Justice; Consumer Attorneys of California.

**Michael J. Flannery**, born January 22, 1963. Admitted to the Virginia Bar, 1991; District of Columbia Bar, 1992; California Bar, 1998; Missouri Bar, 2001. Admitted to practice before the United States Court of Appeals for the Third Circuit; United States Court of Appeals for the Ninth Circuit; United States District Court for the Eastern District of Missouri, United States District Court for the Western District of Missouri, United States District Court for the Southern District of Illinois, United States District Court for the Northern District of Illinois, United States District Court for the Northern District of California, United States District Court for the Southern District of California, United States District Court for the Central District of California, United States District Court for the Eastern District of California, and the United States District Court for the District of Columbia. Education: University of Notre Dame (B.A., 1985); College of William and Mary Marshall-Wythe School of Law (J.D., 1991). Honors and Awards: William and Mary Law Review (1989-91); Publication of Student Note: "Abridged Too Far: Anticipatory Search Warrants and the Fourth Amendment," 32 WM. & MARY L. REV. 781 (1991) (reprinted in 14 Criminal Law Review (1992)); Teaching Assistant, William and Mary Legal Skills Program; Chief Justice, William and Mary Honor Council; Notre Dame Scholar/Edward W. Krause Academic Scholarship. Experience: Cohen, Milstein, Hausfeld & Toll, Washington, DC, 1994-1997; Milberg Weiss Bershad Hynes & Lerach, San Diego, CA, 1997-2000; Carey, Danis & Lowe, St. Louis, MO, 2000-2012.

#### ATTORNEYS

**R. Michael Smith**, born Manhattan, Kansas, May 16, 1948. Admitted to state bars of Virginia, Maryland, New York, Pennsylvania, Texas, and District of Columbia. Admitted to bars of United States Supreme Court; United States Courts of Appeals for First, Second, Third, Fourth, Sixth, Seventh, Ninth, Tenth, and District of Columbia Circuits; United States District Courts for Maryland, Eastern and Western Districts of Virginia, Eastern and Middle Districts of Pennsylvania, Southern and Eastern Districts of New York, District of Columbia, Eastern and Western Districts of Washington. Education: Colgate University (BA, *Cum Laude*, 1970); University of Chicago Law School (J.D. 1975); Georgetown University Law School (LLM 1985). Member: American Bar Association (Labor and Employment Law Section), District of Columbia Bar Association. Honors and Awards: College of Labor and Employment Lawyers; Samuel Klein *Pro Bono* Award. Military Service: United States Marine Corps (1970-1972, Honorable Discharge).

**Daniel M. Cohen**, born Detroit, Michigan, January 24, 1958. Admitted to the Florida Bar, 1989; District of Columbia Bar, 2001; Maryland State Bar, 2003; Virginia State Bar, 2010. Admitted to practice before the United States District Court for Maryland, 2002; United States District Court for the Middle District of Florida, 2003; United States District Court of District of Columbia, 2008; Eastern District of Virginia, 2010; Western District of Virginia, 2010; Southern District of Florida, 2013. Education: Ithaca College (B.A., 1981); Western New England School of Law (J.D., 1988). Experience: Criminal Defense Trial Attorney, Public Defenders Office, tried 70 jury trials, Jacksonville Florida, 1989-1999. Member: District of Columbia Bar Association (Antitrust and Consumer Law Section); Florida State Bar Association.

**Monica Miller**, born Queens, New York, May 16, 1966. Admitted to the Bar of the Commonwealth of Massachusetts, 1992; Louisiana Bar, 1993; District of Columbia Bar, 1994. Admitted to practice before the United States Courts of Appeals for the First Circuit, 1998, Fourth Circuit, 2010, Ninth Circuit, 2010, Tenth Circuit, 2011, D.C. Circuit, 2012; United States District Court for the District of Massachusetts, 1994; United States District Court for the District of the District of Columbia, 2008. Education: Tufts University (B.A., *magna cum laude*, 1988); University of Virginia (J.D., 1991). Experience: Law Clerk to the Honorable Edith Brown Clement, United States District Court for the District of Louisiana, 1991-1993; Berman, DeValerio & Pease, Boston, MA 1994-1999; sole practitioner, 1999-2008. Languages: French, Spanish.

**Mark H. Dubester**, born Washington, DC, May 17, 1955. Admitted to the District of Columbia Bar, 1980; Member of the United States District Court for the District of Columbia. Education: Tufts University (B.A., *magna cum laude*, 1977); New York University School of Law (J.D., 1980). Experience: Trial Attorney, United States Department of Justice, Antitrust Division (*AT&T* case) (1980-1983); Assistant United States Attorney, United States Attorneys Office for the District of Columbia (60 jury trials) (1983-2007); Counsel for the Committee and Special Impeachment Counsel, House Committee on the Judiciary (2007-2010); Deputy Chief Investigative Counsel, Special Inspector General for the Troubled Asset Relief Program (SIGTARP) (2011-2012); Associate General Counsel/Prosecutor, Special Inspector General for Afghanistan Reconstruction (SIGAR) (2012-2017).

**Alexandra C. Warren**, born Bucharest, Romania, October 9, 1977. Admitted to the Florida Bar, 2016; New York Bar, 2003 (retired); Massachusetts Bar, 2003 (retired); Pennsylvania Bar, 2004 (retired); District of Columbia Bar, 2007 (retired). Admitted to practice before the United States District Court for the Eastern District of Pennsylvania, 2005; United States District Court for the Western District of Pennsylvania, 2007; United States District Court for the District of Columbia, 2007; United States District Court for the Middle District of Pennsylvania, 2009; United States District Court for the Western District of Michigan, 2010; United States District Court for the District of Massachusetts, 2012; United States Court of Appeals for the Third Circuit, 2009; United States Court of Appeals for the Fifth Circuit, 2009; United States Court of Appeals for the Ninth Circuit, 2011; United States Supreme Court, 2009. Education: Brandeis University (B.A., *cum laude*, 1999); Fordham University Law School (J.D., 2002) (Fordham Environmental Law Journal, Staff). Honors: Archibald R. Murray Public Service Award (2002); Addison M. Metcalf Labor Law Prize (2002). Experience: Law Clerk to the Honorable John E. Jones III, United States District Court for the Middle District of Pennsylvania (2002-2004); Associate, MacElree Harvey, Ltd. (2004-2006). Member: Florida Bar Association.

**Jennifer E. Kelly**, born Elmira, New York, July 7, 1975. Admitted to the Maryland Bar, 2007, District of Columbia Bar, 2008. Admitted to practice before the United States District Court for the District of Columbia, 2012; United States District Court for the Eastern District of Michigan, 2016; United States Court of Federal Claims, 2018. Education: Boston University (B.A., *cum laude*, 1997), American University (J.D., *cum laude*, 2007; highest grade designation, Wills, Trusts, & Estates). Experience: Internship, Parliament of Great Britain (1995); Internship, District of Columbia Corporation Counsel (1996); Legislative Assistant, Office of Senator Robert C. Byrd (1998-2002); American University Civil Practice Clinic (Oral Argument before the Maryland Court of Special Appeals and Maryland District Court Small Claims Trial) (2006); Associate, Bracewell, LLP (2007-2009) (Paralegal, 2003-2007); Volunteer Attorney, American Red Cross (2010-2011). Honors and Awards: Super Lawyers Rising Star 2015-2017 for Washington, DC area.

**Brendan S. Thompson**, born Buffalo, New York, February 21, 1974. Admitted to the Maryland Bar, 2008; Admitted to practice before the United States District Court for the District of Colorado, 2008; United States District Court for the Central District of Illinois, 2008; United States Court of Appeals for the Ninth Circuit, 2011. Education: University of Detroit (B.S., 1997); visiting student, George Mason Law School; University of Baltimore Law School (J.D., 2008). Experience: Student Internships: Congressman Brian Higgins (D-NY) (2007); Chambers of the Honorable LeRoy F. Millett Jr., Circuit Court for the 31st Judicial Circuit of Virginia (2006); The Commonwealth's Attorney's Office for Prince William County, Virginia (2005). Member: Maryland State Bar Association, Bar Association of Baltimore City, American Bar Association; New York State Society.

**Christian Hudson**, born Southampton, New York, July 26, 1985. Admitted to the New York Bar, 2013. Admitted to practice before the United States District Court for the Southern District of New York, 2013; Eastern District of Texas, 2014; Eastern District of New York, 2018. Education: New York University (J.D., 2012); Yale University (B.A., with distinction, 2007). Experience: Associate, Gibson, Dunn & Crutcher LLP (2012-2018). Member: The Sedona Conference; LeGaL, the LGBT Bar Association of New York; American Bar Association.

**Amanda G. Lewis**, born Manhasset, New York, August 27, 1980. Admitted to the New York Bar, 2009. Admitted to practice before the United States District Court for the Southern District of New York and United States Court of Appeals for the Second Circuit. Education: Columbia University School of Law (J.D., Harlan Fiske Stone Scholar, 2008); New York University (B.A., *summa cum laude*, 2002). Experience: Associate, Cravath, Swaine & Moore LLP (2008-2009; 2010-2012); Law clerk to the Honorable Lawrence M. McKenna, United States District Court for the Southern District of New York (2009-2010); Attorney, Federal Trade Commission (2012-2022); Counsel on Detail to the Subcommittee on Antitrust, Commercial, and Administrative Law, United States House of Representatives Committee on the Judiciary Committee (2019-2022). Member: Advisory Board for American Antitrust Institute ("AAI") (2023-Present); American Bar Association, Antitrust Section, Co-Chair U.S. Comments and Policy Committee (2022-Present); Vice Chair, Health Care and Pharmaceuticals Committee, (2017-2022); Executive Editor, Antitrust Health Care Chronicle (2014-2022); Advisory Board, American Antitrust Institute ("AAI") (2023-Present) Awards: Janet D. Steiger Award for contributions to Staples/Office Depot Litigation (2016); Janet D. Steiger Award for contributions to Sysco/U.S. Foods Litigation (2015); Janet D. Steiger Award for contributions to Phoebe Putney/Palmyra Litigation (2013); Above & Beyond Award, Sanctuary for Families (2009).

**Cody McCracken**, born Havre, Montana, March 9, 1997. Admitted to the District of Columbia Bar, 2022; Montana Bar (*pending 2023*). Admitted to practice before the United States District Court for the District of Columbia, 2023. Education: William & Mary Law School (J.D., 2022), Montana State University (B.A., 2018). Member: American Agricultural Law Association. Publications: *Old MacDonald had a Trust: How Market Consolidation in the Agricultural Industry, Spurred on by a Lack of Antitrust Law Enforcement, is Destroying Small Agricultural Producers*, 13 Wm. & Mary Bus. L. Rev. 575 (2022); *Good For Business, Bad For Animals: The Rise of Industrialized Agriculture and Its Impact on Agricultural Animal Welfare*, 14 J.A.E.L. (Fall 2022).

**Lissa Morgans**, born Washington, DC, August 4, 1992. Admitted to the District of Columbia Bar, 2017. Admitted to practice before the United States Court of Appeals for the Fourth Circuit, 2023. Education: George Washington University Law School (J.D. with Honors, 2017) (Senior Editor, Law Journal), University of Virginia (B.A. with Distinction, 2014). Member: American Bar Association Antitrust Section. Publications: *Freedom of Speech, The War on Terror, and What's YouTube Got to Do with it: American Censorship During Times of Military Conflict*, 69 Fed. Comm. L.J. 145 (2017). Experience: Law clerk, United States District Court for the Eastern District of North Carolina (2017-2020); Assistant Public Defender, Alaska Public Defender Agency (2020-2021); Staff law clerk, United States Court of Appeals for the Fourth Circuit (2022-2023).

### SPECIAL COUNSEL

**Robert J. Cynkar**, born Chicago, Illinois, April 22, 1952. Admitted to the Illinois Bar, 1977; District of Columbia Bar, 1978; Virginia Bar, 1984. Admitted to practice before the United States Supreme Court and before the United States Courts of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Eighth, Eleventh, District of Columbia Circuit, and Federal Circuits. Education: Princeton University (A.B., *magna cum laude*, 1974); New York University School of Law (J.D., 1977) (Staff, Law Review). Experience: Associate, Fried, Frank, Harris, Shriver & Kampelman, Washington, D.C. (1977-1979); Counsel to Chairman Bob Dole, Subcommittee on Improvements in Judicial Machinery, United States Senate Committee on the Judiciary (1979-1981); General Counsel to Chairman Paul Laxalt, Subcommittee on Regulatory Reform, United States Senate Committee on the Judiciary (1981-1983); Assistant United States Attorney, Eastern District of Virginia (Criminal Division) (1983-1985); Special Assistant to Attorney General Edwin Meese (1985); Deputy Assistant Attorney General, Civil Division, United States Department of Justice (1985-1988); Associate, Shaw, Pittman, Potts & Trowbridge, Washington, D.C. (1988-1991); Partner, Shaw, Pittman, Potts & Trowbridge, Washington, D.C. (1991-1996); Founding Partner, Cooper & Kirk, Washington, D.C. (1996-2003); Partner, Egan, Fitzpatrick, Malsch & Cynkar, Vienna, Virginia (2004-2006); has tried over 25 cases in federal and state courts; has briefed numerous appeals in the majority of Federal Circuits and in State Supreme Courts, and in the U. S. Supreme Court, and personally argued many of those appeals. Sample Noteworthy Cases: *U.S. v. Fleming* (E.D. Va. 1984) (successful prosecution of a drunk driver who killed a mother of 11 for second-degree murder); *U.S. v. Winstar* (U.S. Sup. Ct. 1996) (holding that even the requirements of a broad change in regulatory policy by Congress cannot excuse the federal government's breach of contract); *U.S. ex rel. Ubl v. IIF Data Solutions* (E.D. Va. 2009) (successful defense of a government contractor accused of violating the False Claims Act in a bet-the-company case); *Livingston v. Virginia Dept. of Transportation* (Va. Sup. Ct. 2012) (establishing that a damaging for public use does not need to rise to the level of a taking to qualify for just compensation under the Virginia Constitution); *Settle v. RGR*, (Prince William Cir. Ct. 2012)(over \$3 million jury award for the widow of a truck driver killed in a collision with a train). Publications: *Dumping on Federalism*, 75 U. COLO. L. REV. 1261 (2004); *The Changing Vocabulary of Administrative Law*, 43 FOOD DRUG COSM. L.J. 681 (1988); "Buck v. Bell: 'Felt Necessities' v. Fundamental Values?" 81 COLUM. L. REV. 1418 (1981). Member: District of Columbia Bar Association; Virginia Bar Association; Fairfax County Bar Association; Federalist Society.

## OF COUNSEL

**Charles Tiefer**, born January 21, 1954. Admitted to the District of Columbia Bar. Admitted to practice before the United States Supreme Court; United States Court of Federal Claims. Education: Columbia University (B.A., *summa cum laude*, 1974), Harvard Law School (J.D., *magna cum laude*, 1977) (Member, Harvard Law Review). Experience: Law clerk, United States Court of Appeals for the D.C. Circuit (1977-1978); Trial Attorney, United States Department of Justice, Civil Rights Division (1978-1979); Assistant Senate Legal Counsel, United States Senate (1979-1984); Solicitor and Deputy General Counsel, United States House of Representatives (1984-1995); Professor of Law, University of Baltimore School of Law (1995 - ). Publications: VEERING RIGHT: HOW THE BUSH ADMINISTRATION SUBVERTS THE LAW FOR CONSERVATIVE CAUSES (U. Cal. Berkeley, 2004); GOVERNMENT CONTRACT LAW: CASES AND MATERIALS (co-author) (Carolina Academic Press, 2d ed., 2004); THE SEMI-SOVEREIGN PRESIDENCY (Westview, 1994); CONGRESSIONAL PRACTICE AND PROCEDURE (Greenwood Press, 1989); *Congress's Transformative "Republican Revolution" in 2001-2006 and the Future of One-Party Rule*, J. L. & POL. OF U. VA. (2008); *The Iran Debacle: The Rise and Fall of Procurement-Aided Unilateralism as a Paradigm of Foreign War*, UNIV. PENN. J. INT'L ECON. LAW (2008); *Can Appropriation Riders Speed Our Exit From Iraq?* 42 STAN. J. INT'L L. 291 (2006); *The Gold Train Case: Successfully Suing the United States on Behalf of a Class of Holocaust-Era Victims*, 27 CLASS ACTION REP. 136 (2006); *Cancellation and Termination Without Forfeiture*, 54 MERCER L. REV. 1031 (2003). Member: District of Columbia Bar Association.

**David W. Stanley**, born St. Louis, Missouri, May 30, 1944. Admitted to the District of Columbia Bar, 1973; Virginia State Bar, 1972. Admitted to practice before the United States Supreme Court, 1980; United States Court of Appeals for the District of Columbia Circuit, 1978; United States District Court for the District of Columbia, 1974. Education: University of Virginia (B.A., 1966); University of Virginia School of Law (J.D., 1972). Experience: Law clerk to Honorable Gerard D. Reilly, Chief Judge, District of Columbia Court of Appeals (1972-1973). Assistant U.S. Attorney, U.S. Attorney's Office for the District of Columbia, 1973-1984 (Fraud Division, 1981-1984); Assistant Chief Trial Attorney, Division of Enforcement, U.S. Securities and Exchange Commission (1984-1987); Of Counsel, Swidler & Berlin, Chartered (1987-1992). Member: District of Columbia Bar Association (Corporation, Finance and Securities Law Section; Litigation Section); Assistant U.S. Attorneys Association (President, 1994-1995); Association of Securities and Exchange Commission Alumni; The Barristers.

**Bradford E. Kile**. Admitted to the District of Columbia Bar. Admitted to practice before the United States Supreme Court, United States Court of Appeals for the Federal, Fourth, and DC Circuits, United States District Court for the District of Columbia and Eastern District of Virginia. Registered to practice before the United States Patent and Trademark Office – Reg. No. 25,223. Education: The Ohio State University (B. Mech. Engr., 1966); The George Washington University (J.D., 1970; LL.M. 1978). Publications: *Legal 'X-Games' Risk: Officer and Director Passive Retention of Personal Liability for Patent Infringement*, 7 IP Litigator 11 (2001); "Lotus v. Borland-Copyright Protection of Computer Software in a State of Transition," Copyright World, 1995. Member: American Bar Association; Fellow of the Inn – Giles S. Rich American Inn of Court; American Intellectual Property Law Association; Federal Circuit Historical Society.

# **Exhibit B-14**

TED TATE D T CTC T  
F T E D T CT F E ME C

SA MIGUEL HOSPITAL CORPORATIO  
d/b/a ALTA VISTA REGIO AL HOSPITAL, *et. al.*, on behalf of themselves and all others similarly  
situated,

Plaintiff

v.

RICHARD SAC LER, *et al.*,

Defendants

Case o. 1 25 cv 1010

The Hon. Matthew Garcia

DECLA AT FM C AEL L. BE T F LED BE ALF BE T LA  
F M ,PC PP T F APPL CAT F A A D FE PE E

I, Michael L. Roberts, declare as follows

1. I am a partner at the firm Roberts Law Firm US, PC the firm. I submit this declaration in support of Interim Class Counsel's application for an award of expenses incurred in connection with this Settlement and the Purdue Bankruptcy proceedings proceedings that gave rise to, and ultimately culminated in, this Settlement.

2. The firm has represented acute care hospitals in the ACH Opioids Litigation and throughout the Purdue Bankruptcy.

3. The information in this declaration regarding the firm's expenses is based on my personal knowledge and the expense reports kept by the firm in the ordinary course of business.

4. As more fully described in the Declaration of Warren Burns, given the history and nature of this Settlement, Interim Class Counsel are requesting 67% of expenses incurred from the Purdue Bankruptcy proceedings as well as any expenses incurred in this specific Settlement with Settling Defendants.

5. The firm incurred \$9,260.38 in expenses and charges in the Purdue Bankruptcy through November 12, 2025. Those expenses and charges are summarized in the attached **Exhibit A**.

6. Therefore, the firm seeks an award of 67% of those expenses and charges, which amounts to \$6,204.45.

7. A firm resume is attached as **Exhibit B**.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 8th day of May, 2026, in Dallas, Texas.



Michael L. Roberts

**EXHIBIT A**  
***Purdue Bankruptcy***  
**Inception through November 12, 2025**

| CATEGORY                      | AMOUNT            |
|-------------------------------|-------------------|
| Lodging                       | \$1,401.97        |
| Meals                         | \$63.71           |
| Travel Air and Transportation | \$3,561.97        |
| Research                      | \$4,232.73        |
| <b>Total</b>                  | <b>\$9,2 0. 8</b> |

# Exhibit B



# ROBERTS LAW FIRM

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ROBERTS GROUP

## **FIRM RESUME**

Complex Litigation

1920 McKinney Ave., Suite 700  
Dallas, TX 75201  
Phone: (501) 821-5575  
<http://robertsgroup.us/>

## FIRM OVERVIEW

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Founded in 1990, Roberts Law Firm US, PC is a full-service law firm with a worldwide client base, integrating business law with a world vision. We utilize our team of highly experienced and reputable attorneys to deliver cost-effective client-focused representation on a variety of legal issues including, but not limited to antitrust litigation, data breach litigation, intellectual property law, business based litigation, and general corporate law.

Our firm was founded on the principle that business and individual clients deserve powerful, sophisticated representation, where client priorities are paramount, and winning strategies flourish. This mission guides our firm in every client interaction, from domestic corporate clients to those in the Far East. Our full service law firm is headquartered in Dallas, Texas, with presence in Arkansas, Colorado, Illinois, Massachusetts, New Mexico, and New York.

Our firm boasts energetic, highly credentialed attorneys dedicated to exceeding client expectations. Efficiency is valued. Exhaustive analysis is the norm. Disciplined case management is the prevailing philosophy.

Our firm has provided legal services to a wide variety of clients, including institutions of higher education, such as the University of Arkansas for Medical Sciences (UAMS), and other large and sophisticated clients, such as Wal-Mart Stores, Inc., Tyson Foods Corporation, AT&T Corporation, Georgia Pacific Corporation, Uni-Arab Corporation, Home Depot Stores, Federal Express Corporation, Southwest Airlines, USA Drug Stores, Inc., Walgreens, Inc., RBX Industries, ASUSTek Computer, Inc. (Taiwan), Compal Electronics, Inc., (Taiwan), AMTRAN Technology Co., Ltd (Taiwan), Foxlink International, Inc., Arkansas Capital Corporation, and Little Rock Diagnostic Clinic.

Roberts Law Firm is a Certified Minority Business Enterprise. Our firm is a member of the NAMWOLF (National Association of Minority and Women Owned Law Firms, Inc.) and is also a member of the National Minority Supplier Development Council, Inc.

## MIKE ROBERTS, MANAGING PARTNER

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### Practice Areas

Antitrust and Complex Litigation  
Business Transactions  
Insurance Coverage and Contract Law  
Insurance Defense and General Liability  
International Business Law and Litigation  
Utility Law  
Workers Compensation and Administrative Law

### Education

University of Arkansas Bowen School of Law, J.D.

### Admissions

1990, Arkansas  
1993, U.S. District Court, Eastern District of Arkansas  
2003, U.S. Court of Appeals, Eighth Circuit  
2006, Tennessee  
2006, Texas  
2006, U.S. Supreme Court  
2008, Florida  
2010, New York  
2011, Eastern District of Wisconsin  
2019, Illinois

### Publications

Co-Author, *Arkansas Workers' Compensation Law Manual Legislation and Commentary*, 1995, 1997, 1999, 2001 and 2003 editions.

### Community Involvement

Arkansas Economic Development Commissioner  
Juvenile Diabetes Research Foundation, President

### Memberships

Arkansas Bar Association

- Secretary, Workers' Compensation Section, 1996 – 1997
- Chair-Elect, Workers' Compensation Section, 1997 – 1998

Mike Roberts is the Chairman & CEO of Roberts Group, which encompasses Roberts Law Firm, P.A.; Roberts International, LLC; Roberts Government Relations Strategies, LLC; and Made in USA Works! LLC. He primarily works in areas of international economic and business development, law, government relations, and consulting.

Roberts Law Firm is a Certified Minority Business Enterprise in Arkansas with three divisions: Corporate, Intellectual Property, and Complex Class Litigation. Mr. Roberts, owner and manager of the firm, is a

certified minority. The firm is a member of NAMWOLF (The National Association of Minority and Women Owned Law Firms, Inc.) and is also a member of the National Minority Supplier Development Council, Inc. Practice areas predominately involve complex class action litigation representing corporate clients against wrongful or illegal conduct. Roberts Law Firm provides legal services to a number of top Fortune 500 companies and represents OEM companies in Vietnam, Taiwan and China as well as companies in Europe, Central Asia, and the Middle East.

Mr. Roberts is licensed in Arkansas, Florida, Illinois, Tennessee, Texas, and New York. He is also admitted before the United States Supreme Court and several U.S. Federal District Courts. His firm handles litigation for clients across the United States and around the globe. Clients include corporations from Abu Dhabi, Dubai, Greece, England, Taiwan, China, and the United States. The firm has served as counsel for Plaintiff-Corporations in individual and class action cases, and has successfully assisted recovery of hundreds of millions of dollars for its clients.

Mr. Roberts has served as co-lead counsel in multiple complex class actions, including the following: *In re Microsoft Antitrust Indirect Purchaser Litigation* in Arkansas (case settled early); *In re Pilot Flying J Rebate Litigation* (a nationwide class action which settled within two months from initially filed complaint); *In re Aftermarket Automotive Sheet Metal Antitrust Litigation* (third party payor action); and *In re Parking Heaters Antitrust Litigation* (direct purchaser action). Mr. Roberts served as Co-Lead Settlement Class Counsel in *Ori vs. Fifth Third Bank* case and also served on the Plaintiffs' Steering Committee in the *Heartland Bank* data breach case.

