

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS	:	MDL 2724
PRICING ANTITRUST LITIGATION	:	16-MD-2724
	:	
	:	HON. CYNTHIA M. RUFÉ
THIS DOCUMENT RELATES TO:	:	
	:	
<i>ALL ACTIONS</i>	:	

**PRETRIAL ORDER NO. 34
(AGREEMENT AS TO SERVICE OF PROCESS)**

AND NOW, this 30th day of August 2017, upon consideration of the attached stipulation of counsel, it is hereby **ORDERED** that the stipulation is **APPROVED**. It is further **ORDERED** that summonses have issued as to, and the End-Payer Plaintiffs will effect formal service upon, Mutual Pharmaceutical Company, Inc. in 16-AL-27242 and 16-DX-27242. As all other Defendants have agreed that service by electronic mail and the Court's ECF system is sufficient with regard to the Consolidated Complaints filed on August 15, 2017, no other summonses shall issue.

It is so **ORDERED**.

BY THE COURT:

/s/Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS PRICING ANTITRUST LITIGATION	MDL No. 2724 16-MD-2724
THIS DOCUMENT RELATES TO: <i>ALL ACTIONS</i>	THE HONORABLE CYNTHIA M. RUFE

**JOINT STIPULATION AND ~~[PROPOSED ORDER]~~
RE: ACCEPTANCE OF SERVICE**

This Stipulation is entered into between all Plaintiffs named in all Consolidated Complaints filed or noticed on August 15, 2017 in the above-captioned litigation (including all sub-dockets), and all Defendants named in those complaints.

WHEREAS, this Court entered Pretrial Order No. 31 on August 7, 2017 and ordered the Parties to meet and confer and submit a proposed order regarding acceptance of service of the Consolidated Complaints filed on August 15, 2017, or a proposed schedule to resolve any disputes regarding acceptance of service; and

WHEREAS, the parties have met and conferred and are pleased to report that no disputes exist;

NOW, THEREFORE, pursuant to Local Rule 7.4, the undersigned Parties hereby stipulate, and the Court orders, as follows:

1. Except as otherwise noted herein, all Defendants named in Consolidated Complaints filed on August 15, 2017 agree that service of the Consolidated Complaints via the Court's ECF system and electronic mail is sufficient in all Lead Cases, Class Cases and for all Defendants, such Defendants having been named in and served with process for at least one of

the Individual Cases filed by one or more Direct Purchaser Plaintiff and End Payer Plaintiff that have been consolidated in the Lead Cases and Class Cases, or have waived service of process of the complaints in such Individual Cases in which they were named.

2. On August 15, 2017, Direct Purchaser Plaintiffs filed a Notice Regarding Propranolol Complaint concerning the consolidated complaint filed by certain Direct Purchaser Plaintiffs in *In re Propranolol Antitrust Litigation*, No. 16-CV-09901 (JSR) (S.D.N.Y.). See Dkt. No. 62 and Exhibit 1. Defendants were served with process or have waived service of process in the Individual Cases filed by FWK Holdings, L.L.C. and/or Cesar Castillo, Inc. and were previously served with the Consolidated Amended Direct Purchaser Class Action Complaint when it was filed in the Southern District of New York on March 3, 2017.

3. Mayne Pharma USA, Inc. was incorrectly named in the Consolidated Direct Purchaser Class Action Complaint and the Indirect Reseller Plaintiffs' Class Action Complaint filed in the Doxycycline case. Mayne Pharma Inc. has represented that Mayne Pharma USA, Inc. does not exist and should not have been named as a defendant in those actions. It is thus acknowledging service of those complaints via ECF and electronic mail on behalf of Mayne Pharma Inc.

4. Upsher-Smith Laboratories, Inc. was incorrectly named in the Consolidated Direct Purchaser Class Action Complaint in the Baclofen case and the Consolidated End-Payer Class Action Complaint in the Propranolol case. Upsher-Smith Laboratories, LLC has represented that Upsher-Smith Laboratories, Inc. no longer exists and should not have been named as a defendant in those actions. It is thus acknowledging service of the complaints via ECF and electronic mail on behalf of Upsher-Smith Laboratories, LLC. Neither Upsher-Smith Laboratories LLC nor Upsher-Smith Laboratories, Inc. was named or served with process in any

prior Individual Case filed by any Indirect Reseller Plaintiff. Upsher-Smith Laboratories, Inc. was named in the Indirect Reseller Plaintiffs' Consolidated Class Action Complaint in the Baclofen case. As Upsher-Smith Laboratories, LLC has represented that Upsher-Smith Laboratories, Inc. no longer exists and should not have been named in that action, Upsher-Smith Laboratories, LLC agrees to waive service of process of that complaint on behalf of Upsher-Smith Laboratories, LLC. Upsher-Smith Laboratories, LLC was named in the Indirect Reseller Plaintiff Class Action Complaint in the Propranolol case. Upsher-Smith Laboratories LLC also hereby agrees to waive service of process of that complaint on behalf of Upsher-Smith Laboratories, LLC.