In 2006, Arkansas Governor Mike Beebe appointed Mr. Roberts to serve on the Arkansas Economic Development Commission. In 2010, Governor Beebe appointed him to a second term, and in 2015, Governor Asa Hutchinson appointed him to a third term. Under the leadership of Mr. Roberts as Chairman of the Commission, the State added thousands of jobs and many companies located their businesses in Arkansas. Mr. Roberts has organized and led a number of trade missions to China, Taiwan, UAE, Vietnam, Bulgaria, Kazakhstan, and Panama. In addition, he has worked frequently with the Governor to guide foreign companies in establishing strategic relationships that will facilitate access to the American supply chain hub. As an Economic Development Commissioner, Mr. Roberts understands the importance of maintaining the integrity and reputation of local companies who drive and draw economic development and job creation.

Mr. Roberts has long-standing relationships throughout Asia and has traveled there extensively. Mr. Roberts previously represented the government of Pakistan and has worked with corporate clients in Cuba, China, Taiwan, Libya, Europe, Pakistan, Vietnam, United Arab Emirates, Bulgaria, and Greece. He has three decades of experience practicing law where he has represented Fortune 500 companies in the United States, Asia, Europe, and the Middle East. He has an extensive background and experience in assisting companies expand into global markets, and has facilitated a bilateral trade MOU between Vietnam and the U.S.

Mr. Roberts is domiciled and works in Dallas, Texas.

## **MICHAEL L. ROBERTS, MANAGING PARTNER**

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Michael L. Roberts has served as lead and co-lead counsel and on executive committees in multiple complex class actions, as described below. He has significant experience in antitrust law, class action practice, electronic discovery, case investigation, and settlement negotiation. Mr. Roberts has worked and continues to work tenaciously and efficiently towards the best outcome for his clients. As the owner and manager of the Roberts Law Firm US, PC, Mr. Roberts is licensed to practice law in Arkansas, Florida, Tennessee, Texas, New York, and Illinois.

### **Appointments as Co-Lead Counsel**

*In re Dairy Antitrust Litig., First Impressions Salon, Inc., et al. v. National Milk Producers Federation*, United States District Court for the Southern District of Illinois Case No. 3:13-cv-00454- NJR-SCW (Appointed as Co-Lead Counsel for Antitrust Direct Purchaser Plaintiffs; Court has granted preliminary approval of class settlement). Judge Nancy J. Rosenstengel; Magistrate Judge Stephen C. Williams.

*In re Direct Purchaser Insulin Pricing Litig.*, United States District Court for the District of New Jersey, Case No. 3:20-cv-03426 (Appointed Co-Lead Counsel for Direct Purchaser Plaintiffs Class). Judge Brian R. Martinotti.

*In re: Outpatient Medical Center Employee Antitrust Litig.*, United States District Court for the Northern District of Illinois, Case No. 1:21-cv-00305 (Appointed Co-Lead Counsel for Plaintiffs Class). Judge Sunil R. Harjani; Magistrate Judge Young B. Kim.

*In re: Zytiga Litig.*, United States District Court for the District of New Jersey, Case No. 2:19-cv-12107 (Appointed Co-Lead Counsel for Direct Purchaser Plaintiffs Class). Judge Kevin McNulty.

*In re HIV Antitrust Litig., Staley et al. v. Gilead Sciences, Inc. et al.*, United States District Court for the Northern District of California Case No. 3:19-cv-02573 (Appointed Co-Lead Counsel for Direct Purchaser Plaintiffs Class; case settled just before trial for \$247 million). Judge Edward M. Chen.

*In re Parking Heaters Antitrust Litigation* United States District Court for the Eastern District of New York, Case No. 15-mc-940-JG-JO (Appointed Co-Lead Interim Counsel for Direct Purchaser Plaintiffs; case settled). Chief Judge Dora Lizette Irizarry; Magistrate Judge James Orenstein.

*Fond Du Lac Bumper Exchange v. Jui Li Enterprise Co. Ltd.* ("AM Sheet Metal Antitrust Litigation"), United States District Court for the Eastern District of Wisconsin, Case No. 2:11 CV 00162 - LA (Appointed Co-Lead Counsel for Third Party Payor Plaintiffs; case settled). Judge Lynn Adelman.

*National Trucking Financial Reclamation Services, LLC vs. Pilot Corporation, Pilot Travel Centers d/b/a Pilot Flying J, et al*, United States District Court for the Eastern District of Arkansas, Case No. 4:13-cv-00250-JMM. (Appointed Co-Lead Counsel; Michael Roberts was appointed settlement class counsel; case settled in eight months for \$84 million plus injunctive relief). Judge James M. Moody.

*In re Microsoft Antitrust Litigation: Paul Peek, D.D.S., et al. v. Microsoft Corporation*, Circuit Court of Pulaski County, Arkansas, Twelfth Division, No. CV06-2612 (Appointed Co-Lead Settlement Class Counsel) (case settled for \$37 million). Judge Alice Gray.

*In re Ori vs. Fifth Third Bank and Fiserv, Inc.*, United States District Court for the Eastern District of Wisconsin, Case No. 08-CV-00432-LA. (Appointed Co-Lead Settlement Class Counsel; case settled). Judge Lynn Adelman; Magistrate Judge Patricia J. Gorence.

*In re Generic Pharmaceuticals Antitrust Litigation*, United States District Court for the Eastern District of Pennsylvania, Case No. 2:16-md-02724-CMR, MDL No. 2724 (Court-Appointed Member of the Direct Purchaser Plaintiffs' Steering Committee). Judge Cynthia M. Rufe.

*In re Vascepa Antitrust Litigation, KPH Healthcare Services, Inc. v. Amarin Pharma, Inc.*, United States District Court for the District of New Jersey, Case No. 3:21-cv-12747-ZNQ-RLS (Appointed Co-Lead Counsel for Direct Purchaser Plaintiffs Class). Judge Robert Kirsch.

### Other Leadership Roles

*In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litig.*, United States District Court for the Eastern District of New York, Case No. 1:18-cv-02819-NG-LB (Michael Roberts was appointed to the Plaintiffs' Executive Committee for Direct Purchaser Plaintiffs). Judge Nina Gershon; Magistrate Judge Lois Bloom.

*In re Glumetza Antitrust Litig.*, United States District Court for the Northern District of California, Case No. 3:19-cv-05822 (Appointed to Plaintiffs' Executive Committee for Direct Purchaser Plaintiffs). Judge William Alsup.

*In re Effexor XR Antitrust Litigation*, United States District Court for the District of New Jersey, Case No. 3:11-cv-05479-PGS-LHG (Appointed Co-Chair Discovery Committee for Direct Purchaser Plaintiffs). Judge Peter G. Sheridan; Magistrate Judge Lois H. Goodman.

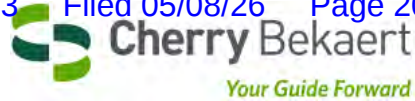
*In re Heartland Payment Systems Inc. Customer Data Security Breach Litigation*, United States District Court for the Southern District of Texas, Case No. H-09-MD-2046 (Appointed as a member of the Steering Committee; case settled). Judge Lee H. Rosenthal.

*In re U.S. DRAM Antitrust Litig.*, United States District Court for the Northern District of California, Case No. 4:02-md-01486-PJH (settled for approximately \$300 million), Judge Phyllis J. Hamilton; Magistrate Judge Joseph C. Spero; Michael Roberts represented indirect purchasers in the Arkansas class action, *Bruce K. Burton, M.D., P.A. Malvern Diagnostic Clinic, et al. v. Micron Technology, Inc., et al.* Circuit Court of Hot Spring County, Arkansas, First Division, Case No. CV-2004-226-1, Circuit Judge Lynn Williams.

*In re: Zetia (Ezetimibe) Antitrust Litig.*, United States District Court for the Eastern District of Virginia, Case No. 2:18-md-02836 (Appointed to Plaintiffs' Executive Committee for Direct Purchaser Plaintiffs). Judge Mark S. Davis.

*In re: Skelaxin (Metaxalone) Antitrust Litig.*, United States District Court for the Eastern District of Tennessee, Case No. 2:12-cv-00083 (Appointed to the Plaintiffs' Executive Committee for Direct Purchaser Plaintiffs). Judge Curtis L. Collier.

# **Exhibit B-15**



CHERRY BEKAERT

P.O. BOX 632239

CINCINNATI, OH 45263-2239 (804) 285-0892

Barrett Law Group, PA  
 Marie Thomas  
 404 Court Square  
 PO Box 927  
 Lexington, MS 39092

**Invoice No.** 507733  
**Date** 03/31/2026  
**Client No.** 80241951

For any questions regarding your invoice, please reach out to your Cherry Bekaert contact or email [invoicing@cbh.com](mailto:invoicing@cbh.com).

### Professional Services Rendered as of March 31, 2026

Barrett Law Group, PA -FDAS - Sackler Parties Settlement

| <u>Date</u> | <u>Service</u>  | <u>Staff</u>      | <u>Hours</u> | <u>Amount</u> |
|-------------|---|-------------------|--------------|---------------|
| 11/06/2025  | Forensics<br>Claim Form, Notice List and Website Development and Administration | Audette LeBlanc   | 3.00         | \$660.00      |
| 11/06/2025  | Forensics<br>Claim Form, Notice List and Website Development and Administration | Jennifer Leger    | 5.75         | \$1,495.00    |
| 11/07/2025  | Forensics<br>Claim Form, Notice List and Website Development and Administration | Jonathan Williams | 1.00         | \$260.00      |
| 11/07/2025  | Forensics<br>Claim Form, Notice List and Website Development and Administration | Lori Smith        | 1.25         | \$587.50      |
| 11/12/2025  | Forensics<br>Claim Form, Notice List and Website Development and Administration | Jennifer Leger    | 4.00         | \$1,040.00    |
| 11/17/2025  | Forensics<br>Claim Form, Notice List and Website Development and Administration | Jennifer Leger    | 3.25         | \$845.00      |
| 11/17/2025  | Forensics<br>Claim Form, Notice List and Website Development and Administration | Jonathan Williams | 2.00         | \$520.00      |
| 11/17/2025  | Forensics<br>Claim Form, Notice List and Website Development and Administration | Lori Smith        | 0.50         | \$235.00      |

Advisory and Tax services are provided by Cherry Bekaert Advisory LLC.  
 All Attest services are provided by Cherry Bekaert LLP.

**TERMS:** Invoices are payable on presentation. A service charge will be added to past due accounts equal to 1½% per month (18% annually) on the previous month's balances less payments received during the month, with a minimum charge of \$2.00 per month.

Our **Client PROMISE** demonstrates Cherry Bekaert's commitment to delivering superior client service. We welcome your feedback ([CBPromise@cbh.com](mailto:CBPromise@cbh.com)). Thank you for the confidence you have placed in us!

Barrett Law Group, PA  
Invoice No 507733

|            |  |                   |      |            |
|------------|--|-------------------|------|------------|
| 11/18/2025 | Forensics  | Jennifer Leger    | 6.00 | \$1,560.00 |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 11/18/2025 | Forensics  | Jonathan Williams | 0.75 | \$195.00   |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 11/18/2025 | Forensics  | Lori Smith        | 1.00 | \$470.00   |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 11/24/2025 | Forensics  | Jennifer Leger    | 3.75 | \$975.00   |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 11/24/2025 | Forensics  | Jonathan Williams | 0.50 | \$130.00   |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 11/24/2025 | Forensics  | Lori Smith        | 1.00 | \$470.00   |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 01/13/2026 | Forensics  | Jennifer Leger    | 5.25 | \$1,417.50 |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 01/13/2026 | Forensics  | Jonathan Williams | 1.00 | \$270.00   |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 01/13/2026 | Forensics  | Lori Smith        | 1.00 | \$520.00   |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 01/14/2026 | Forensics  | Lori Smith        | 1.50 | \$780.00   |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 01/15/2026 | Forensics  | Jennifer Leger    | 3.75 | \$1,012.50 |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 01/15/2026 | Forensics  | Lori Smith        | 0.50 | \$260.00   |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 01/20/2026 | Forensics  | Jennifer Leger    | 2.25 | \$607.50   |

Barrett Law Group, PA  
 Invoice No 507733

|            |           |  |      |  |            |
|------------|-----------|--|------|--|------------|
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 01/20/2026 | Forensics | Lori Smith   | 0.50 |  | \$260.00   |
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 01/21/2026 | Forensics | Jennifer Leger   | 3.00 |  | \$810.00   |
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 01/21/2026 | Forensics | Lori Smith   | 1.25 |  | \$650.00   |
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 01/22/2026 | Forensics | Lori Smith   | 0.75 |  | \$390.00   |
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 01/23/2026 | Forensics | Jennifer Leger   | 1.00 |  | \$270.00   |
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 01/28/2026 | Forensics | Lori Smith   | 0.75 |  | \$390.00   |
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 01/30/2026 | Forensics | Jonathan Williams  | 4.75 |  | \$1,282.50 |
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 02/02/2026 | Forensics | Lori Smith   | 1.00 |  | \$520.00   |
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 02/04/2026 | Forensics | Jonathan Williams  | 0.75 |  | \$202.50   |
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 02/05/2026 | Forensics | Jonathan Williams  | 0.50 |  | \$135.00   |
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 02/09/2026 | Forensics | Jonathan Williams  | 1.25 |  | \$337.50   |
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 02/13/2026 | Forensics | Jonathan Williams  | 0.50 |  | \$135.00   |
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |

Barrett Law Group, PA  
 Invoice No 507733

|            |  |                   |      |            |
|------------|--|-------------------|------|------------|
| 02/23/2026 | Forensics  | Lori Smith        | 0.50 | \$260.00   |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 02/24/2026 | Forensics  | Jennifer Leger    | 3.00 | \$915.00   |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 02/24/2026 | Forensics  | Lori Smith        | 1.00 | \$520.00   |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 02/25/2026 | Forensics  | Jennifer Leger    | 6.25 | \$1,906.25 |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 02/25/2026 | Forensics  | Jonathan Williams | 1.50 | \$405.00   |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 02/25/2026 | Forensics  | Lori Smith        | 2.00 | \$1,040.00 |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 02/26/2026 | Forensics  | Jennifer Leger    | 5.00 | \$1,525.00 |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 02/26/2026 | Forensics  | Jonathan Williams | 0.50 | \$135.00   |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 02/27/2026 | Forensics  | Jennifer Leger    | 4.75 | \$1,448.75 |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 02/27/2026 | Forensics  | Lori Smith        | 1.50 | \$780.00   |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 02/27/2026 | Forensics  | Sonia Long        | 1.50 | \$345.00   |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 02/27/2026 | Forensics  | Audette LeBlanc   | 2.50 | \$675.00   |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 03/02/2026 | Forensics  | Audette LeBlanc   | 3.50 | \$945.00   |

Barrett Law Group, PA  
 Invoice No 507733

|            |           |  |      |  |            |
|------------|-----------|--|------|--|------------|
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 03/02/2026 | Forensics | Lori Smith   | 1.00 |  | \$520.00   |
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 03/02/2026 | Forensics | Sonia Long   | 2.50 |  | \$575.00   |
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 03/02/2026 | Forensics | Jonathan Williams  | 0.50 |  | \$135.00   |
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 03/03/2026 | Forensics | Jennifer Leger   | 6.25 |  | \$1,906.25 |
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 03/03/2026 | Forensics | Lori Smith   | 1.00 |  | \$520.00   |
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 03/05/2026 | Forensics | Jonathan Williams  | 0.75 |  | \$202.50   |
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 03/09/2026 | Forensics | Jennifer Leger   | 3.00 |  | \$915.00   |
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 03/10/2026 | Forensics | Jennifer Leger   | 1.00 |  | \$305.00   |
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 03/11/2026 | Forensics | Lori Smith   | 0.50 |  | \$260.00   |
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 03/17/2026 | Forensics | Audette LeBlanc  | 4.00 |  | \$1,080.00 |
|            |           | MLNK - 3rd Distribution  |      |  |            |
| 03/18/2026 | Forensics | Audette LeBlanc  | 3.00 |  | \$810.00   |
|            |           | Claim Form, Notice List and Website Development and Administration |      |  |            |
| 03/23/2026 | Forensics | Jennifer Leger   | 1.75 |  | \$533.75   |
|            |           | Naloxone Processing and Administration                             |      |  |            |
| 03/23/2026 | Forensics | Lori Smith   | 1.50 |  | \$780.00   |

Barrett Law Group, PA  
 Invoice No 507733

|            |  |               |                |                    |
|------------|--|---------------|----------------|--------------------|
|            | Claim Form, Notice List and Website Development and Administration |               |                |                    |
| 03/24/2026 | Forensics Jennifer Leger   | 3.00          |                | \$915.00           |
|            | Claim Form, Notice List and Website Development and Administration |               |                |                    |
| 03/24/2026 | Forensics Lori Smith   | 2.50          |                | \$1,300.00         |
|            | Claim Form, Notice List and Website Development and Administration |               |                |                    |
| 03/25/2026 | Forensics Jennifer Leger   | 6.00          |                | \$1,830.00         |
|            | Naloxone Processing and Administration                             |               |                |                    |
| 03/25/2026 | Forensics Lori Smith   | 2.00          |                | \$1,040.00         |
|            | Claim Form, Notice List and Website Development and Administration |               |                |                    |
| 03/26/2026 | Forensics Jennifer Leger   | 5.75          |                | \$1,753.75         |
|            | Claim Form, Notice List and Website Development and Administration |               |                |                    |
| 03/26/2026 | Forensics Lori Smith   | 1.75          |                | \$910.00           |
|            | Claim Form, Notice List and Website Development and Administration |               |                |                    |
| 03/27/2026 | Forensics Jennifer Leger   | 3.75          |                | \$1,143.75         |
|            | Claim Form, Notice List and Website Development and Administration |               |                |                    |
| 03/30/2026 | Forensics Jonathan Williams  | 0.75          |                | \$202.50           |
|            | Claim Form, Notice List and Website Development and Administration |               |                |                    |
| 03/30/2026 | Forensics Audette LeBlanc  | 2.50          |                | \$675.00           |
|            | Claim Form, Notice List and Website Development and Administration |               |                |                    |
| 03/30/2026 | Forensics Jennifer Leger   | 6.25          |                | \$1,906.25         |
|            | Claim Form, Notice List and Website Development and Administration |               |                |                    |
| 03/30/2026 | Forensics Lori Smith   | 2.25          |                | \$90.00            |
|            | Claim Form, Notice List and Website Development and Administration |               |                |                    |
|            |  | <u>161.75</u> |                | <u>\$50,901.25</u> |
|            |  |               | Total          | <u>\$50,901.25</u> |
|            |  |               | Technology Fee | \$2,545.06         |

Barrett Law Group, PA  
Invoice No 507733

**Amount Due This Invoice**

\$53,446.31

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CHERRY BEKAERT

P.O. BOX 632239

CINCINNATI, OH 45263-2239 (804) 285-0892

Barrett Law Group, PA  
 Marie Thomas  
 404 Court Square  
 PO Box 927  
 Lexington, MS 39092

**Invoice No.** 510142  
**Date** 04/13/2026  
**Client No.** 80241951

For any questions regarding your invoice, please reach out to your Cherry Bekaert contact or email [invoicing@cbh.com](mailto:invoicing@cbh.com).

### For Professional Services Rendered as of April 13, 2026

Barrett Law Group, PA - Sackler Parties Settlement

| <u>Date</u> | <u>Service</u>  | <u>Staff</u>      | <u>Hours</u> | <u>Amount</u> |
|-------------|---|-------------------|--------------|---------------|
| 03/30/2026  | Forensics<br>Claim Form, Notice List and Website Development and Administration | Lori Smith        | 2.25         | \$1,080.00    |
| 03/31/2026  | Forensics<br>Claim Form, Notice List and Website Development and Administration | Jennifer Leger    | 0.25         | \$76.25       |
| 03/31/2026  | Forensics<br>Claim Form, Notice List and Website Development and Administration | Lori Smith        | 2.50         | \$1,300.00    |
| 04/01/2026  | Forensics<br>Claim Form, Notice List and Website Development and Administration | Audette LeBlanc   | 1.50         | \$405.00      |
| 04/01/2026  | Forensics<br>Claim Form, Notice List and Website Development and Administration | Jennifer Leger    | 9.75         | \$2,973.75    |
| 04/01/2026  | Forensics<br>Claim Form, Notice List and Website Development and Administration | Lori Smith        | 3.50         | \$1,820.00    |
| 04/01/2026  | Forensics<br>Claim Form, Notice List and Website Development and Administration | Jonathan Williams | 1.25         | \$337.50      |
| 04/02/2026  | Forensics<br>Claim Form, Notice List and Website Development and Administration | Lori Smith        | 1.50         | \$780.00      |

Advisory and Tax services are provided by Cherry Bekaert Advisory LLC.  
 All Attest services are provided by Cherry Bekaert LLP.

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Barrett Law Group, PA  
Invoice No 510142

|            |  |                   |      |            |
|------------|--|-------------------|------|------------|
| 04/02/2026 | Forensics  | Jennifer Leger    | 6.00 | \$1,830.00 |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 04/03/2026 | Forensics  | Jennifer Leger    | 4.00 | \$1,220.00 |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 04/03/2026 | Forensics  | Audette LeBlanc   | 1.50 | \$405.00   |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 04/03/2026 | Forensics  | Lori Smith        | 1.50 | \$780.00   |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 04/03/2026 | Forensics  | Jonathan Williams | 1.00 | \$270.00   |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 04/06/2026 | Forensics  | Jennifer Leger    | 8.75 | \$2,668.75 |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 04/06/2026 | Forensics  | Lori Smith        | 2.50 | \$1,300.00 |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 04/06/2026 | Forensics  | Jonathan Williams | 1.00 | \$270.00   |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 04/07/2026 | Forensics  | Lori Smith        | 3.25 | \$1,690.00 |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 04/07/2026 | Forensics  | Jennifer Leger    | 9.25 | \$2,821.25 |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 04/07/2026 | Forensics  | Jonathan Williams | 3.25 | \$877.50   |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 04/08/2026 | Forensics  | Jennifer Leger    | 6.50 | \$1,982.50 |
|            | Claim Form, Notice List and Website Development and Administration |                   |      |            |
| 04/08/2026 | Forensics  | Lori Smith        | 2.75 | \$1,430.00 |

Barrett Law Group, PA  
 Invoice No 510142

|                                |  |                   |        |                    |
|--------------------------------|--|-------------------|--------|--------------------|
|                                | Claim Form, Notice List and Website Development and Administration |                   |        |                    |
| 04/08/2026                     | Forensics  | Jonathan Williams | 3.50   | \$945.00           |
|                                | Claim Form, Notice List and Website Development and Administration |                   |        |                    |
| 04/09/2026                     | Forensics  | Lori Smith        | 3.75   | \$1,950.00         |
|                                | Claim Form, Notice List and Website Development and Administration |                   |        |                    |
| 04/09/2026                     | Forensics  | Jennifer Leger    | 5.00   | \$1,525.00         |
|                                | Claim Form, Notice List and Website Development and Administration |                   |        |                    |
| 04/09/2026                     | Forensics  | Jonathan Williams | 5.75   | \$1,552.50         |
|                                | Claim Form, Notice List and Website Development and Administration |                   |        |                    |
| 04/10/2026                     | Forensics  | Jennifer Leger    | 3.25   | \$991.25           |
|                                | Claim Form, Notice List and Website Development and Administration |                   |        |                    |
| 04/10/2026                     | Forensics  | Lori Smith        | 2.00   | \$1,040.00         |
|                                | Claim Form, Notice List and Website Development and Administration |                   |        |                    |
| 04/10/2026                     | Forensics  | Jonathan Williams | 6.75   | \$1,822.50         |
|                                | Claim Form, Notice List and Website Development and Administration |                   |        |                    |
|                                |  |                   | 103.75 | \$36,143.75        |
| Expenses-Barrett Law Group, PA |  |                   |        | \$800.00           |
| Total                          |  |                   |        | \$36,943.75        |
| Technology Fee                 |  |                   |        | \$1,807.19         |
| <b>Amount Due This Invoice</b> |  |                   |        | <b>\$38,750.94</b> |

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CHERRY BEKAERT

P.O. BOX 632239

CINCINNATI, OH 45263-2239 (804) 285-0892

Barrett Law Group, PA  
 Marie Thomas  
 404 Court Square  
 PO Box 927  
 Lexington, MS 39092

**Invoice No.** 524000  
**Date** 04/30/2026  
**Client No.** 80241951

For any questions regarding your invoice, please reach out to your Cherry Bekaert contact or email [invoicing@cbh.com](mailto:invoicing@cbh.com).

### For Professional Services Rendered as of April 30, 2026

Barrett Law Group, PA - Sackler Parties Settlement

| <u>Date</u> | <u>Service</u>  | <u>Staff</u>      | <u>Hours</u> | <u>Amount</u> |
|-------------|---|-------------------|--------------|---------------|
| 04/13/2026  | Forensics<br>Data Processing and Administration                     | Sonia Long        | 5.25         | \$1,207.50    |
| 04/13/2026  | Forensics<br>Registration, Claim Form Processing and Administration | Jennifer Leger    | 6.75         | \$2,058.75    |
| 04/13/2026  | Forensics<br>Registration, Claim Form Processing and Administration | Lori Smith        | 2.25         | \$1,170.00    |
| 04/13/2026  | Forensics<br>Registration, Claim Form Processing and Administration | Jonathan Williams | 8.00         | \$2,160.00    |
| 04/14/2026  | Forensics<br>Registration, Claim Form Processing and Administration | Audette LeBlanc   | 5.00         | \$1,350.00    |
| 04/14/2026  | Forensics<br>Registration, Claim Form Processing and Administration | Jennifer Leger    | 5.50         | \$1,677.50    |
| 04/14/2026  | Forensics<br>Data Processing and Administration                     | Sonia Long        | 6.50         | \$1,495.00    |
| 04/14/2026  | Forensics<br>Registration, Claim Form Processing and Administration | Lori Smith        | 1.50         | \$780.00      |
| 04/14/2026  | Forensics   | Jonathan Williams | 8.00         | \$2,160.00    |

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 All Attest services are provided by Cherry Bekaert LLP.

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Barrett Law Group, PA  
 Invoice No 524000

|            |           |  |      |            |
|------------|-----------|--|------|------------|
|            |           | Registration, Claim Form Processing and Administration |      |            |
| 04/15/2026 | Forensics | Jennifer Leger   | 3.75 | \$1,143.75 |
|            |           | Registration, Claim Form Processing and Administration |      |            |
| 04/15/2026 | Forensics | Sonia Long   | 5.00 | \$1,150.00 |
|            |           | Data Processing and Administration                     |      |            |
| 04/15/2026 | Forensics | Sonia Long   | 0.25 | \$57.50    |
|            |           | Data Processing and Administration                     |      |            |
| 04/15/2026 | Forensics | Audette LeBlanc  | 7.00 | \$1,890.00 |
|            |           | Registration, Claim Form Processing and Administration |      |            |
| 04/15/2026 | Forensics | Lori Smith   | 1.75 | \$910.00   |
|            |           | Registration, Claim Form Processing and Administration |      |            |
| 04/15/2026 | Forensics | Jonathan Williams                                      | 6.75 | \$1,822.50 |
|            |           | Registration, Claim Form Processing and Administration |      |            |
| 04/16/2026 | Forensics | Sonia Long   | 6.75 | \$1,552.50 |
|            |           | Data Processing and Administration                     |      |            |
| 04/16/2026 | Forensics | Jennifer Leger   | 1.50 | \$457.50   |
|            |           | Registration, Claim Form Processing and Administration |      |            |
| 04/16/2026 | Forensics | Lori Smith   | 1.50 | \$780.00   |
|            |           | Registration, Claim Form Processing and Administration |      |            |
| 04/16/2026 | Forensics | Jonathan Williams                                      | 8.00 | \$2,160.00 |
|            |           | Registration, Claim Form Processing and Administration |      |            |
| 04/17/2026 | Forensics | Sonia Long   | 3.50 | \$805.00   |
|            |           | Data Processing and Administration                     |      |            |
| 04/17/2026 | Forensics | Lori Smith   | 1.00 | \$520.00   |
|            |           | Registration, Claim Form Processing and Administration |      |            |
| 04/17/2026 | Forensics | Jonathan Williams                                      | 1.50 | \$405.00   |
|            |           | Registration, Claim Form Processing and Administration |      |            |

Barrett Law Group, PA  
Invoice No 524000

|            |  |                   |      |            |
|------------|--|-------------------|------|------------|
| 04/20/2026 | Forensics  | Sonia Long        | 1.50 | \$345.00   |
|            | Data Processing and Administration                     |                   |      |            |
| 04/20/2026 | Forensics  | Lori Smith        | 1.00 | \$520.00   |
|            | Registration, Claim Form Processing and Administration |                   |      |            |
| 04/20/2026 | Forensics  | Jonathan Williams | 3.50 | \$945.00   |
|            | Registration, Claim Form Processing and Administration |                   |      |            |
| 04/21/2026 | Forensics  | Lori Smith        | 2.00 | \$1,040.00 |
|            | Registration, Claim Form Processing and Administration |                   |      |            |
| 04/21/2026 | Forensics  | Jonathan Williams | 7.00 | \$1,890.00 |
|            | Registration, Claim Form Processing and Administration |                   |      |            |
| 04/22/2026 | Forensics  | Sonia Long        | 6.00 | \$1,380.00 |
|            | Data Processing and Administration                     |                   |      |            |
| 04/22/2026 | Forensics  | Lori Smith        | 1.50 | \$780.00   |
|            | Registration, Claim Form Processing and Administration |                   |      |            |
| 04/22/2026 | Forensics  | Jonathan Williams | 8.00 | \$2,160.00 |
|            | Registration, Claim Form Processing and Administration |                   |      |            |
| 04/23/2026 | Forensics  | Sonia Long        | 1.50 | \$345.00   |
|            | Data Processing and Administration                     |                   |      |            |
| 04/23/2026 | Forensics  | Jonathan Williams | 7.50 | \$2,025.00 |
|            | Registration, Claim Form Processing and Administration |                   |      |            |
| 04/24/2026 | Forensics  | Sonia Long        | 1.50 | \$345.00   |
|            | Data Processing and Administration                     |                   |      |            |
| 04/24/2026 | Forensics  | Lori Smith        | 2.00 | \$1,040.00 |
|            | Registration, Claim Form Processing and Administration |                   |      |            |
| 04/24/2026 | Forensics  | Jonathan Williams | 8.00 | \$2,160.00 |
|            | Registration, Claim Form Processing and Administration |                   |      |            |
| 04/27/2026 | Forensics  | Lori Smith        | 1.75 | \$910.00   |

Barrett Law Group, PA  
 Invoice No 524000

|                                |  |                   |        |                    |
|--------------------------------|--|-------------------|--------|--------------------|
|                                | Registration, Claim Form Processing and Administration |                   |        |                    |
| 04/27/2026                     | Forensics  | Jennifer Leger    | 0.50   | \$152.50           |
|                                | Registration, Claim Form Processing and Administration |                   |        |                    |
| 04/27/2026                     | Forensics  | Jonathan Williams | 4.50   | \$1,215.00         |
|                                | Registration, Claim Form Processing and Administration |                   |        |                    |
| 04/28/2026                     | Forensics  | Lori Smith        | 1.00   | \$520.00           |
|                                | Registration, Claim Form Processing and Administration |                   |        |                    |
| 04/28/2026                     | Forensics  | Jonathan Williams | 4.00   | \$1,080.00         |
|                                | Registration, Claim Form Processing and Administration |                   |        |                    |
| 04/29/2026                     | Forensics  | Jennifer Leger    | 2.25   | \$686.25           |
|                                | Registration, Claim Form Processing and Administration |                   |        |                    |
| 04/29/2026                     | Forensics  | Lori Smith        | 1.00   | \$520.00           |
|                                | Registration, Claim Form Processing and Administration |                   |        |                    |
| 04/29/2026                     | Forensics  | Jonathan Williams | 4.75   | \$1,282.50         |
|                                | Registration, Claim Form Processing and Administration |                   |        |                    |
| 04/29/2026                     | Forensics  | Jonathan Williams | -1.00  | (\$270.00)         |
|                                | Registration, Claim Form Processing and Administration |                   |        |                    |
| 04/30/2026                     | Forensics  | Lori Smith        | 1.50   | \$780.00           |
|                                | Registration, Claim Form Processing and Administration |                   |        |                    |
|                                |  |                   | 168.25 | \$49,563.75        |
| Website Development            |  |                   |        | \$825.00           |
| Snowflake - Data Management    |  |                   |        | \$58.62            |
| Total                          |  |                   |        | \$50,447.37        |
| Technology Fee                 |  |                   |        | \$2,478.19         |
| <b>Amount Due This Invoice</b> |  |                   |        | <b>\$52,925.56</b> |

Barrett Law Group, PA  
Invoice No 524000

[Click to pay online](#)

# **Exhibit B-16**

**A.B. DATA, LTD.**

Class Action Administration  
 600 A. B. Data Drive  
 Milwaukee, WI 53217  
 414-961-7523  
 billing@abdata.com  
 abdataclassaction.com



TAFT STETTINIUS & HOLLISTER LLP  
 ONE INDIANA SQUARE, SUITE 3500  
 INDIANAPOLIS, IN, 46204-2023

**INVOICE #:** INV000310013  
**INVOICE DATE:** 4/13/2026  
**PERIOD ENDING:** 3/31/2026  
**CLIENT:** 100013  
**PAGE:** 1/1  
**TERMS:** 30 days upon receipt

**INVOICE**

**JOB 70058 Acute Care Hospitals**

| DESCRIPTION                           | QTY   | PRICE    | AMOUNT      |
|---------------------------------------|-------|----------|-------------|
| Project Database Setup (One Time Fee) | 1     | 5,000.00 | \$5,000.00  |
| Senior Project Management (Hourly)    | 13.30 | 195.00   | \$2,593.50  |
| Executive Project Management          | 0.50  | 240.00   | \$120.00    |
| Project Management (Hourly)           | 10.45 | 185.00   | \$1,933.25  |
| System Support (Hourly)               | 5.80  | 195.00   | \$1,131.00  |
| Quality Assurance (Hourly)            | 0.42  | 170.00   | \$71.40     |
| Staff (Hourly)                        | 10.78 | 110.00   | \$1,185.80  |
| Staff Other (Hourly)                  | 1.03  | 55.00    | \$56.65     |
| Printing and Mailing of Notices       | 5,892 | 2.8230   | \$16,633.12 |
| Postage for Mailing on April 10, 2026 | 5,892 | 0.71     | \$4,183.32  |

**TOTAL \$32,908.04**

**MAIL CHECKS TO**

PO Box 170062, Milwaukee, WI 53217  
 Make checks payable to A.B. DATA, LTD.

**SEND WIRES TO**

US BANK, N.A.  
 400 W. Brown Deer Road, Bayside, WI 53217  
 Routing Number [REDACTED]  
 Account Number [REDACTED]  
 Swift Code [REDACTED]

Past due invoices are subject to a 1.5% per month service charge

# EXHIBIT C

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

SAN MIGUEL HOSPITAL CORPORATION  
d/b/a ALTA VISTA REGIONAL HOSPITAL, *et al.*,  
on behalf of themselves and all others similarly  
situated,

Plaintiff

v.

RICHARD SACKLER, *et al.*,

Defendants

Case No. 1:25-cv-1010

The Hon. David Garcia

**DECLARATION OF SHANNON MCNULTY IN SUPPORT OF CLASS PLAINTIFFS'  
MOTION FOR FINAL CLASS CERTIFICATION, APPOINTMENT OF CLASS  
COUNSEL, AND FINAL APPROVAL OF SETTLEMENTS, APPROVAL OF PLAN  
ALLOCATION, AND AWARD OF ATTORNEYS' FEES AND EXPENSES**

**Pursuant to 28 U.S.C. § 1746, I declare and state as follows:**

1. I am a partner with the law firm Clifford Law Offices, P.C. and serve as counsel for Settlement Class Representatives (hereinafter, "Class Plaintiffs" or "Plaintiffs") in the above-captioned litigation. I submit this declaration in support of Class Plaintiffs' Motion for Final Class Certification, Appointment of Class Counsel, Final Approval of Settlement, Approval of Plan of Allocation, and Award of Attorneys' Fees and Expenses.

2. This declaration is based upon my personal knowledge, unless otherwise indicated. If called upon to testify as to the matters stated herein, I could and would competently do so.

3. I was substantially involved in representing acute care hospitals throughout the Purdue Pharma, L.P. ("Purdue") bankruptcy proceedings (Case No. 19-23649 (Bankr. S.D.N.Y.)), the history of which significantly shaped the negotiations of and final resolution of this Settlement with the Settling Defendants.

4. Facing civil litigation in hundreds of actions across the United States, Purdue filed for

chapter 11 bankruptcy in 2019. *See In re Purdue Pharma, L.P.*, Case No. 19-23649 (Bankr. S.D.N.Y.). In the wake of this bankruptcy filing, litigation against Purdue and the Settling Defendants was effectively stayed all over the nation.

5. Following the bankruptcy filing, various creditor groups engaged in protracted arm's-length negotiations with Purdue and members of the Sackler family, including the Settling Defendants. Acute care hospitals were not initially included in the negotiations but, through the work of Plaintiffs and their experts, managed to become meaningful contributors in those proceedings, securing the hospitals' interests and assisting other private creditors, as well. These negotiations, which lasted nearly two years, were facilitated by retired U.S. District Judge Layn R. Phillips, Kenneth R. Feinberg, and the Honorable Shelley C. Chapman (Ret.).

6. The first phase of mediation resulted in allocation settlements between non-federal public creditors and several private creditor groups. Shortly thereafter, Purdue and members of the Sackler family reached related settlements with the Department of Justice, which were approved by the bankruptcy court. Interim Class Counsel spent considerable time and resources in the first phase of mediation (e.g., 2019–2021) collecting, de-identifying, synthesizing and assessing patient claims data to demonstrate the presence of Settling Defendants' products in Plaintiffs' emergency departments, the implications of treating opioid use disordered (OUD) patients pursuant to Emergency Medical Treatment and Labor Act (EMTALA), demonstrating the injury to acute care hospitals and advocating for various abatement efforts that provide meaningful relief to the acute care hospitals and communities they serve. Using a substantial amount of claims data, Plaintiffs presented their case theories and supporting evidence, more than 3 terabytes of hospital claims data, to the debtor and the Settling Defendants. Plaintiffs also had to present substantial evidence to the governmental plaintiff-creditors, to conform with conditions in the proceeding established by the governmental entities. Eventually, a mediator's proposal was made. Interim Settlement Class Counsel presented substantive evidence of their injuries in the Purdue Pharma and Sackler proceedings and, with the benefit of

detailed claims data analyses unique to the hospitals and testimony of experts (namely, Dr. Rahul Gupta, William Legier and Dr. Gayle Galan), convinced the Debtors (and eventually the Court) that the hospitals were entitled to relief independent of the governmental plaintiffs.

7. The eventual agreement that the acute care hospital class was worthy of a separately designated settlement fund and/or trust was a direct consequence of the several years of work performed by the declarant, our co-lead counsels and our experts. Without the quantitative and qualitative evidence wholly unique to, and adduced only by, the Hospital Group, and without the perseverance of negotiating for the acute care hospitals, it is unlikely that the acute care hospitals would have a specially designated settlement in this proceeding.

8. The second phase of mediation culminated in a proposed chapter 11 plan of reorganization (the “Plan”) for Purdue. And in late 2021, about two years after negotiations had started, and after many days of putting on evidence and hearing testimony (the Hospitals disclosed four experts, and produced three at trial in support of the Hospitals’ claims), the Plan was confirmed by the bankruptcy court in the Southern District of New York (U.S. Bankr. Judge Robert D. Drain, presiding).

9. As a result of the bankruptcy action and mediation, since October 2019, the Debtors, as well as the Sacklers, provided unprecedented amounts of discovery to key stakeholders in order to allow creditors to investigate potential claims. In October 2019, the Debtors, the committee of unsecured creditors (“UCC”) on behalf of all unsecured creditors of Purdue (including Class Plaintiffs), and members of the Sackler family agreed that the Debtors and the Sacklers would provide certain diligence materials to the UCC pursuant to a Stipulation. In accordance with the Stipulation, the Raymond Sackler family, for example, provided presentations totaling 1,152 slides, 80,000 pages of detailed business plans, financial reports, management and board presentations, and sales-related and other materials spanning decades. Starting in November 2019, the UCC also propounded informal discovery requests on the Sacklers, and the Raymond Sackler family produced over 50,000 pages of

documents in response, including documents produced in the pre-petition proceedings and investigations, documents supporting presentations given under the Stipulation, and documents relating to family trusts.

10. On March 31, 2020, in response to a subpoena, the Raymond Sackler family alone produced approximately one million pages of discovery relating to Purdue's marketing and sale of opioids, transfers or distributions by Purdue to any Sackler family trusts or entities, and the Sackler families' proposed contribution to a settlement in these cases. The discovered materials consisted of personal emails and other communications dating back at least to 1995, and more than a decade's worth of bank statements, financial statements, tax returns, tax workpapers, and loan information for family members and trusts of which they are beneficiaries. Additionally, every living member of the Raymond Sackler family who served on Purdue's board, family members without a role at Purdue, and the Raymond Sackler family's close advisors were deposed, including in some instances, by the states.

11. In September 2021, Judge Drain confirmed the chapter 11 plan. As confirmed, the Plan would have resolved and released creditors' claims, both against Purdue's estate (so-called "estate" claims) and against the Sacklers and additional non-debtor entities (so-called "direct" claims). However, the confirmation was appealed, and in December 2021, Judge Colleen McMahon of the U.S. District Court of the Southern District of New York reversed the confirmation, which was then appealed to the Second Circuit. The Second Circuit reversed the district court, reviving the bankruptcy court's reorganization plan (which had been modified). Then, in June 2024, the Supreme Court vacated the bankruptcy court's chapter 11 plan, holding that the Bankruptcy Code does not authorize a bankruptcy court to approve, as part of a plan of reorganization under chapter 11, releases and injunctions that extinguish claims against nondebtor third parties, such as the Sacklers, without the consent of affected claimants. *See Harrington v. Purdue Pharma L.P.*, 603 U.S. 204 (2024).

12. Over the next year and a half, the Debtors also produced over 90 million pages of

material to estate stakeholders on issues relating to estate claims and the underlying opioid liability claims. These materials included significant discovery from Sackler family custodians and directors from within the past 25 years. Moreover, members of the Sackler family provided discovery of individual Sackler family members and the Sacklers' financial institutions in response to the UCC's investigation of potential claims against members of the Sackler family. The UCC compelled the production of over 16,000 privileged documents from the Debtors, which included communications with members of the Sackler families. The UCC and Non-Consenting States also took 16 depositions of members of the Sackler families, current and former Board members, current employees of the Debtors, and other parties.

13. In the wake of the Supreme Court's ruling, the various creditor groups resumed negotiations with Purdue and the Sacklers. In 2024, Interim Settlement Class Counsel resumed their engagement in negotiations with Settling Defendants to resolve the Settling Parties' dispute, now accounting for the ruling and the passage of time, including the status of Plaintiffs' other pending opioid litigations. Once again, the Honorable Shelley C. Chapman facilitated the negotiations, which continued for several months, in-person, by phone and by zoom.


14. The original Purdue Plan accounted for \$250 million total to be paid over seven years to acute care hospitals to resolve claims against both Purdue and the Settling Defendants, and had overwhelming support from acute care hospitals. This Settlement, in contrast, when combined with the \$84 million<sup>1</sup> allotted for acute care hospitals in the Purdue Master Settlement, amounts to over \$258 million for acute care hospitals to be paid on Day One of approval, thus allowing long-awaited relief to the acute care hospitals.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

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<sup>1</sup>This figure does not include over \$5 million in contractually agreed upon holdbacks and reserves, that, if reverted to the Fund, bring the total combined payment to acute care hospitals to over \$263 million.

Executed on May 8, 2026

  
\_\_\_\_\_  
Shannon McNulty

# EXHIBIT D

## PLAN OF ALLOCATION

- A. The Notice and Claims Administrators (A.B. Data Group and Cherry Bekaert Advisory, LLC) shall utilize this Plan of Allocation for the determination of all Claims, including any Allocated Amount due to any Qualifying Class Member under the proprietary Acute Care Hospital Allocation Model and Algorithm (the “Model”).
- B. The Model is prepared and operated by Cherry Bekaert Advisory, LLC (formerly known as Legier & Company, apac) and is consistent with the algorithm developed in the Purdue Pharma bankruptcy proceedings (Case No. 19-23649), and utilized thereafter in the Mallinckrodt, plc (Case No. 20-12522) and Endo (Case No. 22-22549) bankruptcy proceedings. Cherry Bekaert Advisory, LLC retains all intellectual property rights in the Model.
- C. A.B. Data Group shall mail the Notice to Class Members no later than twenty-one (21) calendar days following the entry of the Preliminary Approval Order pursuant to the Notice Plan. Following the occurrence of the Effective Date of the Settlement, A.B. Data Group will be authorized to remit payment to Qualifying Class Members under this Plan of Allocation. Cherry Bekaert Advisory, LLC shall manage the Settlement website [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com), shall issue SFTP links upon a Class Member timely submitting the Registration Form, and shall process all timely submissions for determining eligibility for an Allocated Amount under the Model.
- D. Any Qualifying Class Member may participate in the Quick Pay option by submitting via email to [Sacklerinfo@acutecarehospitalsettlement.com](mailto:Sacklerinfo@acutecarehospitalsettlement.com) a completed Registration Form (1) agreeing to be bound by the terms of the Class Action Settlement Agreement by and between the Settling Defendants and Acute Care Hospitals and (2) accepting the terms of the Quick Pay option in this Plan of Allocation. The default Quick Pay Amount shall be \$5,000.
- E. A Class Member may elect to participate in the more detailed damages calculation using the Model, which may result in an Allocated Amount greater (but not less) than the Class Member’s Quick Pay Amount. This process requires the Class Member to establish through requisite claims data (see Claim Form Section F.8) that it has calculable damages under the Model. The rejection or denial of a claim under the Model will result in a Qualifying Class Member receiving their Quick Pay Amount after an eligibility determination is made.
- F. Under the Model, Cherry Bekaert Advisory, LLC shall determine the Allocated Amount distributable to each Qualifying Class Member who has not elected Quick Pay based on: (1) the diagnostic codes associated with operational charges incurred by the Qualifying Class Member in connection with the treatment of OUD patient encounters in (a) the Emergency Department, (b) Inpatient settings, and (c) Outpatient settings;<sup>1</sup> (2) the portion of such charges that were not reimbursed; and (3) the following distribution determination factors and weights:<sup>2</sup>

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<sup>1</sup> Refer to the Claim Form and instructions for the claims data details. Physician office visits and non-acute care visits should NOT be included in the data provided.

<sup>2</sup> The “Model” calculates a Qualifying Class Member’s loss resulting from its treatment of patients with OUD and other opioid diagnoses in the emergency department and inpatient and outpatient settings, considering, among other things, the total charges and collections, including a causation algorithm applied to each patient encounter.

| <b>Factors</b>           | <b>Weighting %</b> |
|--------------------------|--------------------|
| MMEs                     | 10%                |
| OUD Rates                | 10%                |
| Opioid Deaths            | 5%                 |
| Operational Impact       | 35%                |
| Opioid Patient %         | 15%                |
| Litigation Participation | 25%                |
| <b>Total</b>             | <b>100.00%</b>     |

The above factors are defined as follows:

1. Units of morphine milligram equivalents (“MMEs”) shipped into the Qualifying Class Member’s service area (“Service Area”) during the period of January 1, 2006 through December 31, 2014 (the “Measurement Period”);
2. Opioid use disorder rates (“OUD Rates”) at the state level, prorated for each Qualifying Class Member;
3. Opioid overdose deaths in the Qualifying Class Member’s Service Area (“Opioid Deaths”);
4. Operational impact calculated using the Qualifying Class Member’s opioid diagnoses codes, and charge and reimbursement data (“Operational Impact”);
5. The Qualifying Class Member’s opioid related patients as a percentage of its total patients (“Opioid Patient %”);
6. Participation in active litigation against the Settling Defendants<sup>3</sup> and/or their alleged co-conspirators, as specified in the Complaint, (“Litigation Participation”) by commencing a civil action in a state or federal court and engaging in the following activities:<sup>4</sup>
  - (a) Hosting expert visits for the purpose of enabling the experts to engage with hospital personnel on the opioid epidemic at the hospital, and to review hospital policies, procedures, and programs regarding opioids;
  - (b) Producing claims data to the Settling Defendants and/or their alleged co-conspirators;
  - (c) Actively engaging in discovery by, e.g., responding to interrogatories and requests for production or admissions; supplying hospital financial documents, policies and procedures, custodial emails, and/or dispensing and discharge prescription data in response to requests by Settling Defendants and/or their alleged co-conspirators or orders of a court; providing 30(b)(6) and/or fact witness testimony; propounding discovery to Settling Defendants and/or their alleged co-conspirators; formally

<sup>3</sup> The Settling Defendants means the Released Entities defined in the Acute Care Hospital Class Action Settlement Agreement.

<sup>4</sup> This participation factor is weighted at 25%, to be split equally amongst sub-factors (a)-(d).

disclosing expert opinions consistent with federal and/or state court rules; or engaging in motion practice before a court and/or a special master; and

- (d) Obtaining a court-ordered trial date.
- G. Qualifying Class Members shall be paid as promptly as possible following the Effective Date of the Settlement Agreement, on a *pro rata* basis (up to the available amounts in the Net Settlement Funds) in a manner to be determined by Cherry Bekaert Advisory, LLC. Qualifying Class Members that submit a valid Claim will receive a payment of no less than what they would be entitled to receive from the Settlement under the “Quick Pay” option. A Qualifying Class Member will receive maximum payment if it submits a valid Claim and the Effective Date for the Settlement occurs.
- H. An Acute Care Hospital that previously filed a claim and received an Allocated Amount from one of the four class action settlements in *San Miguel Hospital Corp., d/b/a Alta Vista Regional Hospital v. Johnson & Johnson*, No. 1:23-cv-00903, may direct the Notice and Claims Administrators (or their agents or representatives) to utilize in this claims process (to the extent applicable), the claims data, and/or information submitted in those claims processes.