5. Mutual Pharmaceutical Company, Inc. ("Mutual") was newly named in the Consolidated End Payer Class Action Complaint in the Albuterol and Doxycycline cases. End Payer Plaintiffs allege that Mutual is a subsidiary of Sun Pharmaceutical Industries, Inc. Counsel for Sun Pharmaceutical Industries, Inc. has informed the End Payer Plaintiffs that it is not authorized to accept service of this complaint on behalf of Mutual. The End Payer Plaintiffs will thus institute formal service on Mutual as soon as the summons is received from the Clerk's Office.

6. Actavis Holdco U.S., Inc. was not named or served with process in any Individual Case filed by any Direct Purchaser Plaintiff or any End Payer Plaintiff and consolidated in the Clobetasol Actions, but was named in the Consolidated Direct Purchaser Class Action Complaint and the Consolidated End Payer Class Action Complaint in the Clobetasol case. Actavis Holdco U.S., Inc. hereby agrees to waive service of process for those complaints.

7. Mylan, Inc. was not named or served with process in any Individual Case filed by any Direct Purchaser Plaintiff or any End Payer Plaintiff and consolidated in the Digoxin and

Levothyroxine Actions but was newly named in the Consolidated Direct Purchaser Class Action Complaint and the Consolidated End Payer Class Action Complaint in the Digoxin and Levothyroxine cases. Mylan, Inc. hereby agrees to waive service of process of those complaints.

8. Sandoz Inc. was not named or served with process in any prior Individual Case filed by any Direct Purchaser Plaintiff and consolidated in the Pravastatin Actions, but was newly named in the Consolidated Direct Purchaser Class Action Complaint in the Pravastatin case. Sandoz Inc. hereby agrees to waive service of process of that complaint.

9. Perrigo New York, Inc. was not named or served with process in any prior Individual Case filed by any Direct Purchaser Plaintiff and consolidated in the Econazole Action but was newly named in the Consolidated Direct Purchaser Class Action Complaint in the Econazole Action. Perrigo New York, Inc. hereby agrees to waive service of process of that complaint.

10. Actavis Pharma, Inc. was not named or served with process in any prior Individual Case filed by any End Payer Plaintiff and consolidated in the Clobetasol, Desonide, Doxycycline, Fluocinonide, Propranolol and Ursodiol cases, but was named in the Consolidated End Payer Class Action Complaints in the Clobetasol, Desonide, Doxycycline, Fluocinonide, Propranolol and Ursodiol cases. Actavis Pharma, Inc. hereby agrees to waive service of process of those complaints.

11. Akorn Sales, Inc. was not named or served with process in any prior Individual Case filed by any End Payer Plaintiff and consolidated in the Clobetasol and Lidocaine-Prilocaine Actions, but was newly named in the Consolidated End Payer Class Action Complaints in the Clobetasol and Lidocaine-Prilocaine Actions. Akorn Sales, Inc. hereby agrees to waive service of process of those complaints.

12. Mylan Inc. was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in one or more of the Albuterol, Amitriptyline, Benazepril HCTZ, Clomipramine, Digoxin, Divalproex ER, Levothyroxine, and Propranolol cases but was named in the Indirect Reseller Class Action Complaints in the Albuterol, Amitriptyline, Benazepril HCTZ, Clomipramine, Digoxin, Divalproex ER, Levothyroxine, and Propranolol cases. Mylan Inc. hereby agrees that it has been properly served with process of those complaints.

13. Mylan Pharmaceuticals, Inc. was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Albuterol, Amitriptyline, Benazepril HCTZ, Clomipramine, Digoxin, Divalproex ER, Levothyroxine, and Propranolol cases but was named in the Indirect Reseller Class Action Complaints in the Albuterol, Amitriptyline, Benazepril HCTZ, Clomipramine, Digoxin, Divalproex ER, Levothyroxine, and Propranolol cases. Mylan Pharmaceuticals, Inc. hereby agrees to waive service of process of those complaints.

14. Sun Pharmaceutical Industries, Inc. was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Albuterol cases, but was named in the Indirect Reseller Class Action Complaint in the Albuterol case. Sun Pharmaceutical Industries, Inc. hereby agrees to waive service of process of that complaint.

15. Par Pharmaceutical Inc. was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Amitriptyline, Baclofen, Digoxin, Divalproex ER, and Propranolol cases, but was named in the Indirect Reseller Class Action Complaints in the Amitriptyline, Baclofen, Digoxin, Divalproex ER and

Propranolol cases. Par Pharmaceutical Inc. hereby agrees to waive service of process of those complaints.