# EXHIBIT E

| <b>TABLE 1   Examples of Fee Awards of 33.33% or Greater Within Tenth Circuit</b>   |                        |                       |
|---|------------------------|-----------------------|
| <b>Case</b>   | <b>Recovery Amount</b> | <b>Fee Percentage</b> |
| <i>See San Miguel Hosp. Corp. v. Johnson &amp; Johnson</i> , No. 1:23-CV-00903-KWR-JFR (D.N.M. March 4, 2025)                             | \$651 million          | 33.33%                |
| <i>In Re: EpiPen Marketing, Sales Practices and Antitrust Litigation</i> , No. 17-md-2785-DDC-TJJ (D. Kan. July 11, 2022) (Dkt. No. 2622) | \$264 million          | 33.33%                |
| <i>In Re: EpiPen Marketing, Sales Practices and Antitrust Litigation</i> , No. 17-md-2785-DDC-TJJ (D. Kan. Nov. 17, 2021) (Dkt. No. 2506) | \$345 million          | 33.33%                |
| <i>Cecil v. BP America Prod. Co.</i> , No. 16-CV-410-KEW, 2018 WL 8367957, at *4-8 (E.D. Okla. Nov. 19, 2018)                             | \$147 million          | 40%                   |
| <i>Chieftain Royalty Co. v. XTO Energy, Inc.</i> , No. CIV-11-29-KEW, 2018 WL 2296588, at *4 (E.D. Okla. Mar. 27, 2018)                   | \$80 million           | 40%                   |
| <i>Chieftain Royalty Co. v. QEP Energy Co.</i> , No. CIV-11-212-R, 2013 WL 12090676, at *3 (W.D. Okla. May 31, 2013)                      | \$155 million          | 39%                   |
| <i>In re Syngenta AG MIR 162 Corn Litig.</i> , 357 F. Supp. 3d 1094, 1113-14 (D. Kan. 2018)   | \$1.51 billion         | 33.33%                |
| <i>In re: Urethane Antitrust Litig.</i> , No. 04-16161-JWL, 2016 WL 4060156, at *8 (D. Kan. July 29, 2016)                                | \$835 million          | 33.33%                |
| <i>Hershey v. ExxonMobil Oil Corp.</i> , No. 07-1300-JTM, 2012 WL 5306260, *1, 7-8 (D. Kan. Oct. 26, 2012)                                | \$54 million           | 33.33%                |
| <i>Eatinger v. BP America Prod. Co.</i> , No. 07-1266-EFM (D. Kan. Sept. 17, 2012) (Dkt. No. 375)   | \$19 million           | 33.33%                |
| <i>In re Universal Serv. Fund Tel. Billing Pracs.</i> , No. 02-MD-1468-JWL, 2011 WL 1808038, at *2 (D. Kan. May 12, 2011)                 | \$16.9 million         | 33.33%                |
| <i>In re Urethane Antitrust Litig.</i> , No. 04-MD-1616-JWL (D. Kan. Dec. 13, 2011) (Dkt. No. 2210) (Huntsman & BASF)                     | \$84 million           | 33.33%                |
| <i>In re Urethane Antitrust Litig.</i> , No. 04-MD-1616-JWL (D. Kan. July 29, 2009) (Dkt. No. 995) (Bayer)                                | \$58.9 million         | 33.33%                |
| <i>Williams v. Sprint/United Mgmt. Co.</i> , No. 03-2200-JWL, 2007 WL 2694029, at *6 (D. Kan. Sept. 11, 2007)                             | \$57 million           | 35%                   |
| <i>In re United Telecommc'ns Sec. Litig.</i> , No. 90-2251-0, 1994 WL 326007, at *3-4 (D. Kan. June 1, 1994)                              | \$28 million           | 33.33%                |

|   |                |     |
|---|----------------|-----|
| <i>Whittington v. Taco Bell of Am., Inc.</i> , 2013 WL 6022972, at *6<br>(D. Colo. Nov. 13, 2013) | \$2.49 million | 39% |
|---|----------------|-----|

| <b>TABLE 2   Examples of Fee Awards of 33.33% or Greater Outside Tenth Circuit</b>  |                        |                    |
|---|------------------------|--------------------|
| <b>Case</b>   | <b>Recovery Amount</b> | <b>Fee Awarded</b> |
| <i>Haddock v. Nationwide Life Ins. Co.</i> , No. 01-cv-01552-SRU (D. Conn. Apr. 9, 2015) (Dkt. No. 601)                                   | \$140 million          | 35%                |
| <i>In re U.S. Foodservice, Inc. Pricing Litig.</i> , No. 07-md-01894 (D. Conn. Dec. 9, 2014) (Dkt. No. 521)                               | \$297 million          | 33.33%             |
| <i>Standard Iron Works v. ArcelorMittal</i> , No. 08-cv-05214, 2014 WL 7781572, at *1 (N.D. Ill. Oct. 22, 2014)                           | \$164 million          | 33.33%             |
| <i>In re Neurontin Antitrust Litig.</i> , No. 2:02-cv-01830 (D.N.J. July 6, 2014) (Dkt. No. 114)  | \$190 million          | 33.33%             |
| <i>In re Plasma-Derivative Protein Therapies Antitrust Litig.</i> , No. 09-CV-07666 (N.D. Ill. 2014) (Dkt. Nos. 693, 697, 697-1, and 701) | \$128 million          | 33.33%             |
| <i>In re Flonase Antitrust Litig.</i> , 951 F. Supp. 2d 739, 747-751 (E.D. Pa. 2013)  | \$150 million          | 33.33%             |
| <i>In re Se. Milk Antitrust Litig.</i> , No. 07-CV-208, 2013 WL 2155387, at *8 (E.D. Tenn. May 17, 2013)                                  | \$158.6 million        | 33.33%             |
| <i>In re Titanium Dioxide Antitrust Litig.</i> , No. 10-cv-00318 (D. Md. Dec. 13, 2013) (Dkt. No. 555)                                    | \$163.5 million        | 33.33%             |
| <i>In re Apollo Grp. Inc. Sec. Litig.</i> , No. 04-cv-02147-PHX-JAT, 2012 WL 1378677 (D. Ariz. Apr. 20, 2012)                             | \$145 million          | 33.33%             |
| <i>In re Initial Pub. Offering Sec. Litig.</i> , 671 F. Supp. 2d 467 (S.D.N.Y. 2009)  | \$510 million          | 33.33%             |
| <i>In re Tricor Direct Purchaser Antitrust Litig.</i> , No. 05-cv-00340-SLR (D. Del. Apr. 23, 2009) (Dkt. No. 543)                        | \$250 million          | 33.33%             |
| <i>In re OSB Antitrust Litig.</i> , No. 06-cv-00826 (D. Pa. Dec. 9, 2008) (Dkt. No. 947)  | \$120.7 million        | 33.33%             |
| <i>In re Relafen Antitrust Litig.</i> , No. 01-cv-12239-WGY (D. Mass. Apr. 9, 2004) (Dkt. No. 297)  | \$175 million          | 33.33%             |
| <i>In re Buspirone Antitrust Litig.</i> , No. 01-md-01413-JGK (S.D.N.Y. Nov. 18, 2003) (Dkt. No. 171)                                     | \$220 million          | 33.33%             |
| <i>DeLoach v. Phillip Morris Co.</i> , No. 00-cv-01235, 2003 WL 25683496 (M.D.N.C. Dec. 19, 2003)   | \$212 million          | 33.33%             |
| <i>In re Vitamins Antitrust Litig.</i> , No. 99-197, 2001 WL 34312839 (D.D.C. July 16, 2001)  | \$365 million          | 34.06%             |
| <i>In re Merry-Go-Round Enterprises, Inc.</i> , 244 B.R. 327 (Bankr. D. Md. 2000)   | \$185 million          | 40%                |
| <i>In re Combustion, Inc.</i> , 968 F. Supp. 1116 (W.D. La. 1997)   | \$127 million          | 36%                |

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

SAN MIGUEL HOSPITAL CORPORATION  
d/b/a ALTA VISTA REGIONAL HOSPITAL, *et al.*,  
on behalf of themselves and all others similarly  
situated,

Plaintiff

v.

RICHARD SACKLER, *et al.*,

Defendants

Case No. 1:25-cv-1010

The Hon. Matthew Garcia

**[PROPOSED] ORDER FOR (I) APPROVAL OF PLAN ALLOCATION, (II)  
APPOINTMENT OF SETTLEMENT CLASS COUNSEL, (III) AWARD OF  
ATTORNEYS' FEES AND EXPENSES, AND (IV) AWARD OF NOTICE AND CLAIMS  
ADMINISTRATORS' EXPENSES AS TO SETTLEMENT AGREEMENT**

On May 8, 2026, Class Plaintiffs and Interim Settlement Class Counsel filed a motion, *inter alia*, seeking (i) approval of the Plan of Allocation, (ii) appointment of Settlement Class Counsel, (iii) attorneys' fees and reimbursement of expenses; and (iv) reimbursement for expenses for the Notice and Claims Administrators and the Special Master, in relation to the Class Action Settlement Agreement with Acute Care Hospitals ("Settlement Agreement") (ECF No. 18-2). All terms used herein shall have the same meanings as set forth in the Settlement Agreement, unless otherwise defined herein. The Court, having reviewed the motion and the papers filed in support of the motion, hereby finds that:

1. The Court finds and concludes that the formula for the calculation of Class Members' claims that is set forth in the Plan of Allocation (associated Exhibit D to Class Plaintiffs' Motion) and described in the Notice disseminated to Class Members provides a fair, reasonable, and adequate basis upon which to allocate the proceeds of the Net Settlement Funds established by the Settlement Agreement among the Settlement Class Members. The Court hereby approves the Plan of Allocation.
2. The Court appoints as Settlement Class Counsel John W. ("Don") Barrett ("Barrett") of Barrett Law Group, P.A.; Warren T. Burns of Burns Charest LLP; Robert A. Clifford of Clifford Law Offices, P.C.; Steven B. Farmer of Farmer Cline & Campbell, PLLC; Charles J. LaDuca of Cuneo, Gilbert, & LaDuca, LLP; and Steven A. Martino of Taylor Martino, P.C. Barrett is designated as Lead Counsel.
3. Settlement Class Counsel requests an award of attorneys' fees in the amount of one-third of the Settlement Funds.
4. Settlement Class Counsel requests reimbursement of litigation costs and expenses in the amount of \$1,379,930.50.

5. Class Plaintiffs and Settlement Class Counsel seek an award of expenses to Notice and Claims Administrator A.B. Data Ltd. in the amount of \$32,908.04.
6. Class Plaintiffs and Settlement Class Counsel seek an award of expenses to Notice and Claims Administrator Cherry Bekaert Advisory, LLC in the amount of \$145,122.63.
7. Finally, Settlement Class Counsel request that the Notice and Claims Administrators be allowed to submit itemized statements of fees and expenses for the Court's approval, and that the Court approve a mechanism for compensating the Special Master as detailed in their Motion.
8. The Court finds that Settlement Class Counsel's requested fee award is fair and reasonable under the percentage-of-the-recovery method based upon the following factors laid out in *Johnson v. Ga. Highway Express, Inc.*, 488 F.2d 714, 717–19 (5th Cir. 1974) and adopted by the Tenth Circuit: (a) the significant monetary award obtained for the Class (Factor 8); (b) that the requested fee is consistent with fees awarded in similar cases (Factor 12); (c) that the requested fee is consistent with a customary fee (Factor 5); (d) that these cases presented difficult factual issues and raised novel and complex questions of law (Factor 2); (e) the substantial experience of Settlement Class Counsel in prosecuting high-stakes, complex litigation and that they pursued the case with skill, zeal, and expertise (Factors 3 & 9); (f) that the attorneys' fees requested were entirely contingent upon success – Settlement Class Counsel risked time and effort and advanced costs with no ultimate guarantee of compensation (Factor 6); (g) the time and labor expended on these cases (Factor 1); (h) the undesirability of the litigation (Factor 10); and (i) that Settlement Class Counsel was precluded from other employment (Factor 4).

9. These factors justify an award of one-third of the Settlement Funds. As such, the Court finds that the requested fee award comports with the applicable law and is justified by the circumstances of this case.
10. The Court finds that Settlement Class Counsel has incurred expenses in the amount of \$1,379,930.50. The Court finds that these costs and expenses were reasonably incurred in the ordinary course of prosecuting this case as well as in substantially similar litigation where Settlement Class Counsel represented acute care hospitals (referred to in Class Plaintiffs' motion as "the ACH Opioids Litigation").
11. In sum, upon consideration of the motion and accompanying declarations, and based upon all matters of record, the Court hereby finds that the fee requested is reasonable and proper and that the costs and expenses incurred by Settlement Class Counsel were necessary, reasonable, and proper.
12. Moreover, upon consideration of the motion and accompanying invoices, the Court hereby finds that the expenses incurred by the Notice and Claims Administrator were necessary, reasonable, and proper.

Accordingly, it is hereby ORDERED and DECREED that:

13. Settlement Class Counsel are awarded attorneys' fees of one-third of the Settlement Funds.
14. Settlement Class Counsel are awarded reimbursement of their litigation costs and expenses in the amount of \$1,379,930.50.
15. A.B. Data Ltd. is awarded reimbursement of its expenses in the amount of \$32,908.04.
16. Cherry Bekaert Advisory, LLC is awarded reimbursement of its expenses in the amount of \$145,122.63.
17. The attorneys' fees shall be paid from the Settlement Funds.

18. The fees and expenses shall be allocated among Settlement Class Counsel and their co-counsel in a manner that, in Settlement Class Counsel's good-faith judgment, compensates each firm in view of its contribution to the prosecution of the Settlement Class Members' claims.
19. Settlement Class Counsel's proposed mechanism for compensating the Special Master is likewise approved.
20. The Notice and Claims Administrators are permitted to submit itemized statements of future fees and expenses for the Court's approval.
21. The Special Master will be compensated for his services at the rate of \$600 per hour, plus reimbursement of all ordinary and necessary expenses. The Special Master's counsel, Taft Stettinius & Hollister LLP, will be compensated at its standard hourly rates, plus reimbursement of all ordinary and necessary expenses, as described in its engagement letter with the Special Master
22. From time to time, the Special Master and his counsel shall file under seal an itemized statement of fees and expenses. Such itemized statements may include confidential communications between the Special Master and the Court and others; accordingly, the Court shall maintain these itemized statements under seal and they shall not be made available to the public or counsel. Instead, the Special Master and his counsel shall also file with the itemized statements a summary statement which shall list only the total amount billed, which summary shall not be filed under seal, and shall contain a signature line for the Court accompanied by the statement "Approved for Disbursement."
23. If the Court determines the itemized statement is regular and reasonable, the Court will sign the corresponding summary statement and have it entered on the docket. The parties

shall then remit to the Special Master and his counsel approved fees from the Settlement Funds within 10 calendar days after Court approval.

24. This order shall be entered as of this date pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Court finding that there is no just reason for delay.

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE MATTHEW GARCIA  
UNITED STATES DISTRICT JUDGE

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

SAN MIGUEL HOSPITAL CORPORATION  
d/b/a ALTA VISTA REGIONAL HOSPITAL, *et al.*,  
*al.*, on behalf of themselves and all others similarly  
situated,

Plaintiff

v.

RICHARD SACKLER, *et al.*,

Defendants

Case No. 1:25-cv-1010

The Hon. Matthew Garcia

[PROPOSED] FINAL JUDGMENT AND ORDER OF DISMISSAL WITH PREJUDICE AS  
TO THE SETTLING DEFENDANTS – DATED \_\_\_\_\_

WHEREAS, this matter came before the Court pursuant to the Preliminary Approval Order (I) Preliminarily Approving the Settlement Pursuant to Fed. R. Civ. P. 23(e)(1), (II) Appointing the Notice and Claims Administrators and Special Master, (III) Approving Form and Manner of Notice to Settlement Class Members, (IV) Scheduling a Final Fairness Hearing to Consider Final Approval of the Settlement, and (V) Granting Related Relief (“Order”) dated March 20, 2026, on the application of the Settlement Class Representatives for approval of the Class Action Settlement Agreement by and between the Settling Defendants and Acute Care Hospitals (“Settlement Agreement”) dated May 8, 2026. Due and adequate notice having been given to the Settlement Class as required in the Order, and the Court having considered all papers filed and proceedings had herein and good cause appearing therefore, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. This Final Judgment and Order of Dismissal with Prejudice as to the Settling Defendants<sup>1</sup> (“Final Judgment”) incorporates by reference: (a) the Settlement Agreement; (b) the Notice of Proposed Settlement of Class Action and Summary Notice (collectively, the “Notice”); and (c) the Declaration of the Notice Administrator filed with this Court on April 23, 2026. All terms used herein shall have the same meanings as set forth in the Settlement Agreement, unless otherwise defined herein.

2. The Court has jurisdiction over the subject matter of the Action and over all Settling Parties and all Settlement Class Members.

3. The Court certifies the Settlement Class defined in Section III.A of the Settlement Agreement, which Settlement Class is certified for settlement purposes only.

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<sup>1</sup> Settling Defendants means the defendants David Sackler, Ilene Sackler, Kathe Sackler, Mortimer D.A. Sackler, Richard Sackler, the estate of Beverly Sackler by and through its executors Richard Sackler and David Sackler, the estate of Jonathan Sackler by and through its executor Garrett Lynam, and the estate of Raymond Sackler by and through its executors Richard Sackler and David Sackler (collectively, “Settling Defendants”).

4. The Notice given to the Settlement Class was the best notice practicable under the circumstances and of the matters set forth therein, including the proposed Settlement set forth in the Settlement Agreement, to all Persons entitled to such notice, and said notice fully satisfied the requirements of the Federal Rules of Civil Procedure (including Rules 23(c)–(e)), the United States Constitution (including the Due Process Clause), the rules of this Court, and other applicable law.

5. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, the Court hereby affirms its determinations in the Preliminary Approval Order, fully and finally approves the Settlement set forth in the Settlement Agreement in all respects, and finds that:

(a) the Settlement Agreement and the Settlement contained therein, is, in all respects, fair, reasonable, and adequate, and in the best interests of the Settlement Class;

(b) there was no collusion in connection with the Settlement;

(c) the Settlement was the product of informed, arm’s-length negotiations among competent, able counsel with the assistance of third-party mediators; and

(d) the record is sufficiently developed and complete to have enabled the Settlement Class Representatives and the Settling Defendants to have adequately evaluated and considered their positions.

6. Accordingly, the Court authorizes and directs implementation and performance of all the terms and provisions of the Settlement Agreement, as well as the terms and provisions hereof. Except as to any individual claims of those persons or entities who have validly and timely requested exclusion from the Settlement Class, the Court hereby dismisses the Action as to the Settling Defendants and all Released Claims against the Released Parties with prejudice. The Settling Parties are to bear their own costs, except as and to the extent provided in the Settlement Agreement, and any separate order(s) entered by the Court regarding Class Counsel’s Motion for Award of Attorneys’ Fees and Expenses.

7. The Releases set forth in Section IX of the Settlement Agreement, together with the definitions contained in the Settlement Agreement relating thereto, are expressly incorporated herein by reference. Accordingly, this Court orders that:

(a) Upon the Effective Date, and as provided in the Settlement Agreement, the Settlement Class Representatives shall, and each of the Settlement Class Members shall be deemed to have, and by operation of this Final Judgment shall have, fully, finally, and forever released, relinquished, and discharged any and all Released Claims against the Released Parties, whether or not such Settlement Class Member shares in the Settlement Funds. Claims to enforce the terms of the Settlement Agreement are not released.

(b) The Settlement Class Representatives and all Settlement Class Members, Releasers, and anyone claiming through or on behalf of any of them, are hereby forever and permanently barred and enjoined from commencing, instituting, prosecuting, or continuing to prosecute any action or other proceeding in any court of law or equity, arbitration tribunal, or administrative forum, asserting any of the Released Claims, or any claim related in any way to the Released Claims, against any of the Released Parties.

8. Upon the Effective Date, any and all persons or entities shall be permanently barred, enjoined, and restrained, to the fullest extent permitted by law, from bringing, commencing, prosecuting, or asserting any and all claims, actions, or causes of action for contribution or indemnity or otherwise against the Settling Defendants or any of the Released Parties seeking as damages or otherwise the recovery of all or any part of any liability, judgment, or settlement which they pay or are obligated or agree to pay to the Settlement Class or any Settlement Class Member arising out of, based upon, relating to, concerning, or in connection with any facts, statements, or omissions that were or could have been alleged in the Action or the Other Actions. Notwithstanding the foregoing, nothing herein shall bar any action by any of the Settling Parties to enforce or

effectuate the terms of the Settlement Agreement, the Settlement, or this Final Judgment.

9. All objections to the Settlement Agreement are found to be without merit and are overruled.

10. The Settlement is not subject to any modification without approval from the Court, and without the express written consent of Settlement Class Counsel and Settling Defendants.

11. The terms of the Settlement and of this Final Judgment are forever binding on the Settling Parties and Settlement Class Members, as well as their respective heirs, executors, administrators, predecessors, successors, affiliates, and assigns. Settlement Class Members include all entities within the Settlement Class definition in Section III.A of the Settlement Agreement that did not submit a timely and valid Opt-Out Form that was recognized as such in accordance with the procedures set forth in the Settlement Agreement and the Preliminary Approval Order.

12. The Court finds that the Settlement is a good-faith settlement that bars any Claim by any Non-Released Entity against any Released Parties for contribution, indemnification, or that otherwise seeks to recover all or a portion of any amounts paid by or awarded against that Non-Released Entity to any Settlement Class Member or Releasor by way of settlement, judgment, or otherwise on any Claim that would be a Released Claim were such Non-Released Entity a Settling Defendant, to the extent that a good-faith settlement (or release thereunder) has such an effect under applicable law, including, without limitation, N.M. Stat. § 41-3-4, Cal. Civil Code § 1542, and S.D. Codified Laws § 20-7-11, and similar laws in other states or jurisdictions.

13. Any Plan of Allocation submitted by Settlement Class Counsel or any order entered regarding any Attorneys' Fees and Expenses or Service Awards to the Settlement Class Representatives shall in no way disturb or affect this Final Judgment and shall be considered separate from this Final Judgment.

14. Neither the Settlement Agreement nor the Settlement contained therein, nor any act

performed or document executed pursuant to or in furtherance of the Settlement Agreement or the Settlement: (a) is or may be deemed to be or may be used as an admission of, or evidence of, the validity of any Released Claim or of any wrongdoing or liability of the Settling Defendants or Released Parties; or (b) is or may be deemed to be or may be used as an admission of, or evidence of, any fault or omission of any of the Settling Defendants or Released Parties in any civil, criminal, or administrative proceeding in any court, administrative agency, or other tribunal. Notwithstanding the foregoing, the Settling Defendants and/or the Released Parties may file the Settlement Agreement and/or this Final Judgment in any other action that may be brought against any of them in order to support a defense or counterclaim based on principles of *res judicata*, collateral estoppel, release, good faith settlement, judgment bar, or any theory of claim preclusion or issue preclusion or similar defense.

15. Without affecting the finality of this Final Judgment in any way, this Court hereby retains continuing jurisdiction over: (a) implementation of this Settlement and any award or distribution of the Settlement Funds, including interest earned thereon; (b) disposition of the Settlement Funds; (c) hearing and determining applications for Attorneys' Fees and Expenses or Service Awards to the Settlement Class Representatives; (d) all parties herein for the purpose of construing, enforcing, and administering the Settlement Agreement (provided, however, the Settlement Class Members and this Court acknowledge that the Settling Defendants have only consented to jurisdiction for the purposes of effecting and enforcing the terms of the Settlement Agreement); (e) the Settlement Class Members for all matters relating to the Action; (f) the Escrow Account and Escrow Agent in its capacity as administrator of the Escrow Account; and (g) other matters related or ancillary to the foregoing. The administration of the Settlement and the decision of all disputed questions of law and fact with respect to the validity of any claim or right of any person or entity to participate in the distribution of the Net Settlement Funds shall remain under the authority

of this Court.

16. The Court finds that during the course of the Action, the Settling Parties and their respective counsel at all times complied with the requirements of Federal Rule of Civil Procedure 11.

17. If the Settlement does not become effective in accordance with the terms of the Settlement Agreement or the Effective Date does not occur, then this Final Judgment shall be rendered null and void to the extent provided by and in accordance with the Settlement Agreement and shall be vacated and, in such event, all orders entered and releases delivered in connection herewith shall be null and void to the extent provided by and in accordance with the Settlement Agreement, and the Settlement Funds shall be returned in accordance with the Settlement Agreement.

18. Subject to Paragraph 17 above, all Other Actions are hereby dismissed.

19. Without further order of the Court, the Settling Parties may agree to reasonable extensions of time to carry out any of the provisions of the Settlement Agreement.

20. The Court finds, pursuant to Federal Rule of Civil Procedure 54(b), that there is no just reason for delay, and directs immediate entry of this Final Judgment by the Clerk of the Court.

2. Within fourteen days of the filing of any Notice of Appeal to this Order, the Settling Parties are granted leave to file a motion under Federal Rule of Appellate Procedure 7 for the assessment of an appropriate bond for costs on appeal, including any to be assessed under 18 U.S.C. § 1964(c) and/or Federal Rule of Civil Procedure 68.

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE MATTHEW GARCIA  
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

SAN MIGUEL HOSPITAL CORPORATION  
d/b/a ALTA VISTA REGIONAL HOSPITAL, *et al.*,  
on behalf of themselves and all others similarly  
situated,

Plaintiff

v.

RICHARD SACKLER, *et al.*,

Defendants

Case No. 1:25-cv-1010

The Hon. Matthew Garcia

**MEMORANDUM OF LAW IN SUPPORT OF CLASS PLAINTIFFS' MOTION FOR  
FINAL CLASS CERTIFICATION, APPOINTMENT OF CLASS COUNSEL, FINAL  
APPROVAL OF SETTLEMENT, APPROVAL OF PLAN OF ALLOCATION, AND  
AWARD OF ATTORNEYS' FEES AND EXPENSES**

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## INTRODUCTION

Class Plaintiffs,<sup>1</sup> on behalf of themselves and the preliminarily certified settlement class of similarly situated entities described below (collectively, the “Settlement Class”), and the Settling Defendants<sup>2</sup> (together with the Class Plaintiffs, the “Settling Parties”) have reached a Settlement totaling up to \$174,215,320.82 to resolve claims against the Settling Defendants for the benefit of the preliminarily certified Settlement Class. The Settlement<sup>3</sup> resulted from well-informed and arm’s-length negotiations between highly experienced counsel possessing a thorough understanding of the strengths and weaknesses of the claims after years of extensive opioids-related litigation between acute care hospitals and members of the Opioid Industry and related bankruptcy proceedings. The Settling Parties reached the Settlement after comprehensive negotiation process between the Settling Defendants and their creditors, that was facilitated over many years by several experienced and prominent mediators.

The Court granted preliminary approval of the Settlement on March 20, 2026, and directed that notice of the Settlement be disseminated to the preliminarily certified Settlement Class. The Court also preliminarily certified the Settlement Class for settlement purposes only and appointed the

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<sup>1</sup> As ordered by the Court, Class Plaintiffs for the Settlement consists of Plaintiff San Miguel Hospital Corporation d/b/a Alta Vista Regional Hospital and the plaintiff acute care hospitals in the following related state court cases: *Florida Health Sciences Center, Inc., et al. v. Richard Sackler, et al.*, Case No. 19-018882 (Cir. Ct. Broward Cnty., Fla.); *The DCH Health Care Authority, et al. v. Purdue Pharma, L.P., et al.*, Case No. CV-19-07 (Cir. Ct. Conecuh Cnty., Ala.); *Fort Payne Hospital Corporation, et al. v. McKesson Corporation, et al.*, Case No. 21-cv-2021-900016.00 (Cir. Ct. Conecuh Cnty., Ala.); and *Lester E. Cox Medical Centers d/b/a Cox Medical Centers, et al. v. Amneal Pharmaceuticals, LLC, et al.*, No. 6:22-cv-3192 (W.D. Mo.). Orders, ECF No. 18-2. A list of Class Plaintiffs is attached as Exhibit A.

<sup>2</sup> Richard Sackler, David Sackler, Mortimer D.A. Sackler, Kathe Sackler, Ilene Sackler Lefcourt, Theresa Sackler, Garrett Lynam as executor of the estate of Jonathan Sackler, Richard Sackler and David Sackler as co-executors of the estate of Raymond Sackler, and Richard Sackler and David Sackler as co-executors of the estate of Beverly Sackler (each, individually, a “Settling Defendant” and, collectively, the “Settling Defendants”).

<sup>3</sup> All capitalized terms not otherwise defined herein shall have the meaning given to them in the Settlement Agreement. ECF No. 18-2. All emphasis is added, and all citations are omitted, unless otherwise noted.

undersigned as Interim Settlement Class Counsel. Class Plaintiffs now seek final certification of the Settlement Class under the Settlement and Interim Settlement Class Counsel seek to be appointed as Settlement Class Counsel for the Settlement Class.

In its Order, the Court held that the Settlement appeared fair, reasonable, and adequate, subject to further consideration at the Fairness Hearing. Order, ECF No. 48. The Court's assessment of the Settlement at preliminary approval was correct and should be extended to final approval. Interim Settlement Class Counsel have ensured that the Notice and Notice Package the Court ordered distributed in accordance with the Notice Plan were timely implemented by the Notice and Settlement Administrators, A.B. Data, Ltd. ("A.B. Data") and Cherry Bekaert Advisory, LLC ("Cherry Bekaert").<sup>4</sup>

The Notice also set forth the Plan of Allocation that governs how Claims will be considered and how the net settlement proceeds will be allocated to Settlement Class Members who submit timely and valid claim forms to the Settlement Administrator ("Eligible Claimants"). The Plan of Allocation was prepared based on information provided by Plaintiffs' experts and in consultation with A.B. Data and Cherry Bekaert. The plan allocates funds between Eligible Claimants in two ways: (1) A Settlement Class Member may select a "Quick Pay" option under which the Settlement Class Member will receive a default amount of \$5,000 total from the Settlement; or (2) A Settlement Class Member may elect to participate in the more detailed damages calculation using the Model set forth in the Plan of Allocation, which may result in an Allocated Amount greater (but not less) than the Settlement Class Member's Quick Pay Amount. Interim Settlement Class Counsel anticipate that all funds will be distributed to Settlement Class Members pursuant to the Plan of Allocation.

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<sup>4</sup> See Declaration of Kayla Kopetsky of A.B. Data, Ltd. In Support of Class Plaintiffs' Motion for Final Approval of Settlement and Plan of Allocation ("Kopetsky Decl.") *generally*, attached as Exhibit B-7 to Declaration of Warren T. Burns in Support of Class Plaintiffs' Motion for Final Class Certification, Appointment of Class Counsel, Final Approval of Settlement, Approval of Plan of Allocation, and Award of Attorneys' Fees and Expenses ("Burns Decl.").

Interim Settlement Class Counsel have concluded that the Settlement and Plan of Allocation are fair, reasonable, and adequate, and in the best interest of the Settlement Class. Burns Decl. at ¶ 16.<sup>5</sup> The Settlement and Plan of Allocation warrant the Court's final approval. Indeed, to date, no one has submitted an objection to the Settlement or the Plan of Allocation, and to date, no class members have opted out of the Settlement. Accordingly, Class Plaintiffs respectfully request the Court grant final approval of the Settlement and the Plan of Allocation as fair, reasonable, and adequate.

The Settlement was reached only after the sustained effort of Plaintiffs' counsel, including, but not limited to: initiating claims against Purdue Pharma and the Settling Defendants; pursuing claims against members of the opioid industry on behalf of acute care hospitals for over nine years; surviving Settling Defendants' co-conspirators' motions to dismiss in multiple cases and *fora*; analyzing millions of pages of documents; taking and defending a substantial number of depositions; briefing and arguing numerous discovery disputes; working closely with over a dozen experts; briefing and arguing issues on appeal; preparing expert disclosures and putting on experts in relation to the Settling Defendants in the Purdue Pharma trial in August 2021 (*In re Purdue Pharma LP, U.S. Bankruptcy Court, Southern District of New York, No. 19-bk-23649*); putting on a nearly three-month trial in Florida state court against some of Settling Defendants' alleged co-conspirators in the fall of 2025; and successfully negotiating a settlement with Settling Defendants, both in 2020, and through reviewing courts (*In re Purdue Pharma LP*, 69 F. 4th 45 (2nd Cir. May 30, 2023; *Harrington v. Purdue Pharma L.P.*, 603 U.S. 204 (2024), with mediation resuming in 2024 and resolving in 2025. The acute care hospitals' efforts in multiple jurisdictions and bankruptcy proceedings advanced the hospitals' interests, preserved the hospitals' rights, and laid the foundation for Class Plaintiffs and the Settling Defendants to negotiate, and

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<sup>5</sup> Declaration of Warren T. Burns in of Class Plaintiffs' Motion for Final Class Certification, Appointment of Class Counsel, Final Approval of Settlement, Approval of Plan of Allocation, and Award of Attorneys' Fees and Expenses ("Burns Decl.") attached as Exhibit B.

ultimately reach, this Settlement. These same claims—of an enterprise that began with the Sacklers and Purdue and involved opioid manufacturers, distributors, and retailers—have been laboriously investigated, developed, and litigated over the better part of the last decade by Interim Class Counsel against the Settling Defendants’ alleged co-conspirators. As just one example, Interim Class Counsel’s most recent trial against opioid retailers in Florida state court included hours of testimony regarding the origins of the conspiracy between the Sacklers, Purdue, and other members of the opioid industry. *See Burns Decl.* at 21.

As compensation for their persistent work to negotiate this Settlement, as well as their persistent and effective advocacy on behalf of acute care hospitals against members of the opioid industry, Settlement Class Counsel respectfully request a standard one-third fee of the up to \$174.2 million total Settlement Amount. Interim Settlement Class Counsel also request the Court award their incurred expenses and charges in the amount of \$1,379,930.50 and order the amount of \$32,908.04 to be paid to A.B. Data and \$145,122.63 to be paid to Cherry Bekaert for costs incurred to implement the notice of pendency from the Settlement Funds. As shown below, these attorneys’ fees and expenses requests are eminently justifiable under the facts and circumstances of this case, application of the *Johnson* factors, and the law and precedent in this District and the Tenth Circuit. *See Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974). For all the reasons set forth below and in the accompanying declarations, Interim Settlement Counsel respectfully submit that the requested attorneys’ fees and expenses are fair and reasonable under the applicable legal standards and should be awarded by the Court.

## **FACTUAL BACKGROUND**<sup>6</sup>

### **I. ACH OPIOIDS LITIGATION**

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<sup>6</sup> The facts summarized throughout this memorandum are generally set forth, and sometimes in more detail, in the accompanying declarations of Warren T. Burns (“Burns Decl.”) attached as Exhibit B, and Shannon McNulty (“McNulty Decl.”), attached as Exhibit C.

On October 14, 2025, Plaintiff San Miguel Hospital Corporation d/b/a Alta Vista Regional Hospital (“San Miguel”), an acute care hospital in Las Vegas, New Mexico, filed this putative class action against the Settling Defendants. ECF No. 1. San Miguel alleged, *inter alia*, that the Settling Defendants, both individually and by and through Purdue,<sup>7</sup> participated in a conspiracy with opioid manufacturers, distributors, and retailers that resulted in an epidemic of opioid addiction throughout the United States. *See id.* San Miguel alleged that it and the putative class were injured as a result of the Settling Defendants’ actions. *See id.* Settling Defendants have and continue to deny Plaintiff San Miguel’s allegations and any associated liability.

Interim Settlement Class Counsel represent hundreds of acute care hospitals throughout the nation, including the Class Plaintiffs. Burns Decl. at ¶¶ 3–8. Since 2017, acute care hospitals represented by Interim Settlement Class Counsel have been litigating claims similar to those alleged in this suit against Settling Defendants and their alleged co-conspirators (altogether, the “Opioid Enterprise Defendants”) in numerous state and federal courts, including in the federal MDL proceedings, *In re National Prescription Opiate Litigation*, Case No. 1:17-md-2804, MDL 2804, (N.D. Ohio). *Id.* Collectively, Class Plaintiffs will refer to their ongoing litigation related to the opioid crisis in multiple *fora* against Defendants and their alleged co-conspirators as the ACH Opioids Litigation.

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<sup>7</sup> Purdue Pharma L.P., The Purdue Frederick Company, Purdue Pharma Inc., Purdue Pharmaceutical Products L.P. and Purdue Products L.P., Rhodes Pharmaceuticals L.P., Rhodes Technologies, Rhodes Technologies Inc., Avrio Health Limited Partnership, Purdue Transdermal Technologies L.P., Purdue Pharma Manufacturing L.P., Purdue Pharmaceuticals L.P., Imbrium Therapeutics L.P., Adlon Therapeutics L.P., Greenfield BioVentures L.P., Seven Seas Hill Corp., Ophir Green Corp., Purdue Pharma of Puerto Rico, Avrio Health L.P., Purdue Pharmaceutical Products L.P., Purdue Neuroscience Company, Nayatt Cove Lifescience Inc., Button Land L.P., Rhodes Associates L.P., Paul Land Inc., Quidnick Land L.P., Rhodes Pharmaceuticals L.P., Rhodes Technologies, UDF L.P., SVC Pharma L.P. and SVC Pharma Inc.. and any other Debtor entities or any other entities owned or controlled, in whole or in part, directly or indirectly, by or on behalf of the Sackler family (collectively referred to as “Purdue”).

The Settling Defendants' role in the ACH Opioids Litigation has been unique compared to their Opioid Enterprise Defendant counterparts. That is because, facing civil litigation in hundreds of actions across the United States, Purdue Pharma, L.P. ("Purdue" or "Debtor") filed for chapter 11 bankruptcy in 2019. *See In re Purdue Pharma, L.P.*, Case No. 19-23649 (Bankr. S.D.N.Y.). In the wake of this bankruptcy filing, litigation against Purdue and the Settling Defendants was effectively stayed all over the nation. McNulty Decl. at ¶ 4. Following the bankruptcy filing, various creditor groups engaged in protracted arm's-length negotiations with Purdue and members of the Sackler family, including the Settling Defendants. *Id.* at ¶ 5. Acute care hospitals were not initially included in the negotiations but, through the work of Plaintiffs and their experts, managed to become meaningful contributors in those proceedings, securing the hospitals' interests. These negotiations, which lasted nearly two years, were facilitated by retired U.S. District Judge Layn R. Phillips, Kenneth R. Feinberg, and the Honorable Shelley C. Chapman (Ret.). *Id.* The first phase of mediation resulted in allocation settlements between non-federal public creditors and several private creditor groups. *Id.* at ¶ 6. Shortly thereafter, Purdue and members of the Sackler family reached related settlements with the Department of Justice, which were approved by the bankruptcy court. *Id.* at ¶ 6. The second phase of mediation culminated in a proposed chapter 11 plan of reorganization (the "Plan") for Purdue. *Id.* at 8. And in late 2021, about two years after negotiations had started, and after many days of putting on evidence and hearing testimony (the Hospitals disclosed four experts, and produced three at trial, in support of the Hospitals' claims), the Plan was confirmed by the bankruptcy court in the Southern District of New York (U.S. Bankr. Judge Robert D. Drain, presiding). *Id.*

In the bankruptcy action, since October 2019, the Debtors, as well as the Sacklers, provided unprecedented amounts of discovery to key stakeholders in order to allow creditors to investigate potential claims. *Id.* at ¶ 9. In October 2019, the Debtors, the committee of unsecured creditors ("UCC"), on behalf of all unsecured creditors of Purdue (including Class Plaintiffs), and members of

the Sackler family agreed that the Debtors and the Sacklers would provide certain diligence materials to the UCC pursuant to a Stipulation. *Id.* In accordance with the Stipulation, the Raymond Sackler family, for example, provided presentations totaling 1,152 slides, 80,000 pages of detailed business plans, financial reports, management and board presentations, and sales-related and other materials spanning decades. *Id.* Starting in November 2019, the UCC also propounded informal discovery requests on the Sacklers, and the Raymond Sackler family produced over 50,000 pages of documents in response, including documents produced in the pre-petition proceedings and investigations, documents supporting presentations given under the Stipulation, and documents relating to family trusts. *Id.*

On March 31, 2020, in response to a subpoena, the Raymond Sackler family alone produced approximately one million pages of discovery relating to Purdue's marketing and sale of opioids, transfers or distributions by Purdue to any Sackler family trusts or entities, and the Sackler families' proposed contribution to a settlement in these cases. *Id.* at ¶ 10. The discovered materials consisted of personal emails and other communications dating back at least to 1995, and more than a decade's worth of bank statements, financial statements, tax returns, tax workpapers, and loan information for family members and trusts of which they are beneficiaries. *Id.* Additionally, every living member of the Raymond Sackler family who served on Purdue's board, family members without a role at Purdue, and the Raymond Sackler family's close advisors were deposed, including in some instances, by the states. *Id.*

In September 2021, Judge Drain confirmed the chapter 11 plan. *Id.* at ¶ 11. As confirmed, the Plan would have resolved and released creditors' claims. *Id.* However, the confirmation was appealed, and in December 2021, Judge Colleen McMahon of the U.S. District Court of the Southern District of New York reversed the confirmation, which was then appealed to the Second Circuit. *Id.* The Second Circuit reversed the district court, reviving the bankruptcy court's reorganization plan (which

had been modified). *Id.* Then, in June 2024, the Supreme Court vacated the bankruptcy court's chapter 11 plan, holding that the Bankruptcy Code does not authorize a bankruptcy court to approve, as part of a plan of reorganization under chapter 11, releases and injunctions that extinguish claims against nondebtor third parties, such as the Sacklers, without the consent of affected claimants. *See Harrington v. Purdue Pharma L.P.*, 603 U.S. 204 (2024).

Over the next year and a half, the Debtors also produced over 90 million pages of material to estate stakeholders on issues relating to estate claims and the underlying opioid liability claims. McNulty Decl. at ¶ 12. These materials included significant discovery from Sackler family custodians and directors from within the past 25 years. *Id.* Moreover, members of the Sackler family provided discovery of individual Sackler family members and the Sacklers' financial institutions in response to the UCC's investigation of potential claims against members of the Sackler family. *Id.* The UCC compelled the production of over 16,000 privileged documents from the Debtors, which included communications with members of the Sackler families. *Id.* The UCC and Non-Consenting States also took 16 depositions of members of the Sackler families, current and former Board members, current employees of the Debtors, and other parties. *Id.*

Meanwhile, Plaintiffs in the ACH Opioids Litigation have vigorously pursued their claims against Opioid Industry Defendants since 2017. Burns Decl. at ¶¶ 4, 7. Their efforts have included multiple rounds of dispositive briefing, interlocutory and other appeals, and even trial. *Id.* at ¶ 20. In preparation for trial, some Plaintiffs have produced millions of pages of documents, and terabytes of data related to their treatment of patients diagnosed with opioid use disorder or related conditions. *Id.* Plaintiffs in the ACH Opioids Litigation have likewise reviewed voluminous discovery produced by the Settling Defendants and their alleged co-conspirators. *Id.* Certain Plaintiffs have provided depositions of corporate representatives and employee witnesses. *Id.* During the ongoing ACH Opioids Litigation, Plaintiffs have also engaged over a dozen experts to provide testimony on issues

relating to alleged liability and damages. *Id.* Some Plaintiffs have put forth numerous witnesses to testify in a months-long trial in Florida against certain alleged co-conspirators of the Settling Defendants. *Id.* Other Hospital Plaintiffs participated in the first round of mediation proceedings with Purdue and the Settling Defendants in 2020 and 2021. McNulty Decl. at ¶ 6. In 2024, Interim Settlement Class Counsel resumed their engagement in negotiations with Settling Defendants to resolve the Settling Parties' dispute. *Id.* at ¶ 13.

The Settling Parties are now before this Court to seek final approval of their Settlement Agreement.

## **II. TERMS OF THE SETTLEMENT**

The Settlement Agreement provides that the certified Settlement Class will settle and release their claims against the Settling Defendants in exchange for a non-reversionary cash payment of up to \$174,215,320.82. *See generally* Settlement Agreement (ECF No. 18-2).

The Settlement Funds, which consist of the Settlement Amount provided for in the Settlement Agreement, and all interest and accretions thereto, will be used to pay for notice and administrative costs, taxes and tax expenses, costs and expenses reasonably and actually incurred in soliciting claims and assisting with the filing and processing of such claims, and Plaintiffs' attorneys' fees and litigation expenses, as allowed by the Court. *See* Settlement Agreement (ECF No. 18-2) at § VII(B). The balance of the Settlement Funds (the "Net Settlement Funds") will be distributed pursuant to the Plan of Allocation to Settlement Class Members who timely submit to the Settlement Administrator Claim Forms and/or Registration Forms deemed by the Settlement Administrator to be valid and eligible for an allocation.

Interim Settlement Counsel anticipate that all Net Settlement Funds will be distributed to Settlement Class Members pursuant to the Plan of Allocation. Burns Decl. at ¶ 10. There is no right of reversion under the Settlement and under no circumstances will any portion of a Settlement

Amount be returned to the Settling Defendants once the Settlement becomes Final. *See id.*; Settlement Agreement (ECF No. 18-2) at § VII(D).

### **III. PRELIMINARY APPROVAL AND CLASS NOTICE**

Plaintiff San Miguel filed its motion for preliminary approval of the Settlement on November 12, 2026, which the Court granted on March 20, 2026. ECF No. 48. In the order granting preliminary approval, the Court also appointed A.B. Data and Cherry Bekaert as the Notice and Claims Administrators and approved the form and manner of notice to Settlement Class Members. *Id.* The Notice Package approved by the Court has been implemented by A.B. Data and Cherry Bekaert. Since entry of the preliminary approval order, A.B. Data has (i) mailed 5,892 copies of the Court-approved Notice Packet to potential Settlement Class Members (ii) emailed 1,377 copies (of which 1,160 were successfully delivered) of the Notice Packet to potential Settlement Class Members, and (iii) implemented the media plan to publish notice of the Settlement on certain websites, e-newsletters, and email blasts. Kopetsky Decl. at ¶¶ 4–10. Moreover, Cherry Bekaert published information related to the Settlement Agreement at a dedicated website, [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com). *Id.* at ¶ 11. The settlement website provides information to Settlement Class Members about the Action and the Settlement and contains links to important case and settlement documents. *Id.* at ¶ 12. A.B. Data has also maintained a toll-free telephone number, with an interactive voice response system to provide potential Settlement Class Members with responses to frequently asked questions and important information regarding the litigation. *Id.* at ¶ 13.

### **IV. CAFA NOTICE**

Pursuant to 28 U.S.C. § 1715(b), “[n]ot later than 10 days after a proposed settlement of a class action is filed in court, each defendant that is participating in the proposed settlement shall serve upon the appropriate State official each State in which a class member resides and the appropriate Federal official, a notice of the proposed settlement . . . .” Accordingly, the Settling Defendants have complied

with these notice requirements, as set forth in their Notice of Filing Regarding Compliance with the Provisions of the Class Action Fairness Act, 28 U.S.C. § 1715. *See* ECF No. 39.

**V. RESPONSE OF THE SETTLEMENT CLASS TO DATE**

The deadline for Settlement Class Members to object to the Settlement is May 26, 2026, and the deadline for Settlement Class Members to file a claim is July 15, 2026. Interim Settlement Class Counsel will provide the Court with a final update on the response of the Settlement Class at the July 15, 2026, final approval hearing. Burns Decl. at ¶ 15. As of May 8, 2026, there have been no objections submitted. *Id.* Likewise, A.B. Data has received zero Opt-Out Forms to date. Kopetsky Decl. at ¶ 15. Indeed, none of the settlements negotiated by Interim Class Counsel on behalf of acute care hospitals have had any objectors or opt outs. Burns Decl. at ¶ 15.

**VI. PROSECUTION OF THIS LITIGATION REQUIRED AN ENORMOUS AND RISKY INVESTMENT OF RESOURCES AND LABOR**

As described above, for over nine years, Interim Settlement Class Counsel have devoted an enormous amount of time, energy, and resources prosecuting the ACH Opioids Litigation on a completely contingent basis to a successful resolution with the Settling Defendants. Burns Decl. at ¶ 36. They did so knowing these cases would require years of discovery, extensive motion practice, substantial dispositive motion challenges, and difficult and lengthy trials on the merits—all with a substantial risk of no recovery. *Id.* As further detailed in Sections VI and VII, Interim Settlement Class Counsel and their co-counsel have collectively devoted nearly 250,000 hours to the ACH Opioids Litigation, and separately, have devoted over 13,300 hours to work in the Purdue bankruptcy proceedings, and negotiating and finalizing this Settlement as a result of that work. *Id.* at ¶¶ 38–40.

Regarding the Settlement, Interim Settlement Class Counsel successfully negotiated the Settlement, drafted the Settlement Agreement with Settling Defendants' counsel, sought and obtained preliminary approval of the Settlement, retained and oversaw the Settlement Administrator and notice program, and prepared the pending motion for final approval of the Settlement. *Id.* at ¶ 37. Interim Settlement Class Counsel have also been communicating with Settlement Class Members about the Settlement since the notice was distributed. *Id.* And Interim Settlement Class Counsel will continue to ensure proper distribution of the settlement proceeds and address any issues that arise after final approval of the Settlement. *Id.*

### **ARGUMENT**

#### **VII. THE COURT SHOULD CERTIFY THE SETTLEMENT CLASS FOR SETTLEMENT PURPOSES ONLY.**

In its order preliminarily approving the Settlement, the Court preliminarily found that the proposed Settlement Class satisfies all relevant requirements under Federal Rules of Civil Procedure 23(a) and 23(b)(3), for certification for settlement purposes only. *See* ECF No. 48. Plaintiffs now seek final certification of the Settlement Class.

In considering a proposed class action settlement, federal courts determine whether certification of a settlement class would be appropriate under Rule 23. *See, e.g., Tennille v. Western Union Co.*, 785 F.3d 422, 430 (10th Cir. 2015). Rule 23 has four factors for class certification: (1) numerosity, (2) commonality, (3) typicality, and (4) adequacy of representation. *See* Fed. R. Civ. P. 23(a). Rule 23(b) also examines whether common questions predominate over individual issues, and whether a class action is superior to other methods of litigation. *See* Fed. R. Civ. P. 23(b).

Federal courts have “considerable discretion” in making class certification decisions. *DG ex rel. Stricklin v. Devaughn*, 594 F.3d 1188, 1194 (10th Cir. 2010). The Tenth Circuit defers to a trial court’s certification ruling where “it applies the proper Rule 23 standard and its decision falls within

the bounds of rationally available choices given the facts and law involved in the matter at hand.” *Id.* (internal quotations and citation omitted).

Here, the Settlement Agreement provides that the parties stipulate to: (1) the certification of the Settlement Class for settlement purposes; (2) the appointment of Plaintiff and other identified acute care hospitals as the Settlement Class Representatives; and (3) the appointment of John W. (“Don”) Barrett, Warren Tavares Burns, Steven A. Martino, Robert A. Clifford, Charles J. LaDuca, and Stephen B. Farmer as Settlement Class Counsel for the Settlement Class. Interim Settlement Class Counsel therefore seeks that the Court certify a Settlement Class defined as follows:

1. All Acute Care Hospitals in the United States that (i) are not owned or operated by a federal, state, county, parish, city, or other municipal government; (ii) treated patients diagnosed with opioid use disorder and/or other opioid-related conditions at any time from January 1, 2009, through March 20, 2026; and (iii) are not physician practice groups.
2. Any Acute Care Hospital whose Released Claims have been released by any other settlement with Settling Defendants is excluded from the Class.

*See* Settlement Agreement, ECF No. 18-2, § III.A.

Certification of the Settlement Class for settlement purposes furthers the interests of Settlement Class Members and the Settling Defendants by allowing the case to be settled on a class-wide basis. The proposed Settlement Class satisfy the requirements of Rule 23, and thus the Court should grant class certification for settlement purposes only.

#### **A. Numerosity**

Rule 23(a)(1) requires “the class have numbers so large that joinder of all the members would be impracticable.” *See Horn v. Associated Wholesale Grocers, Inc.*, 555 F.2d 270, 275 (10th Cir. 1977) (holding class as small as 46 members is sufficient). Here, the Settlement Class consists of nearly six thousand acute care hospitals dispersed throughout the nation, making joinder of all Settlement Class Members impracticable. Kopetsky Decl. at ¶ 5; *see Cline v. Sonoco, Inc.*, 333 F.R.D. 676, 682 (E.D. Okla.

2019) (“[T]he proposed class encompasses thousands of interest owners, which easily satisfies the numerosity requirement under Rule 23(a)(1).”). As such, numerosity is satisfied.

### **A. Commonality**

Rule 23(a)(2) requires the existence of “questions of law or fact common to the class.” A “common question is one where ‘the same evidence will suffice for each member to make a prima facie showing [or] the issue is susceptible to generalized, class-wide proof.’” *Tyson Foods, Inc. v. Bouaphakeo*, 136 S. Ct. 1036, 1045 (2016) (citation omitted). “Factual differences in the claims of the class members should not result in a denial of class certification where common questions of law exist.” *Milonas v. Williams*, 691 F.2d 931, 938 (10th Cir. 1982). The plaintiff need only show a single issue common to all members of the class. *See Devanghn*, 594 F.3d at 1195; 1 Newberg and Rubenstein on Class Actions § 3:20 (6th ed.).

As detailed fully in the complaint, Plaintiffs’ claims involve numerous common questions of law and fact, including, *inter alia*:

- Did the Settling Defendants, by and through Purdue, and the Manufacturing Co-Conspirators manufacture prescription opioids?
- Did Settling Defendants, both individually and by and through Purdue, make misleading statements regarding the risks and benefits of prescription opioids?
- Did Settling Defendants and Co-Conspirators engage in wire fraud?
- Did Settling Defendants and Co-Conspirators engage in mail fraud?
- Did Settling Defendants and Co-Conspirators corrupt an official proceeding?

*See* Class Action Complaint, ECF No. 1. Accordingly, there is sufficient commonality as amongst the members the Settlement Class to warrant certification for settlement purposes.

### **B. Typicality**

Rule 23(a)(3) requires “the claims or defenses of the representative parties [to be] typical of the claims or defenses of the class.” To meet this requirement, “[e]very member of the class need not

be in a situation identical to that of the named plaintiff.” *Devaughn*, 594 F.3d at 1195 (internal quotations and citation omitted). Rather, “[p]rovided the claims and Named Plaintiffs and class members are based on the same legal or remedial theory, differing fact situations of the class members do not defeat typicality.” *Id.* at 1198–99.

The Class Plaintiffs’ claims are typical of the claims of the Settlement Class, because the Class Plaintiffs are acute care hospitals who treated patients diagnosed with opioid use disorder and/or other opioid-related conditions. The same legal theories and issues of fact underlie the claims of the Settlement Class and the Class Plaintiffs. Accordingly, the Settlement Class satisfies typicality.

### **C. Adequacy of Representation**

Rule 23(a)(4) requires plaintiffs to show they “will fairly and adequately protect the interests of the class.” In the Tenth Circuit, adequacy is satisfied when (1) neither plaintiffs nor their counsel have interests that conflict with the interests of other class members, and (2) plaintiffs and their counsel will prosecute the action vigorously through qualified counsel. *See Rutter & Wilbanks Corp. v. Shell Oil Co.*, 314 F.3d 1180, 1188–89 (10th Cir. 2002). No conflicts exist between Plaintiffs or their counsel and other members of the Settlement Class. To the contrary, Class Plaintiffs share the same incentive as the Settlement Class to vigorously prosecute this case and obtain recovery.

Moreover, Plaintiffs and Interim Settlement Class Counsel have vigorously prosecuted the ACH Opioids Litigation in federal and state courts across the country. Interim Settlement Class Counsel are highly experienced in class actions and have been appointed as lead counsel in multiple previous class actions. Burns Decl. at ¶ 5. Most notably, Interim Settlement Class Counsel were appointed as Settlement Class Counsel in the recent class action settlements with opioid manufacturers

and distributors approved by the Honorable Kea W. Riggs in this District last year.<sup>8</sup> All said, Class Plaintiffs and Interim Settlement Class Counsel satisfy adequacy of representation.

#### **D. Predominance**

Rule 23(b)(3) requires that “questions of law or fact common to class members predominate over any questions affecting only individual members.” “The predominance inquiry tests whether proposed classes are sufficiently cohesive to warrant adjudication by representation” by asking “whether the common, aggregation-enabling, issues in the case are more prevalent or important than the non-common, aggregation-defeating, individual issues.” *Tyson Foods*, 136 S. Ct. at 1045 (internal quotations and citations omitted); *see also, e.g., CCG Holding Co. v. Broad & Cassel*, 773 F.3d 1076, 1087 (10th Cir. 2014) (same). “Class-wide proof is not required for all issues.” *In re Urethane Antitrust Litig.*, 768 F.3d 1245, 1255 (10th Cir. 2014). “Instead, Rule 23(b)(3) simply requires a showing that the questions common to the class predominate over individualized questions.” *Id.* Thus, when “one or more of the central issues in the action are common to the class and can be said to predominate, the action may be considered proper under Rule 23(b)(3) even though other important matters will have to be tried separately, such as damages or some affirmative defenses peculiar to some individual class members.” *Tyson Foods*, 136 S. Ct. at 1045 (citation omitted). Where, as here, Class Plaintiffs and the Settlement Class’s claims stem from a “common nucleus of operative facts,” common issues predominate and certification is appropriate. *Eatinger v. BP Am. Prod. Co.*, 271 F.R.D. 253, 261 (D. Kan. 2010).

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<sup>8</sup> *San Miguel Hosp. Corp. v. Johnson & Johnson*, No. 1:23-CV-00903-KWR-JFR, EFC Nos. 314, 315, 316, 317, 318 (appointing the undersigned as Settlement Class Counsel and granting final approval of class settlements between acute care hospitals and Janssen, Teva, Allergan, Cardinal, Cencora (f/k/a Amerisource Bergen), and McKesson).

The Settlement Class readily satisfies predominance. Common questions regarding the existence of a conspiracy, Settling Defendants' participation in the same, and causation all predominate over potential individual issues, to the extent any may be identified. Damages, too, will be subject to common proof. *See* Burns Decl. at ¶ 32. Under the circumstances, predominance is satisfied in this case.

### **E. Superiority**

Rule 23(b)(3) requires a class action to be “superior to other available methods for fairly and efficiently adjudicating the controversy.” In considering the superiority of a class action, courts consider:

(A) the class members' interests in individually controlling the prosecution or defense of separate actions; (B) the extent and nature of any litigation concerning the controversy already begun by or against class members; (C) the desirability or undesirability of concentrating the litigation of the claims in the particular forum; and (D) the likely difficulties in managing a class action.

Fed. R. Civ. P. 23(b)(3). “In deciding whether to certify a settlement class, the Court need not inquire whether the case, if tried, would present difficult management problems under Rule 23(b)(3)(D).” *In re Motor Fuel Temperature Sales Prac. Litig.*, 271 F.R.D. 263, 269 (D. Kan. 2010).

Superiority is satisfied here. The claims asserted in the ACH Opioids Litigation are highly complex and require significant investment of time and capital by the acute care hospitals and their counsel. Burns Decl. at ¶ 8. Any individual case may take years to reach trial and then be subject to additional years of subsequent appeals. *Id.* Litigating individual cases likewise requires a significant commitment of court resources. A class action is the superior method of fair and efficient adjudication in this matter for purposes of implementing the Settlement.

### **VIII. INTERIM SETTLEMENT CLASS COUNSEL SHOULD BE APPOINTED AS SETTLEMENT CLASS COUNSEL**

Under Rule 23(g)(1)(A), the Court, when appointing class counsel, must consider: “(i) the work counsel has done in identifying or investigating potential claims in the action; (ii) counsel’s experience in handling class actions, other complex litigation, and the types of claims asserted in the action; (iii) counsel’s knowledge of the applicable law; and (iv) the resources that counsel will commit to representing the class.” The Court may also consider “any other matter pertinent to counsel’s ability to fairly and adequately represent the interests of the class.” Fed. R. Civ. P. 23(g)(1)(B).

Here, Interim Settlement Class Counsel have gone above and beyond merely identifying and investigating potential claims—they have been pursuing the ACH Opioids Litigation for nearly a decade. As part of this Litigation, Class Plaintiffs and Interim Settlement Class Counsel have engaged in years of discovery, numerous rounds of motion practice, trial preparation and trial, and even appeals in similar litigation with the Settling Defendants’ alleged co-conspirators. Burns Decl. at ¶ 20. Interim Settlement Class Counsel have reviewed voluminous discovery and taken depositions of representatives of certain of the Settling Defendants’ alleged co-conspirators and third parties. *Id.* These efforts most recently culminated in a nearly three-month long trial in Florida state court on behalf of several of the Class Plaintiffs against certain of the Settling Defendants’ alleged co-conspirators. *Id.* Further, Class Plaintiffs and Interim Settlement Class Counsel have retained and worked closely with over a dozen experts in preparing the underlying cases for trial. *Id.* at ¶ 22. Given these years of litigation, Interim Settlement Class Counsel’s knowledge of the applicable laws is comprehensive.

Interim Settlement Class Counsel also have significant experience prosecuting complex class actions, including RICO and antitrust class actions, in this district and circuit and throughout the

country. *Id.* at ¶ 16. Courts around the country recognize the expertise and ability of proposed Settlement Class Counsel to effectively litigate complex class actions.<sup>9</sup>

Lastly, Interim Settlement Class Counsel have already committed considerable time and resources in prosecuting the ACH Opioids Litigation. As detailed further in Section VI, Interim Settlement Class Counsel have collectively devoted hundreds of thousands of hours to the ACH Opioids Litigation. Burns Decl. at ¶¶ 22, 38–39. As it pertains to this Settlement, Interim Class Counsel have dedicated 13,371 of hours to work within the Purdue bankruptcy and the subsequent negotiation of this Settlement. *Id.* at 40. Finally, Interim Class Counsel will likewise put forth this same effort in representing the Class through final approval and distribution of this Settlement.

#### **IX. PLAINTIFFS PROVIDED SUFFICIENT NOTICE TO THE PRELIMINARILY CERTIFIED SETTLEMENT CLASS IN COMPLIANCE WITH RULE 23 AND DUE PROCESS**

Under Rule 23(e)(1), a district court approving a class action settlement “must direct notice in a reasonable manner to all class members who would be bound by the proposal.” Fed. R. Civ. P. 23(e)(1)(B). Rule 23(c)(2)(B) also provides notice of a class settlement must be “the best notice that is practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort.” Fed. R. Civ. P. 23(c)(2)(B); *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156, 173 (1974) (class notice designed to fulfill due process requirements). Notice “must be reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” *Tennille*, 785 F.3d at 436 (citation omitted).

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<sup>9</sup> See, e.g., *In re Insulin Pricing Litig.*, No. 3:17-CV-699-BRMLHG, 2020 WL 5642002, at \*7 (D.N.J. Sept. 22, 2020) (recognizing that Mr. Barrett has “substantial experience litigating complex commercial disputes including class action and antitrust matters”); *Kjessler v. Zaappaaq, Inc.*, No. 4:17-CV-3064, 2018 WL 8755737, at \*5 (S.D. Tex. Aug. 31, 2018) (recognizing that “Mr. Burns and his firm have significant experience in anti[t]rust class actions”); *Buttonwood Tree Value Partners, L.P. v. Sweeney*, No. SA-CV-1000537-CJMLGX, 2014 WL 12586788, at \*3 (C.D. Cal. May 15, 2014) (agreeing with class counsel that the Cuneo Gilbert & LaDuca firm has significant “experience with securities fraud class actions”).

As explained in Plaintiff San Miguel's motion for preliminary approval (ECF No. 18 at § III(A)), the Court-approved Notice, Registration Form, Claim Form, and Summary Notice (the latter three together, the "Notice Package") satisfy these standards and have informed Settlement Class Members of all relevant case and settlement-related information. For these reasons, the Court's Preliminary Approval Order found that the form and content of the notice program here, as well as the methods for notifying the Settlement Class upon preliminary approval, "constitute the best notice to Settlement Class Members practicable under the circumstances" and "satisfy all applicable requirements of the Federal Rules of Civil Procedure (including Rule 23(c)-(e)), the United States Constitution (including the Due Process Clause), the Rules of this Court, and other applicable law." ECF No. 48, at ¶ 13.

Here, the combination of: (i) mailing 5,892 copies of the Court-approved Notice Packet to potential Settlement Class Members; (ii) emailing 1,377 copies (of which 1,160 were successfully delivered) of the Notice Package to potential Settlement Class Members; (iii) implementing the media plan to publish notice of the Settlement on certain websites, e-newsletters, and email blasts; (iv) maintaining a toll-free telephone number, with an interactive voice response system to provide potential Settlement Class Members with responses to frequently asked questions and important information regarding the Settlement, and (v) establishing and managing the settlement website, [www.acutecarehospitalsettlement.com](http://www.acutecarehospitalsettlement.com),<sup>10</sup> is typical of notice plans approved in class action settlements, and likewise, was "the best notice . . . practicable under the circumstances." Fed. R. Civ. P. 23(c)(2)(B).

In sum, the form, manner, and content of the Notice and Notice Package were the best practicable notice. Their contents were reasonably calculated to, and did, apprise Settlement Class Members of the pendency and nature of the Settlement and afforded them an opportunity to object.

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<sup>10</sup> See generally Kopetsky Decl.

**X. THE SETTLEMENT IS FAIR, REASONABLE, AND ADEQUATE AND MERITS FINAL APPROVAL**

Settlement is strongly favored as a method for resolving disputes. *See Sears v. Atchison, Topeka & Santa Fe Ry., Co.*, 749 F.2d 1451, 1455 (10th Cir. 1984); *see also Trujillo v. State of Colo.*, 649 F.2d 823, 826 (10th Cir. 1981) (citing “important public policy concerns that support voluntary settlements”). This is particularly true in large, complex class actions such as the current case. *See Acevedo v. Sw. Airlines Co.*, No. 1:16-CV-00024-MV-LF, 2019 WL 6712298, at \*2 (D.N.M. Dec. 10, 2019), *report and recommendation adopted*, No. 1:16-CV-00024-MV-LF, 2020 WL 85132 (D.N.M. Jan. 7, 2020) (“In the class action context in particular, there is an overriding public interest in favor of settlement because settlement of complex disputes minimizes the litigation expenses of both parties and also reduces the strain such litigation imposes upon already scarce judicial resources.” (cleaned up)). “In most situations, unless the settlement is clearly inadequate, its acceptance and approval are preferable to lengthy and expensive litigation with uncertain results.” *Montgomery v. Cont’l Intermodal Grp.-Trucking LLC*, No. 19-940 GJF, 2021 WL 1339305, at \*3 (D.N.M. Apr. 9, 2021) (citation omitted).

Fed. R. Civ. P. 23(e)(2) provides that a class action settlement may be approved by the court “only after a hearing and only on finding that it is fair, reasonable, and adequate,” and identifies the following factors to be considered by courts at final approval:

- (A) the class representatives and class counsel have adequately represented the class;
- (B) the proposal was negotiated at arm’s length;
- (C) the relief provided for the class is adequate, taking into account:
  - (i) the costs, risks, and delay of trial and appeal;
  - (ii) the effectiveness of any proposed method of distributing relief to the class, including the method of processing class-member claims;
  - (iii) the terms of any proposed award of attorney’s fees, including timing of payment; and

- (iv) any agreement required to be identified under Rule 23(e)(3); and
- (D) the proposal treats class members equitably relative to each other.

Fed. R. Civ. P. 23(e)(2).

Additionally, in deciding whether a settlement is “fair, reasonable, and adequate,” courts in the Tenth Circuit traditionally consider whether:

- (1) the settlement was fairly and honestly negotiated; (2) serious legal and factual questions placed the litigation’s outcome in doubt; (3) the immediate recovery was more valuable than the mere possibility of a more favorable outcome after further litigation; and (4) the parties believed the settlement was fair and reasonable.

*Anderson Living Tr. v. Energen Res. Corp.*, No. CV 13-909 WJ/CG, 2021 WL 1686491, at \*2 (D.N.M. Apr. 29, 2021), *report and recommendation adopted*, No. CV 13-909 WJ/CG, 2021 WL 1686492 (D.N.M. Apr. 29, 2021) (citing *Rutter & Wilbanks Corp.*, 314 F.3d at 1188 and *In re Integra Realty Res., Inc.*, 354 F.3d 1246, 1266 (10th Cir. 2004)). The Tenth Circuit’s additional factors overlap with the Rule 23(e)(2) factors, with “[t]he fourth [] factor [being] the only factor that does not directly overlap with the Rule 23(e)(2) factors.” *Cisneros v. EP Wrap-It Insulation, LLC*, No. CV 19-500 GBW/GJF, 2022 WL 2304146, at \*11 (D.N.M. June 27, 2022). As a result, courts in this District primarily consider the Rule 23(e)(2) factors and separately discuss only the Tenth Circuit’s fourth factor. *See, e.g., id.*

The Court preliminarily determined that the Settlement totaling up to \$174.2 million in cash meets these standards and is fair, reasonable, and adequate. ECF No. 48, at ¶ 1. As discussed below, the Court’s initial disposition was correct, as the Settlement satisfies each of the Rule 23(e)(2) and Tenth Circuit factors. Accordingly, Plaintiffs request the Court now grant final approval of the Settlement.

## **F. The Settlement Satisfies the Rule 23(e)(2) Factors**

### **1. Class Plaintiffs and Interim Settlement Counsel Have Adequately Represented the Settlement Class**

Under this factor, the Court should consider that “the nature and amount of discovery in this or other cases, or the actual outcomes of other cases, may indicate whether counsel negotiating on behalf of the class had an adequate information base.” Fed. R. Civ. P. 23 advisory committee’s notes (2018). Here, the breadth and volume of the work performed by the Class Plaintiffs and Interim Settlement Class Counsel cannot be understated.

Class Plaintiffs and Interim Settlement Class Counsel have adequately represented the preliminarily certified Settlement Class as required by Rule 23(e)(2)(A). As detailed above, Class Plaintiffs and Class Counsel have been litigating the ACH Opioids Litigation in numerous federal and state *fora* for nearly ten years. Burns Decl. at ¶¶ 20–22. In this time, Class Plaintiffs and Interim Settlement Class Counsel have engaged in years of discovery, numerous rounds of motion practice, trial preparation and trial, and even appeals. *Id.* at ¶ 20. Class Plaintiffs have also produced millions of pages of documents and have been deposed. *Id.* Interim Settlement Class Counsel have reviewed voluminous discovery and taken depositions of representatives of certain of the Settling Defendants’ co-conspirators and third parties. *Id.* Further, Class Plaintiffs and Interim Settlement Class Counsel have retained and worked closely with over a dozen experts to provide testimony on issues relating to alleged liability and damages. *Id.* at ¶ 22. Interim Settlement Class Counsel and certain Class Plaintiffs also tried a nearly three-month-long case in Florida state court against Settling Defendants’ alleged co-conspirators for related claims. *Id.* at ¶ 20. Moreover, Interim Settlement Class Counsel successfully negotiated and received Court approval of four class action settlements against Settling Defendants’ co-conspirators on behalf of acute care hospitals, totaling \$651 million. *Id.* at ¶ 22. As it relates to the bankruptcy proceedings, Interim Settlement Class Counsel presented substantive evidence of their injuries in the Purdue Pharma proceedings, and with the benefit of detailed claims data analyses unique

to the hospitals and testimony of experts, convinced the Debtors (and eventually the Court) that the hospitals were entitled to relief independent of the governmental plaintiffs. McNulty Decl. at ¶¶ 7–9. As a result of these extensive efforts, spanning thousands of hours of work and several years, Interim Settlement Class Counsel have achieved *this* significant Settlement—totaling up to \$174.2 million—with the Settling Defendants, which will provide immediate relief to the certified Settlement Class. *See generally* Burns Decl.

Collectively, Interim Settlement Class Counsel have significant experience prosecuting complex class actions in this district and circuit and throughout the country and have been appointed as lead counsel in multiple previous class actions. *Id.* at ¶¶ 5, 16. Courts around the country recognize the expertise and ability of proposed Settlement Class Counsel to effectively litigate complex class actions. *See supra*, note 9.

In deciding adequacy of representation, “courts consider whether: (1) the named plaintiffs and their counsel have any conflicts of interest with other class members; and (2) the named plaintiffs and their counsel have prosecuted the action vigorously on behalf of the class.” *Cisneros*, 2022 WL 2304146, at \*4 (internal quotations and citations omitted). Here, no conflicts exist, and the collective tenacity, sophistication and resources of Interim Settlement Class Counsel were instrumental in achieving this substantial settlement, which will provide up to \$174.2 million and significant and immediate relief to the Settlement Class. Therefore, Class Plaintiffs and Interim Settlement Class Counsel have provided adequate representation to the Settlement Class.

## **2. The Settlement Was Fairly Negotiated at Arm’s Length**

The second factor under Rule 23(e)(2)(B) overlaps with the first factor considered by courts in the Tenth Circuit and assesses whether the settlement was fairly and honestly negotiated. *See Lowery v. City of Albuquerque*, No. CIV 09-0457 JB/WDS, 2013 WL 1010384, at \*36 (D.N.M. Feb. 27, 2013); *Anderson Living Tr.*, 2021 WL 1686491, at \*2. Settlements reached after real negotiations through

representation by experienced counsel well-versed in the legal and factual issues of the case support a finding of fair and honest negotiation. *See, e.g., Montgomery*, 2021 WL 1339305 at \*9; *Acevedo*, 2019 WL 6712298, at \*2; *Anderson Living Tr. v. Energen Res. Corp.*, No. CV 13-909 WJ/CG, 2021 WL 3076910, at \*3 (D.N.M. July 21, 2021).

“[T]here is a presumption in favor of a finding that negotiations were fair when they were conducted before a third-party mediator.” *Cisneros*, 2022 WL 2304146, at \*5. An experienced mediator’s involvement “in the settlement negotiations strongly supports a finding that they were conducted at arm’s-length and without collusion.” *In re Telik, Inc. Sec. Litig.*, 576 F. Supp. 2d 570, 576 (S.D.N.Y. 2008); *see also D’Amato v. Deutsche Bank*, 236 F.3d 78, 85 (2d Cir. 2001) (noting that a “mediator’s involvement in . . . settlement negotiations helps to ensure that the proceedings were free of collusion and undue pressure”). In this matter, three mediators were fully engaged in negotiation.

Here, the Settlement was preceded by a period of protracted litigation in the bankruptcy action. In 2019, facing civil litigation in hundreds of actions across the United States, Purdue filed for chapter 11 bankruptcy. *See In re Purdue Pharma, L.P. et al.*, Case No. 19-23649 (SHL) (Bankr. S.D.N.Y.). And following that bankruptcy filing, various creditor groups began arduous and protracted arms’-length negotiations with both Purdue and the Sacklers. McNulty Decl. at ¶ 5. These negotiations, which spanned over years, were facilitated by the Honorable Layn R. Phillips (Ret.), Kenneth R. Feinberg, and the Honorable Shelley C. Chapman (Ret.). *Id.* The first phase of mediation resulted in allocation settlements between non-federal public creditors and several private creditor groups. *Id.* at ¶ 6. Shortly thereafter, Purdue and the Sacklers reached related settlements with the Department of Justice, which was approved by the bankruptcy court. *Id.* The second phase of mediation culminated in a proposed chapter 11 plan of reorganization for Purdue. *Id.* at ¶ 8. And in late 2021, about two years after negotiations had started, that chapter 11 plan of reorganization was confirmed by the bankruptcy court in the Southern District of New York (U.S. Bankruptcy Judge Robert D. Drain, presiding). *Id.*

As confirmed, the chapter 11 plan would have resolved and released creditors' claims, both against Purdue's estate (so-called "estate" claims) and against the Sacklers and additional non-debtor entities (so-called "direct" claims). *Id.* at ¶ 11. But appeals ensued challenging the plan. In December 2021, Judge Colleen McMahon of the U.S. District Court of the Southern District of New York reversed the confirmation, which was appealed to the Second Circuit. The Second Circuit reversed the district court, reviving the bankruptcy court's reorganization plan (which had been modified). *Id.* Then, in June 2024, the Supreme Court vacated the bankruptcy court's chapter 11 plan, holding that the Bankruptcy Code does not authorize a bankruptcy court to approve, as part of a plan of reorganization under chapter 11, releases and injunctions that extinguish claims against non-debtor third parties, such as the Sacklers, without the consent of affected claimants. *Harrington v. Purdue Pharma L.P.*, 603 U.S. 204 (2024).

In the wake of the Supreme Court's ruling, various creditor groups resumed negotiations with Purdue and the Sacklers. *Id.* at ¶ 13. Once again, the Honorable Shelley C. Chapman facilitated the negotiations, which continued for months. *Id.*

The resulting Settlement then is the product of arm's-length negotiations between the Settling Parties, advised by their sophisticated counsel, who possessed more than sufficient evidence and knowledge to allow them to make informed decisions about the strengths and weaknesses of their respective cases. During negotiation, the relevant legal issues were fully presented for the Settling Parties to effectively evaluate liability and damages. As a result, the Settling Parties were well prepared for the serious negotiations that led to the Settlement Agreement and were well informed of the respective parties' arguments. *See Montgomery*, 2021 WL 1339305, at \*9; *Acevedo*, 2019 WL 6712298, at \*2; *Anderson Living Tr*, 2021 WL 3076910, at \*3. Accordingly, the Settlement achieved here should be presumed to be the result of arm's-length, fair, and honest negotiations. *See Cisneros*, 2022 WL 2304146, at \*5.

### 3. The Settlement Is Adequate in Light of the Costs, Risks, and Delay of Trial and Appeal

“Although it is not the role of the Court at this stage of the litigation to evaluate the merits . . . it is clear that the parties could reasonably conclude that there are serious questions of law and fact that exist such that they could significantly impact the case if it were litigated.” *Lucas v. Kmart Corp.*, 234 F.R.D. 688, 693–94 (D. Colo. 2006) (citation omitted). As strongly as the Settling Parties feel about the merits of their positions, each side recognizes that serious questions of law and fact exist in this case.

In assessing the Settlement Agreement, the Court should also balance the benefits afforded to the Settlement Class, including the immediacy and certainty of a recovery, against the significant costs, risks, and delay of proceeding with litigation. *See* Rule 23(e)(2)(C)(i). This third factor is based on the premise that the Settlement Class “is better off receiving compensation now as opposed to being compensated, if at all, several years down the line, after the matter is certified, tried, and all appeals are exhausted.” *See Acevedo*, 2019 WL 6712298, at \*3 (citing *McNeely v. Nat’l Mobile Health Care, LLC*, No. CIV-07-933-M, 2008 WL 4816510, at \*13 (W.D. Okla. Oct. 27, 2008)).

This consideration largely overlaps with the second (“whether serious questions of law and fact exist, placing the ultimate outcome of the litigation in doubt”) and third factors (“whether the value of an immediate recovery outweighs the mere possibility of future relief after protracted and expensive litigation”) traditionally considered by courts in the Tenth Circuit. *Chavez Rodriguez v. Hermes Landscaping, Inc.*, No. 17-2142-JWB-KGG, 2020 WL 3288059, at \*2–3 (D. Kan. June 18, 2020); *see Cisneros*, 2022 WL 2304146, at \*11 (explaining that all but the Tenth Circuit’s fourth factor overlap with Rule 23’s factors). Thus, courts consider these factors to be “subsumed under Rule 23’s requirement that the settlement agreement’s adequacy be measured against the ‘costs, risks, and delay of trial and appeal’ of the underlying case.” *Chavez Rodriguez*, 2020 WL 3288059, at \*3 (citing Rule

23(e)(2)(C)(i)); *see, e.g., Cisneros*, 2022 WL 2304146, at \*11 (incorporating analysis of Rule 23 factors by reference into analysis of Tenth Circuit factors).

**a. Serious Legal and Factual Questions Placed the Litigation’s Outcome in Doubt.**

The presence of serious legal and factual questions concerning the outcome of this litigation weighs heavily in favor of settlement, as “settlement outweighs the mere possibility of future relief after protracted and expensive litigation.” *See Montgomery*, 2021 WL 1339305, at \*6; *In re Qwest Commc’ns Int’l, Inc. Sec. Litig.*, 625 F. Supp. 2d 1133, 1138 (D. Colo. 2009). “Although it is not the role of the Court at this stage of the litigation to evaluate the merits, ‘it is clear that the parties could reasonably conclude that there are serious questions of law and fact that exist such that they could significantly impact the case if it were litigated.’” *See Montgomery*, 2021 WL 1339305, at \*9 (quoting *Lucas*, 234 F.R.D. at 693–94). The presence of questions of law and fact “tips the balance in favor of settlement because settlement, creates a certainty of some recovery, and eliminates doubt, meaning the possibility of no recovery after long and expensive litigation.” *McNeely, LLC*, 2008 WL 4816510, at \*13; *see also Tennille*, 785 F.3d at 435 (affirming final approval of settlement where “serious disputed legal issues” rendered “the outcome of th[e] litigation . . . uncertain and further litigation would have been costly”).

The current proposed Settlement notwithstanding, there remain numerous factual and legal issues on which the Settling Parties intensely disagree. Settling Defendants deny that they have engaged in any wrongdoing as alleged by Plaintiffs, deny any liability whatsoever for any of the claims alleged by Plaintiffs, and deny that Plaintiffs have suffered any injuries or damages. Conversely, Plaintiffs have advanced numerous complex legal and factual issues under federal statutes and various state laws in other *fora*.

The issues on which the Settling Parties disagree are many, but include: (1) whether any of the Settling Defendants engaged in conduct that would give rise to any liability under the federal RICO statutes; (2) whether the Settling Defendants have valid defenses to any such claims of liability; (3) the

amount of damages suffered by reason of the Settling Defendants' alleged wrongdoing; (4) whether the Court may properly certify a class for purposes of litigation; (5) whether the Settling Defendants had other meritorious defenses to the alleged claims; and (6) issues of agency and solvency. Although Class Plaintiffs believe their claims would be borne out by the evidence presented at trial, they recognize that there are significant hurdles to proving liability or even proceeding to trial. Had the parties not reached the Settlement Agreement, the Court or a jury would ultimately be required to decide these issues, placing the litigation's ultimate outcome in doubt.

**b. Immediate Recovery Is More Valuable than the Mere Possibility of a More Favorable Outcome After Further Litigation**

Considering the risks associated with continued litigation, as discussed above, the immediate, substantial relief offered by the Settlement “outweigh[s] an uncertain result several years in the future.” *Montgomery*, 2021 WL 1339305, at \*10; *see id.* at \*6 (“[I]t has been held proper ‘to take the bird in the hand instead of a prospective flock in the bush.’” (citation omitted)); *In re Thornburg Mortg., Inc. Sec. Litig.*, 912 F. Supp. 2d 1178, 1244 (D.N.M. 2012) (“To most people, a dollar today is worth a great deal more than a dollar ten years from now.”) (quoting *Reynolds v. Beneficial Nat’l Bank*, 288 F.3d 277, 284 (7th Cir. 2002)).

The ACH Opioids Litigation has been pending for over nine years. Burns Decl. at ¶ 25. The Settling Parties and courts in this and other jurisdictions will likely expend significant additional time, resources, and costs to proceed to trial, and the inevitable appeals will likely extend years into the future. *See Acenedo*, 2019 WL 6712298, at \*3 (“Many more months and significant costs would be required for the parties and Court to complete the pretrial proceedings . . . . In short, the ultimate resolution of this action on the merits (and in turn, compensation to Class Members) via trial and appeal is indefinite at best.”); *Chavez Rodriguez*, 2020 WL 3288059, at \*3 (observing that “the costs and time of moving forward in litigation would be substantial”); *Lucas*, 234 F.R.D. at 694 (“If this case were to be litigated, in all probability it would be many years before it was resolved.”). Considering

the complex legal and factual issues associated with continued litigation, there is an undeniable and substantial risk that, after years of continued litigation, the proposed Settlement Class could receive an amount significantly less than the up to \$174.2 million provided by the Settlement Agreement, or nothing at all, for their claims against the Settling Defendants.

“By contrast, the proposed settlement agreement provides the class with substantial, guaranteed relief” now and in the future. *Acevedo*, 2019 WL 6712298, at \*3 (D.N.M. Dec. 10, 2019) (quoting *Lucas*, 234 F.R.D. at 694 and citing *McNeely*, 2008 WL 4816510, at \*13. “[The] immediate recovery in this case outweighs the time and costs inherent in complex [] litigation, especially when the prospect is some recovery versus no recovery.” *In re Crocs, Inc. Sec. Litig.*, 306 F.R.D. 672, 691 (D. Colo. 2014); *In re King Res. Co. Sec. Litig.*, 420 F. Supp. 610, 625 (D. Colo. Aug. 10, 1976). Thus, the recoveries under the Settlement Agreement, particularly when viewed in the context of the risks, costs, delay, and the uncertainties of further proceedings, weighs in favor of final approval of the Settlement.

#### **4. The Method for Distributing Relief is Effective**

As demonstrated in Section III above and discussed in more detail in the Declaration of Kayla Kopetsky, the notice program and claims administration process have been and are effective. As also described in Section III, Class Plaintiffs and Interim Settlement Class Counsel provided the best notice practicable under the circumstances in accordance with the Preliminary Approval Order (ECF No. 48) and the requirements of Rule 23 and due process. The settlement notice program approved by the Court included individual notice by email or First-Class Mail to all Settlement Class Members who could be identified through reasonable efforts and appearing on a list of over 5,800 hospitals providing emergency services. *See* Kopetsky Decl. at ¶¶ 4–6. AB Data has also conducted targeted notice through relevant media. *Id.* at ¶¶ 7–10. In addition, settlement-related and other key documents—including the Settlement Agreement, Notices, Plan of Allocation, Claims and Registration Forms, and Preliminary Approval Order—are posted on a designated website. *Id.* at ¶ 12.

Plaintiffs have proposed a fair and orderly claims administration process in which Settlement Class Members who wish to participate in the Settlement will complete and submit Registration and Claims Forms<sup>11</sup> in accordance with the instructions contained therein. Plan of Allocation, attached hereto as Exhibit C.<sup>12</sup> The Settlement Administrator will distribute the Net Settlement Funds to Authorized Claimants under a Court-approved Plan of Allocation. *See id.* As described in Section V below, the Plan of Allocation proposed here was prepared with information provided by Plaintiffs' experts, in consultation with the Special Master, the Hon. Thomas Hogan, and is consistent with the Acute Care Hospital plans of allocation developed in the Purdue bankruptcy proceedings (Case No. 19-23649), and utilized thereafter in the Mallinckrodt, plc (Case No. 20-12522) and Endo (Case No. 22-22549) bankruptcy proceedings. Burns Decl. at ¶ 28. Moreover, the same Plan of Allocation was used in the Acute Care Hospital class action settlements with opioid manufacturers and distributors, approved by another court in this District last year (No. 1:23-CV-00903-KWR-JFR). *Id.* The notice program, claims administration process, and Plan of Allocation are a thorough and effective method of distributing relief and further support final approval.

### **5. Attorneys' Fees and Expenses**

Rule 23(e)(2)(C)(iii) addresses “the terms of any proposed award of attorney’s fees, including timing of payment.” Fed. R. Civ. P. 23(e)(2)(C)(iii). Interim Settlement Class Counsel seek an award of attorneys’ fees of a standard one-third of the total Settlement Funds, plus payment of Interim

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<sup>11</sup> Class Members that opt to receive a “Quick Pay” Amount need only fill out a Registration Form. Class Members opting to receive a payment calculated from the Model must fill out a Registration Form and Claim Form.

<sup>12</sup> The Plan of Allocation was originally attached to Settlement Agreement (ECF No. 18-2) as associated Exhibit A to Plaintiff’s Motion for Preliminary Approval of the Settlement (ECF No. 18). Interim Class Counsel have since made minor modifications to the Plan of Allocation, as submitted as associated Exhibit A (ECF No. 49-1) to their notice to the Court, filed on April 9, 2026 (ECF No. 49).

Settlement Class Counsel's expenses incurred in connection with the underlying negotiation and implementation of the Settlement.

As detailed in Section VI below, the fee request is in line with fee awards that other courts in this District and the Tenth Circuit have approved in complex class actions. *See, e.g., Cisneros*, 2022 WL 2304146, at \*8 (approving attorneys' fees amounting to "one-third of the gross settlement amount" and explaining that "a contingent fee of one-third of the settlement amount in a class action is standard in this Court and other district courts in the Tenth Circuit."); *Anderson Living Tr.*, 2021 WL 3076910, at \*5, \*9 (approving attorneys' fees constituting 40% of the settlement fund and noting that "courts in this District routinely award fees in the range of 30–40% of any amount recovered"); *Montgomery*, 2021 WL 1339305, at \*7 (approving of attorneys' fees amounting to "approximately 31.47% of the settlement fund"); *Acevedo*, 2019 WL 6712298, at \*4 (approving attorneys' fees amounting to "33.33% of the gross recovery"); *In re Thornburg Mortg., Inc.*, 912 F. Supp. 2d at 1257 ("Fees in the range of 30–40% of any amount recovered are common in complex and other cases taken on a contingency fee basis." (citation omitted)). The fee request is especially modest in light of the five percent (5%) common benefit assessment that Interim Class Counsel will have to pay to the MDL's Plaintiffs' Executive Committee (PEC) as a condition of the terms negotiated in the earlier years of mediation in *Purdue Pharma*.

## **6. Additional Agreements**

Rule 23(e)(2)(C)(iv) requires the disclosure of any other agreements. Plaintiffs do not have any additional agreements with any of the Settling Defendants.

## **7. Settlement Class Members Are Treated Equitably**

The final factor, Rule 23(e)(2)(D), looks at whether certified Settlement Class Members are treated equitably. As reflected in the Plan of Allocation, Settlement Class Members are treated equitably here. The Plan of Allocation provides all Settlement Class Members the opportunity to

submit a claim for an expedited Quick Pay amount. *See, e.g.*, Plan of Allocation, attached hereto as Exhibit D, at 1. In the alternative, all Settlement Class Members may elect to participate in a more detailed damages calculation and allocation process utilizing objective factors detailed in the Plan of Allocation. *Id.* at 1–3. The Plan of Allocation does not discriminate among Settlement Class Members, treating all Settlement Class Members fairly.

### **G. The Settlement Satisfies the Remaining Factor Considered by Courts in the Tenth Circuit**

The final, additional factor courts in the Tenth Circuit consider is “the judgment of the parties that the settlement is fair and reasonable.” *Cisneros*, 2022 WL 2304146, at \*11 (quoting *Rutter*, 314 F.3d at 1188). “Under this factor, the recommendation of a settlement by experienced plaintiffs[] counsel is entitled to great weight.” *Id.* (internal quotations and citations omitted).

Interim Settlement Class Counsel—all senior attorneys at law firms with considerable experience in complex class actions—only agreed to settle with the Settling Defendants after extensive investigation and rigorous arm’s-length negotiations. Burns Decl. at ¶ 16. Additionally, as noted above, Class Plaintiffs and Interim Settlement Class Counsel have compared the substantial recovery the certified Settlement Class will receive from the Settlement against the risks, delays, and uncertainties of continued litigation and appeals. Class Plaintiffs and Interim Settlement Class Counsel believe the Settlement is fair, adequate, and reasonable and should be approved. *Id.* at ¶ 18. The Settling Defendants likewise believe that the Settlement should be approved. *Id.* Because the above factors weigh in favor of the Settlement, Plaintiffs respectfully request that the Court grant final approval of the Settlement.

### **XI. THE PLAN OF ALLOCATION IS FAIR, REASONABLE, AND ADEQUATE**

The proposed Plan of Allocation (attached as Exhibit D) details how the Net Settlement Funds are to be allocated among Eligible Claimants. The standard for approval of a plan of allocation is the same as the standard for approving a settlement: whether it is “fair, reasonable, and adequate.” *See*

*Lucas*, 234 F.R.D. at 695. In making this determination, courts give great weight to the recommendation of experienced counsel. *See id.* (“An allocation formula need only have a reasonable, rational basis, particularly if recommended by experienced and competent class counsel.” (internal quotations and citation omitted)).

Here, the plan allocates funds between Eligible Claimants in two ways: (1) A Settlement Class Member may select a “Quick Pay” option under which the Settlement Class Member will receive a default amount of \$5,000 total from the Settlement, or (2) a Settlement Class Member may elect to participate in the more detailed damages calculation using the Model set forth in the Plan of Allocation, which may result in an Allocated Amount greater (but not less) than the Settlement Class Member’s Quick Pay Amount. Interim Settlement Class Counsel anticipate that all funds will be distributed to Settlement Class Members pursuant to the Plan of Allocation. Burns Decl. at ¶ 10.

The Plan of Allocation was prepared based on information provided by Plaintiffs’ experts, in consultation with the Special Master, the Hon. Thomas Hogan, and is consistent with the Acute Care Hospital plans of allocation developed in connection with negotiations in the Purdue Pharma bankruptcy proceedings (Case No. 19-23649), and utilized thereafter in the Mallinckrodt, plc (Case No. 20-12522) and Endo (Case No. 22-22549) bankruptcy proceedings, as well as the Acute Care Hospital settlements with opioid manufacturers and distributors (Case No. 1:23-CV-00903). There is no right of reversion under the Settlement and under no circumstances will any portion of the Settlement Amount be returned to the Settling Defendants once the Settlement becomes final. *Id.* at ¶¶ 10, 28.

Interim Settlement Class Counsel submit that this method of distributing settlement funds is fair, reasonable, and adequate, and warrants this Court’s final approval.

## **XII. THE REQUESTED COMMON FUND FEE IS REASONABLE AND SHOULD BE APPROVED**

Rule 23 provides that “[i]n a certified class action, the court may award reasonable attorney’s fees and nontaxable costs that are authorized by law or by the parties’ agreement.” Fed. R. Civ. P. 23(h). The Supreme Court has long recognized that “a litigant or a lawyer who recovers a common fund for the benefit of persons other than himself or his client is entitled to a reasonable attorney’s fee from the fund as a whole.” *Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980). The purpose of the common fund doctrine is to compensate class counsel fairly and adequately for services rendered on the theory “that persons who obtain the benefit of a lawsuit without contributing to its costs are unjustly enriched at the successful litigant’s expense.” *In re Syngenta AG MIR 162 Corn Litig.*, 61 F.4th 1126, 1193 (10th Cir. 2023) (quoting *Gottlieb v. Barry*, 43 F.3d 474, 482 (10th Cir. 1994)) (internal quotations omitted). Accordingly, the Court has authority to award attorneys’ fees and expenses from the Settlement Funds in this case.

#### **A. The Requested Fee is a Reasonable Percentage of the Common Fund**

The prevailing method for determining attorneys’ fees in common fund cases is awarding a percentage of the fund. *See* Manual for Complex Litigation, Fourth, § 14.121 (“The vast majority of courts of appeals now permit or direct district courts to use the percentage-fee method in common-fund cases.” (footnotes omitted)). “[U]nder the ‘common fund doctrine,’ . . . a reasonable fee is based on a percentage of the fund bestowed on the class.” *Blum v. Stenson*, 465 U.S. 886, 900 n.16 (1984). And in this Circuit, a percentage-of-the-fund is the preferred method of awarding attorney fees in common fund cases. *See In re Syngenta AG MIR 162 Corn Litig.*, 61 F.4th at 1193; *Anderson Living Tr.*, 2021 WL 3076910, at \*7 (“In the Tenth Circuit, there is a preference for determining the reasonableness of a fee award in common fund cases utilizing ‘the percentage of fund’ method.”); *Fowler v. Med. Man Techs., Inc.*, No. CV 23-640 WJ/SCY, 2024 WL 3498587, at \*3 (D.N.M. July 18, 2024), *report and recommendation adopted*, No. CV 23-640 WJ/SCY, 2024 WL 3495063 (D.N.M. July 22, 2024) (“The Tenth Circuit has expressed a preference for the percentage-of-the-fund approach in

common fund cases.”); *Cisneros*, 2022 WL 2304146, at \*7; *Rosenbaum v. MacAllister*, 64 F.3d 1439, 1445 (10th Cir. 1995); *Gottlieb*, 43 F.3d at 482–83.

“The Tenth Circuit favors the common fund approach, as opposed to the lodestar method, because a percentage of the common fund is less subjective than the lodestar plus multiplier approach, matches the marketplace most closely, and is the better suited approach when class counsel were retained on a contingent fee basis, as in this case.” *Shaw v. Interthinx, Inc.*, No. 13- CV-01229-REB-NYW, 2015 WL 1867861, at \*5 (D. Colo. Apr. 22, 2015) (citation omitted). And in making a “percentage-fee determination, the court need not conduct a lodestar analysis to assess reasonableness.” *Nakamura v. Wells Fargo Bank, Nat’l Ass’n*, No. 17-4029-DDC-GEB, 2019 WL 2185081, at \*3 (D. Kan. May 21, 2019) (citations omitted); *Cisneros*, 2022 WL 2304146, at \*7 (when determining reasonableness, “the Tenth Circuit neither requires a lodestar cross-check nor prefers it to the percentage of the fund method”). Indeed, “[d]istrict courts in New Mexico routinely approve attorneys’ fees based on a percentage of fund method without a lodestar cross-check.” *Montgomery*, 2021 WL 1339305, at \*7 n.5 (collecting cases).

An award of attorneys’ fees of one-third of the up to \$174,215,320.82 total Settlement Amount amounts to up to \$57,491,055.87 and is consistent with this District’s law and the Tenth Circuit’s requirement that the fee be reasonable under review of the twelve *Johnson* factors.

### **B. The *Johnson* Factors Support the Reasonableness of Interim Settlement Class Counsel’s Fee Request**

Courts in this jurisdiction analyze the reasonableness of fee awards under Rule 23(h) using the well-known factors originally set forth in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974), and approved by the Tenth Circuit:

- (1) the time and labor involved;
- (2) the novelty and difficulty of the questions;
- (3) the skill requisite to perform the legal services properly;
- (4) the preclusion of other employment by the attorney due to acceptance of the case;

- (5) the customary fee;
- (6) any prearranged fee—this is helpful but not determinative;
- (7) time limitations imposed by the client or other circumstances;
- (8) the amount involved and results obtained;
- (9) the experience, reputation, and ability of the attorneys;
- (10) the undesirability of the case;
- (11) the nature and length of professional relationship with the client; and
- (12) awards in similar cases.

*Brown v. Phillips Petroleum Co.*, 838 F.2d 451, 454–55 (10th Cir. 1988) (citing *Johnson*, 488 F.2d 717–19, and noting that “federal courts have relied heavily on the [*Johnson*] factors . . . in calculating and reviewing attorneys’ fees awards”). The weight to be given to each of the *Johnson* factors varies from case to case, and each factor is not always applicable. *See id.* at 456 (“[R]arely are all of the *Johnson* factors applicable; this is particularly so in a common fund situation[.]”); *see also Gudenkauf v. Stauffer Communications, Inc.*, 158 F.3d 1074, 1083 (10th Cir. 1998) (“We have never held that a district court abuses its discretion by failing to specifically address each *Johnson* factor.”). The relevant *Johnson* factors are examined below and demonstrate that a one-third fee award is appropriate here.<sup>13</sup>

**8. The significant monetary award obtained for the Settlement Class supports the reasonableness of the fee award. (Factor 8)**

Here, the result obtained for the Settlement Class is the most important factor in determining an appropriate fee. *See Acevedo*, 2019 WL 6712298, at \*4 (“Courts have consistently held that the most important factor within this analysis is what results were obtained for the class.” (quoting *Lane v. Page*,

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<sup>13</sup> The following factors are not generally applicable to class action litigation: (7) time limitations imposed by the client or the circumstances, and (11) the nature and length of the professional relationship with the client. Thus, this Motion does not analyze these factors. 5 Newberg and Rubenstein on Class Actions § 15:77 n.15 (6th ed.) (relationship with client “has little relevance in the class setting given that the ‘client’ is the class.”); *In re: Motor Fuel Temperature Sales Practices Litig.*, 07-MD-1840- KHV, 2016 WL 4445438, at \*9 (D. Kan. Aug. 24, 2016) (noting in a class action context, nature and length of the professional relationship with the client did not apply); *In re Urethane Antitrust Litig.*, 2016 WL 4060156, at \*4 (noting that in evaluating class action settlement approval, the seventh and eleventh *Johnson* factors did not apply). However, it should be noted that Interim Settlement Class Counsel has represented most of the Class Plaintiffs for years, and some for nearly a decade.

862 F. Supp. 2d 1182, 1254 (D.N.M. 2012)); *In re Syngenta AG MIR 162 Corn Litig.*, 61 F.4th at 1193 (“[T]he amount involved and the results obtained—may be given greater weight when . . . the trial judge determines that . . . the efforts of counsel were instrumental in realizing recovery on behalf of the class” (quoting *Brown*, 838 F.2d at 456) (ellipses in original)); *Nakamura*, 2019 WL 2185081, at \*2 (“[T]he result obtained deserves greater weight than the other *Johnson* factors.” (citing *Brown*, 838 F.2d at 456)). In common fund cases, the factor “given the greatest emphasis is the size of the fund created, because a common fund is itself the measure of success and represents the benchmark from which a reasonable fee will be awarded.” Manual For Complex Litigation 4th § 14:121 (2004) (cleaned up); *see also* Fed. R. Civ. P. 23(h) Adv. Comm. Note (explaining for a “percentage” or contingency-based approach to class action fee awards, “results achieved is the basic starting point”); *see also Anderson v. Merit Energy Co.*, 07-CV-00916-LTB-BNB, 2009 WL 3378526, at \*4 (D. Colo. Oct. 20, 2009) (“Numerous courts have recognized that in evaluating the various *Johnson* factors, the greatest weight should be given to the monetary results achieved for the benefits of the class.” (citing *Brown*, 838 F.2d at 456)); *Cecil v. BP America Prod. Co.*, No. 16-CV-410-KEW, 2018 WL 8367957, at \*4 (E.D. Okla. Nov. 19, 2018) (“[T]he eighth *Johnson* factor—the amount involved in the case and the results obtained—is the most important and weighs most heavily in support of the requested fee.”).

The result obtained by the Settlement fully supports the requested fee. First, the Settlement avoids future uncertainties as to the claims against the Settling Defendants and collectively provide a guaranteed, non-reversionary cash recovery totaling up to \$174.2 million. *See Koehler v. Freightquote.com, Inc.*, 12-2505- DDC-GLR, 2016 WL 3743098, at \*7 (D. Kan. July 13, 2016) (settlement “avoids the uncertainty and rigors of trial and produces a favorable result for plaintiffs”). Second, the Net Settlement Funds will be distributed to the Settlement Class, with no funds reverting to the Settling Defendants. Burns Decl. at ¶ 10. In this class action against the Settling Defendants, there was a significant risk that Plaintiffs would not be able to establish the elements of their claims, prove

damages, or protect any award on appeal. The same is true for the other cases that comprise the ACH Opioids Litigation. Additionally, the fact that the Settlement Class was able to avoid the considerable uncertainty that any “battle of experts” at trial would inevitably have introduced further supports the reasonableness of the proposed fee award. *See Ressler v. Jacobson*, 822 F. Supp. 1551, 1554 (M.D. Fla. 1992) (observing that, “[i]n the ‘battle of experts,’ it is impossible to predict with any certainty which arguments would find favor with the jury”). That Interim Settlement Class Counsel secured such a result in the face of the significant risks demonstrates that the requested fee of one-third is reasonable and fair.

Finally, the recovery here is sizeable, and against one of the most embattled families in the country. The original Purdue Plan accounted for \$250 million total to be paid over seven years to acute care hospitals to resolve claims against *both* Purdue and the Settling Defendants, and had overwhelming support from acute care hospitals. McNulty Decl. at ¶ 14. This Settlement, in contrast, when combined with the \$84 million<sup>14</sup> allotted for acute care hospitals in the Purdue Master Settlement, amounts to over \$258 million for acute care hospitals to be paid immediately. *Id.* Moreover, the Settlement Amount is on par with other settlements acute care hospitals have with the Settling Defendants’ alleged co-conspirators.<sup>15</sup> This further confirms the reasonableness of the requested fee.

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<sup>14</sup> This figure does not include over \$5 million in contractually agreed upon holdbacks and reserves, that, if reverted to the Fund, bring the total combined payment to acute care hospitals to over \$263 million. McNulty Decl. at ¶ 14 n.1.

<sup>15</sup> For example, the Acute Care Hospital class action settlements with the following alleged co-conspirators were valued, in cash, as follows: Teva (\$126 million); Allergan (\$25 million); Janssen (\$110 million); the “Big Three” Distributors Cardinal, McKesson, and Cencora f/k/a AmerisourceBergen (\$390 million). *See San Miguel Hosp. Corp. v. Johnson & Johnson*, No. 1:23-CV-00903-KWR-JFR, EFC No. 283-1, at 7–8.

**9. The requested fee is consistent with fees awarded in similar cases. (Factor 12)**

An attorneys' fee award of one-third of the common fund is consistent with fees awarded by this Court,<sup>16</sup> as well as others in this Circuit and across the country,<sup>17</sup> in comparably high-risk complex class actions resulting in creation of an exceptional common fund. Indeed, “[c]ustomarily, courts in this District award fees in the range of 30% to 40% of any amount recovered.” *Anderson Living Tr.*, 2021 WL 3076910, at \*8; *see also Montgomery* 2021 WL 1339305, at \*7 n. 6 (approving a fee request of 31.47% and collecting cases from district courts within the Tenth Circuit awarding fees in the range of 30% to 40%). Notably, another court in this District awarded a one-third fee in a settlement between an almost identical class of acute care hospitals and opioid manufacturers and distributors just last year. *See San Miguel Hosp. Corp. v. Johnson & Johnson*, No. 1:23-CV-00903-KWR-JFR, EFC Nos. 314, 315, 316, 317, 318. A one-third fee here is consistent with fees awarded in similar cases.

**10. The requested fee is consistent with a customary fee. (Factor 5)**

“Class actions typically involve a contingent fee arrangement because it insulates the class from the risk of incurring legal fees and shifts that risk to counsel.” *Nakamura*, 2019 WL 2185081, at \*2 (quoting *Nieberding v. Barrette Outdoor Living, Inc.*, 129 F. Supp. 3d 1236, 1250 (D. Kan. 2015)). In complex contingent fee cases, one-third of the recovery is par or lower than a standard fee arrangement. *See id.* at \*3 (33% “is within the range of customary fees awarded in similar cases” and “some courts in the Tenth Circuit have awarded fees based on 40% of the common fund.”). In fact, “[f]ees in the range of 30–40% of any amount recovered are common in complex and other cases

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<sup>16</sup> *See, e.g., Anderson Living Tr.*, 2021 WL 3076910 at \*9 (40%); *Acevedo*, 2019 WL 6712298, at \*4 (33.33%); *Candelaraia v. Health Care Serv. Corp.*, No. 2:17-cv-404-KG-SMV, 2020 WL 6875828, at \*3 (D.N.M. Nov. 4, 2020) (35%); *Bhasker v. Financial Indemnity Co.*, No. 1:17-cv-00260-KWR-JHR, 2023 WL 4534548 (D.N.M. July 13, 2023) (33%).

<sup>17</sup> *See* Table 1: Examples of Fee Awards of 33.33% or Greater Within Tenth Circuit *and* Table 2: Examples of Fee Awards of 33.33% or Greater Outside Tenth Circuit, Exhibit E hereto.

taken on a contingency fee basis.” *In re Thornburg Mortg., Inc. Sec. Litig.*, 912 F. Supp. 2d at 1257 (citing *Robles v. Brake Masters Sys., Inc.*, No. CIV 10-0135 JB/WPL, 2011 WL 9717448, at \*19 (D.N.M. Jan. 31, 2011)); *Acedo*, 2019 WL 6712298, at \*5. Courts in this Circuit consistently find that “a one-third fee is customary in contingent-fee cases, and indeed that figure is often higher for complex cases or cases that proceed to trial.” *In re Urethane Antitrust Litig.*, 2016 WL 4060156, at \*5; *Nieberding*, 129 F. Supp. 3d at 1250 (recognizing a one-third fee of the common fund was “well within the range typically awarded in class actions.”); *Anderson v. Merit Energy Co.*, 2009 WL 3378526, at \*3 (“The customary fee to class counsel in a common fund settlement is approximately one-third of the economic benefit bestowed on the class.”).

“[A] contingent fee of one-third of the settlement amount in a class action is standard in this Court and other district courts in the Tenth Circuit.” *Cisneros*, 2022 WL 2304146, at \*8. Here, the proposed fee award is comfortably within the customary fee range. *See Anderson Living Tr.*, 2021 WL 3076910, at \*8 (40% fee was within customary fee range); *see also Montgomery* 2021 WL 1339305, at \*7 n. 6 (collecting cases).

**11. These cases presented difficult factual issues and raised novel and complex questions of law. (Factor 2)**

“Courts emphasize the risk undertaken by counsel” in awarding fees, with “complex cases justify[ing] higher fees, and simple cases lower fees.” *Been v. O.K. Indus., Inc.*, CIV-02-285-RAW, 2011 WL 4478766, at \*7 (E.D. Okla. Aug. 16, 2011), *report and recommendation adopted*, CIV-02- 285-RAW, 2011 WL 4475291 (E.D. Okla. Sept. 26, 2011).

In terms of complexity and difficulty, the ACH Opioids Litigation certainly satisfies this *Johnson* factor. These cases presented complex and novel issues of law. The ACH Opioids Litigation has consisted of federal and state RICO claims, which require a high burden of proof and present both factual and legal challenges. In this class action against the Settling Defendants, for example, there was a risk that Plaintiffs would not be able to establish the elements of their claims, prove

damages, or protect any award on appeal. Moreover, the state law claims presented throughout the ACH Opioids Litigation have raised novel issues of law, which required appeal to the supreme courts of Alabama, Missouri, Arizona, Maine, and Arkansas, for example. Burns Decl. at ¶ 42.

**12. Plaintiffs' team of attorneys have substantial experience in prosecuting high-stakes, complex litigation and pursued the case with extraordinary skill, zeal, and expertise. (Factors 3 & 9)**

As discussed, this complex litigation raised exceptionally difficult factual and legal issues. Interim Settlement Class Counsel have litigated the ACH Opioids Litigation aggressively for over nine years, engaging in voluminous document and deposition discovery, extensive motion practice, and even taking Walmart, Walgreens, and CVS (three of the Settling Defendants' alleged co-conspirators) to a months-long trial for related claims. Guiding these cases through years of intense litigation and then complex negotiation to a successful settlement with various members of the Opioid Enterprise—including, now, the Settling Defendants—required the sustained effort of many highly experienced and respected lawyers in the fields of tort law, RICO, and class action litigation. Plaintiffs have been represented by some of the nation's top law firms, including, but not limited to, Barrett Law Group P.A.; Cuneo Gilbert & LaDuca, LLP; Farmer Cline & Campbell, PLLC; Burns Charest LLP; Taylor Martino, P.C.; and Clifford Law Offices, P.C., consisting of highly experienced attorneys with stellar reputations earned over decades of legal practice.<sup>18</sup> Burns Decl. at ¶ 5.

Of course, it was not only Plaintiffs and the Settlement Class that have been well-represented. “In evaluating the quality of representation by Class Counsel, the Court should also consider the quality of opposing counsel.” *Lunsford v. Woodforest Nat'l Bank*, No. 1:12-CV-103- CAP, 2014 WL 12740375 at \*13 (N.D. Ga. May 19, 2014); *see also Chieftain Royalty Co. v. XTO Energy, Inc.*, 2018 WL 2296588, at \*5 (E.D. Okla. Mar. 27, 2018) (“[T]he fact that Class Counsel litigated such difficult issues against the vigorous opposition of highly skilled defense counsel and obtained a significant

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<sup>18</sup> *See supra*, Section II.

recovery for the Settlement Class further supports the fee request in this case.”); *In re Urethane Antitrust Litig.*, 2016 WL 4060156, at \*5 (“Litigation of this case required great skill in a highly specialized field (third factor), against highly skilled opposing counsel, and plaintiffs’ attorneys, who had great experience and superior national reputations, demonstrated great skill throughout (ninth factor).”); *In re Thornburg Mortg., Inc. Sec. Litig.*, 912 F. Supp. 2d at 1256 (“Given the high quality of defense counsel, there was simply no way that this case could have been prosecuted successfully without a high level of skill exhibited on the part of Class Counsel.” (internal quotations and citation omitted)). The Opioid Enterprise Defendants have been vigorously represented throughout the ACH Opioids Litigation, which demanded—and received—a team of experienced, diligent, highly skilled, and reputable attorneys to meet the challenges from Opioid Enterprise Defendants’ well-qualified and well-funded opposing counsel. Here, the Settling Defendants were represented throughout the Purdue bankruptcy and the negotiation this Settlement by some of the nation’s top law firms, including two of the most prestigious law firms in the country: Debevoise & Plimpton LLP and Milbank LLP. That Interim Settlement Class Counsel obtained a favorable settlement against such well-represented defendants confirms the reasonableness of the requested fee award.

**13. The fee being contingent on obtaining relief for the class and the significant risk undertaken by counsel justifies the fee request. (Factor 6)**

Along with the results obtained, the degree of risk associated with the litigation of a complex contingent fee case is among the most significant of the *Johnson* factors. *See Cecil*, 2018 WL 8367957, at \*8 (“Courts consistently recognize that the risk of receiving little or no recovery is a major factor in considering an award of attorneys’ fees.”). When Interim Settlement Class Counsel brought the ACH Opioids Litigation cases, they knew, no matter how much they believed in the actions’ merits, “there would be no fee without a successful result and that such a result would be realized only after lengthy and difficult effort.” *In re Domestic Air Transp. Antitrust Litig.*, 148 F.R.D. 297, 356 (N.D. Ga.

1993). “This factor weighs in favor of the requested attorneys’ fees award, because “[s]uch a large investment of money [and time] place[s] incredible burdens upon . . . law practices and should be appropriately considered.” *In re Thornburg Mortg., Inc. Sec. Litig.*, 912 F. Supp. 2d at 1256 (citing *Feerer v. Amoco Prod. Co.*, No. 95–0012, 1998 U.S. Dist. LEXIS 22248, at \*33 (D.N.M. May 28, 1998)); *Been v. O.K. Indus., Inc.*, 2011 WL 4478766, at \*9 (“Courts agree that a larger fee is appropriate in contingent matters where payment depends on the attorney’s success.”).

Thus, Interim Class Counsel assumed a very real risk that they would “advance all expenses and attorney time to litigate . . . hard-fought case[s] against highly experienced counsel hired by [defendants] with ample resources,” without ever receiving any compensation for their time and expense. *In re Urethane Antitrust Litig.*, 2016 WL 4060156, at \*4; *see also Lane v. Page*, 862 F. Supp. 2d at 1256 (“Class counsel assumed the risk that the litigation would yield no recovery and for five years have received no compensation for the time and expenses they have spent during the course of the litigation.”). That risk deserves to be compensated. “Lawyers who are to be compensated only in the event of victory expect and are entitled to be paid more when successful than those who are assured of compensation regardless of result.” *Jones v. Diamond*, 636 F.2d 1364, 1382 (5th Cir. 1981) (en banc); *see also Freebird, Inc. v. Merit Energy Co.*, No. 10-1154-KHV, 2013 WL 1151264, at \*4 (D. Kan. Mar. 19, 2013) (“The contingent fee nature of the representation also supports the requested award . . . . [it] shifts the risk of loss from plaintiff to plaintiff’s counsel.”).

While Interim Settlement Class Counsel have always believed in the importance and merit of the claims asserted in this litigation, they had no illusions when they commenced the ACH Opioids Litigation that the trail would be either short or smooth. Interim Settlement Class Counsel knew the claims they were asserting—for example, an allegation that the Defendants participated in a conspiracy that resulted in an epidemic of opioid addiction throughout the United States—would be time-consuming and resource-intensive to develop and prove. Burns Decl. at ¶ 36. Counsel further

knew that the ACH Opioids Litigation would require years of discovery, extensive motion practice, substantial dispositive motions challenges, and difficult and lengthy trials on the merits. *Id.* Counsel were well-aware, moreover, that their claims would have to survive difficult challenges at several different stages of litigation—on motions to dismiss, on motions for summary judgment, at trials, or on appeal—and that there was thus “a substantial risk of no recovery.” *In re Syngenta AG MIR 162 Corn Litig.*, 357 F. Supp. 3d 1094, 1114 (D. Kan. 2018). Counsel nevertheless devoted the enormous time and resources necessary to obtain the relief provided by the Settlement for the Settlement Class.

**14. Interim Settlement Class Counsel’s expended time and labor were enormous. (Factor 1)**

As one might expect given the important and complex factual and legal issues presented by the ACH Opioids Litigation, Interim Settlement Class Counsel have devoted an enormous amount of time and effort to their representation of acute care hospitals. Interim Settlement Class Counsel and their co-counsel have dedicated hundreds of thousands of hours to the ACH Opioids Litigation, including investigating and developing novel factual and legal theories, reviewing millions of pages of documents, taking and defending numerous depositions, going to trial, and more. Burns Decl. at ¶¶ 20–22. As to the Settling Defendants specifically, Interim Class Counsel spent considerable time and resources in the first phase of mediation (e.g., 2019–2021) collecting, de-identifying, synthesizing and assessing patient claims data to demonstrate the presence of Settling Defendants’ products in Plaintiffs’ emergency departments, and the implications of treating opioid use disordered (OUD) patients pursuant to Emergency Medical Treatment and Labor Act (EMTALA), demonstrating the injury to acute care hospitals and advocating for various abatement efforts that provide meaningful relief to the acute care hospitals and communities they serve. McNulty Decl. at ¶ 6. Using a substantial amount of claims data, Plaintiffs presented their case theories and supporting evidence to the debtor and the Settling Defendants. *Id.* Plaintiffs also had to present substantial evidence to the governmental plaintiff-creditors, to conform with conditions in the proceeding established by

the governmental entities. *Id.* Eventually a mediator’s proposal was made. *Id.* Although Plaintiffs negotiated a settlement, as reflected in the case history recited above, the Supreme Court did not permit the release of the Settling Defendants. *Id.* at ¶ 11. At that point, several years after the first mediation, the parties resumed negotiations to account for the ruling and the passage of time, including the status of Plaintiffs’ other pending opioid litigations. *Id.* at ¶ 13. In this instance, payment was negotiated to be made immediately upon the Effective Date, as opposed to over the span of years (as contemplated in the original Purdue Plan), a genuine benefit to the Class. *Id.* at ¶ 14.

To give the Court an idea of Interim Settlement Class Counsel’s dedication to the ACH Opioid Litigation, Interim Settlement Class Counsel and their co-counsel dedicated over 211,938 hours to the ACH Opioids Litigation (non-bankruptcy) up to May 3, 2024. This time was submitted to the Court in Interim Class Counsel’s fee motion in the Acute Care Hospitals’ settlements with opioid manufacturers and distributors. *See San Miguel Hosp. Corp. v. Johnson & Johnson*, No. 1:23-CV-00903-KWR-JFR, ECF No. 283-1. From May 4, 2024, to November 12, 2025 (the date of filing for preliminary approval of this Settlement), Interim Class Counsel and their co-counsel have dedicated another 83,003 hours to the ACH Opioids Litigation. Burns Decl. at ¶ 39. Finally, Interim Class Counsel and their co-counsel have also expended enormous time and effort into the Purdue bankruptcy proceedings and securing this resulting Settlement with the Settling Defendants as a result of that effort, totaling 13,371 hours. *Id.* at ¶ 40.

**15. Given the enormous time and resource commitments, and the significant risk to develop and litigate the ACH Opioids Litigation, few attorneys would have been willing to take it on. (Factor 10)**

Simply put, “the time and effort that th[ese] case[s] ha[ve] taken and the complexity of the issues would make it undesirable to many attorneys.” *Acevedo*, 2019 WL 6712298; *see also Lane v. Page*, 862 F. Supp. 2d at 1258; *Been v. O.K. Indus., Inc.*, 2011 WL 4478766, at \*10 (finding that the time and

resources expended in an expensive litigation made a class action undesirable for class counsel). Here, this factor too weighs in support of the reasonableness of the proposed fee.

**16. The demands of this case precluded Interim Settlement Class Counsel from other employment. (Factor 4)**

Finally, attorneys' fees are justified where the engagement "precluded or reduced [the attorneys'] opportunity for other employment." *Brown*, 838 F.2d at 455. "This guideline involves the dual consideration of otherwise available business which is foreclosed because of conflicts of interest which occur from the representation, and the fact that once the employment is undertaken the attorney is not free to use the time spent on the client's behalf for other purposes." *Johnson*, 488 F.2d at 718. "It is, of course, always true that while an attorney is spending time on one case, he is not spending the same time on another case." *Wiggins v. Roberts*, 551 F. Supp. 57, 61 (N.D. Ala. 1982).

The ACH Opioids Litigation has involved *years* of nearly non-stop document discovery, scores of depositions, punctuated by numerous contentious discovery disputes. Interim Settlement Class Counsel expended enormous time and effort drafting multiple complaints, opposing motions to dismiss, responding to motions for summary judgment, as well as trial preparation and a months-long trial in Florida state court against some of the Settling Defendants' alleged co-conspirators. Interim Settlement Class Counsel worked diligently to negotiate the Settlement Agreement with the Settling Defendants, an effort that required Interim Settlement Class Counsel to address and resolve many legal, factual, and administrative questions that arose during the negotiation process. For Interim Settlement Class Counsel, the significant commitment of time and resources required to litigate these cases (of necessity) limited their ability to pursue numerous other engagements. This significant opportunity cost has been incurred for over nine years, and will continue to be incurred beyond final approval, as Interim Settlement Class Counsel fulfill their obligation to ensure proper distribution of the Settlement proceeds and address any issues that arise following final approval. Burns Decl. at ¶ 37. This factor undoubtedly supports the requested fee. *See, e.g., In re Syngenta*, 357

F. Supp. 3d. at 1113 (“plaintiffs’ counsel have confirmed that the demands of this litigation . . . precluded other employment for these attorneys (factor 4.”); *In re Urethane Antitrust Litig.*, 2016 WL 4060156, at \*5 (“The amount of time expended over a protracted period leaves little doubt that these attorneys were forced to forego other work during this case”).

### **XIII. THE COURT SHOULD AWARD PLAINTIFFS’ COUNSEL’S EXPENSES AND NOTICE AND ADMINISTRATIVE COSTS**

#### **C. Plaintiffs’ Counsel’s Expenses**

Interim Settlement Class Counsel request the Court also award the reasonable expenses incurred in successfully prosecuting and resolving the ACH Opioids Litigation against the Settling Defendants. “As with attorney fees, an attorney who creates or preserves a common fund for the benefit of a class is entitled to receive reimbursement of all reasonable costs incurred . . . in addition to the attorney fee percentage.” *Vasylavik v. Storage Tech. Corp.*, No. 95-B-2525, 2000 WL 1268824, at \*4 (D. Colo. Mar. 9, 2000) (citation omitted); see *Candelaria v. Health Care Serv. Corp.*, No. 2:17-cv-404-KG-SMV, 2020 WL 6875828 at \*4 (D.N.M. 2020) (court awarded class counsel all “actual out-of-pocket litigation expenses and costs incurred in prosecuting th[e] case”). Rule 23(h) authorizes courts to reimburse counsel for “nontaxable costs that are authorized by law or by the parties’ agreement.” Fed. R. Civ. P. 23(h). And the Settlement Agreement expressly authorizes Interim Settlement Class Counsel to seek “reimbursement of expenses incurred in connection with prosecuting the Action and the Other Actions brought by the Class Representatives,” Settlement Agreement (ECF No. 18-2) at VIII(A), and provides that these expenses “shall be paid from the Settlement Amount.” *Id.*

Interim Settlement Class Counsel and their co-counsel request \$1,379,930.50 in reasonable expenses. Burns Decl. at ¶ 46. These expenses include items typically borne by clients in non-

contingent fee litigation.<sup>19</sup> *Id.* at ¶ 47. All expenses were directly related and necessary to Interim Settlement Class Counsel’s prosecution of this case and negotiation of the resulting Settlement, and typical of large, complex actions such as this. *Id.* Interim Settlement Class Counsel and their co-counsel have advanced or incurred these expenses and maintained careful records to document them. *Id.* at ¶¶ 43–48. These expenses are summarized in the Declaration of Warren Burns and its attached exhibits.

#### **D. Notice and Administrative Costs and Mechanisms for Submitting Future Expenses**

In addition, the Notice and Claims Administrators, A.B. Data and Cherry Bekaert have incurred costs and submitted corresponding invoices totaling \$178,030.67 for implementation of the Class notice plan commenced on April 10, 2026, pursuant to the Court’s March 20, 2026 Order. Burns Decl. at ¶¶ 49–51. Interim Settlement Class Counsel requests the Court approve and order payment from the Settlement Funds of \$32,908.04 to A.B. Data and \$145,122.63 to Cherry Bekaert for these necessary case expenses. Interim Settlement Class Counsel further request that Notice and Claims Administrators be allowed to submit itemized statements of fees and expenses for the Court’s approval as needed.

Finally, Interim Settlement Class Counsel propose a mechanism for compensating the Special Master Hon. Thomas Hogan. From time to time, the Special Master and his counsel shall file under seal an itemized statement of fees and expenses.<sup>20</sup> Such itemized statements may include confidential communications between the Special Master and the Court and others; accordingly, the

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<sup>19</sup> See *In re Bank of America Wage and Hour Employment Litig.*, 10-MD-2138-JWL, 2013 WL 6670602, at \*4 (D. Kan. Dec. 18, 2013) (awarding class counsel expenses “typically borne by clients in non-contingent fee litigation”) (citing *Case v. Unified Sch. Dist. No. 233*, 157 F.3d 1243, 1257 (10th Cir. 1998)).

<sup>20</sup> The Special Master will be compensated for his services at the rate of \$600 per hour, plus reimbursement of all ordinary and necessary expenses. The Special Master’s counsel, Taft Stettinius & Hollister LLP, will be compensated at its standard hourly rates, plus reimbursement of all ordinary and necessary expenses, as described in its engagement letter with the Special Master.

Court shall maintain these itemized statements under seal and they shall not be made available to the public or counsel. Instead, the Special Master and his counsel shall also file with the itemized statements a summary statement which shall list only the total amount billed, which shall not be filed under seal, and shall contain a signature line for the Court accompanied by the statement “Approved for Disbursement.” If the Court determines the itemized statement is reasonable, the Court will sign the corresponding summary statement and have it entered on the docket.

The Court should approve an award of Interim Settlement Class Counsel’s and their co-counsel’s expenses in the amount of \$1,379,930.50, and order payment to A.B. Data in the amount of \$32,908.04, payment to Cherry Bekaert in the amount of \$145,122.63. Additionally, Class Plaintiffs ask that the Court grant the proposed mechanism for payment of Special Master Hon. Thomas Hogan and allow the Notice and Claims Administrators to submit itemized statements of fees and expenses for the Court’s approval as needed.

### **CONCLUSION**

For the reasons above and in the supporting declarations, Class Plaintiffs respectfully request the Court grant Class Plaintiffs’ Motion for Final Class Certification, Appointment of Class Counsel, Final Approval of Settlement, Approval of Plan of Allocation, and Award of Attorneys’ Fees and Expenses and to enter the proposed orders, submitted in Word format herewith.

Dated: May 8, 2026

Respectfully submitted,

/s/ Warren T. Burns

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 8, 2026, a true and correct copy of the foregoing document was electronically filed with the Clerk of Court and served to all counsel of record via the Court's CM/ECF system.

*/s/ Warren T. Burns*  
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Warren T. Burns