16. Sandoz Inc. was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Amitriptyline, Benazepril HCTZ, Clobetasol, Clomipramine, Desonide, Lidocaine-Prilocaine, Levothyroxine, and Pravastatin cases, but was named in the Indirect Reseller Class Action Complaints in the Amitriptyline, Benazepril HCTZ, Clobetasol, Clomipramine, Desonide, Lidocaine-Prilocaine Levothyroxine, and Pravastatin cases. Sandoz Inc. hereby agrees to waive service of process of those complaints.

17. Lannett Company Inc. was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Baclofen, Digoxin, Levothyroxine, and Ursodiol cases, but was named in the Indirect Reseller Class Action Complaints in the Baclofen, Digoxin, Levothyroxine and Ursodiol cases. Lannett Company Inc. hereby agrees to waive service of process of those complaints.

18. Teva Pharmaceuticals, USA, Inc. was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Baclofen, Fluocinonide, Propranolol, and Pravastatin cases, but was named in the Indirect Reseller Class Action Complaints in the Baclofen, Fluocinonide, Propranolol and Pravastatin cases. Teva Pharmaceuticals, USA, Inc. hereby agrees to waive service of process of those complaints.

19. Actavis Holdco U.S., Inc. was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Clobetasol, Desonide, Fluocinonide, Propranolol, and Ursodiol cases, but was named in the Indirect Reseller

Class Action Complaints in the Clobetasol, Desonide, Fluocinonide, Propranolol and Ursodiol cases. Actavis Holdco U.S., Inc. hereby agrees to waive service of process of those complaints.

20. Actavis Pharma, Inc. was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Propranolol case, but was named in the Indirect Reseller Class Action Complaints in the Propranolol case. Actavis Pharma, Inc. hereby agrees to waive service of process of that complaint.

21. Akorn Inc. was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Clobetasol and Lidocaine-Prilocaine cases, but was named in the Indirect Reseller Class Action Complaints in the Clobetasol and Lidocaine-Prilocaine cases. Akorn Inc. hereby agrees to waive service of process of that complaint.

22. Hi-Tech Pharmacal Co., Inc. was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Clobetasol and Lidocaine-Prilocaine cases, but was named in the Indirect Reseller Class Action Complaints in the Clobetasol and Lidocaine-Prilocaine cases. Hi-Tech Pharmacal Co., Inc. hereby agrees to waive service of process of those complaints.

23. Fougere Pharmaceuticals Inc. was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Clobetasol and Lidocaine-Prilocaine cases, but was named in the Indirect Reseller Class Action Complaints in the Clobetasol and Lidocaine-Prilocaine cases. Fougere Pharmaceuticals Inc. hereby agrees to waive service of process of those complaints.

24. Perrigo New York Inc. was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Clobetasol,

Desonide, and Econazole cases, but was named in the Indirect Reseller Class Action Complaints in the Clobetasol, Desonide and Econazole cases. Perrigo New York Inc. hereby agrees to waive service of process of those complaints.

25. Taro Pharmaceuticals U.S.A., Inc. was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Clobetasol, Clomipramine, Desonide, Econazole, and Fluocinonide cases, but was named in the Indirect Reseller Class Action Complaints in the Clobetasol, Clomipramine, Desonide, Econazole and Fluocinonide cases. Taro Pharmaceuticals U.S.A., Inc. hereby agrees to waive service of process of those complaints.

26. Impax Laboratories Inc. was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Digoxin and Lidocaine-Prilocaine cases, but was named in the Indirect Reseller Class Action Complaints in the Digoxin and Lidocaine-Prilocaine cases. Impax Laboratories Inc. hereby agrees to waive service of process of those complaints.

27. Dr. Reddy's Laboratories Inc. was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Divalproex ER case, but was named in the Indirect Reseller Class Action Complaint in the Divalproex ER case. Dr. Reddy's Laboratories Inc. hereby agrees to waive service of process of that complaint.

28. Zydus Pharmaceuticals (USA) Inc. was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Divalproex ER and Pravastatin cases, but was named in the Indirect Reseller Class Action Complaint in the Divalproex ER and Pravastatin cases. Zydus Pharmaceuticals (USA) Inc. hereby agrees to waive service of process of those complaints.

29. Heritage Pharmaceuticals Inc. was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Propranolol case, but was named in the Indirect Reseller Class Action Complaint in the Propranolol case. Heritage Pharmaceuticals, Inc. hereby agrees to waive service of process of that complaint.

30. West-Ward Pharmaceuticals Corporation was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Digoxin case, but was named in the Indirect Reseller Class Action Complaint in the Digoxin case. West-Ward Pharmaceuticals Corporation hereby agrees to waive service of process of that complaint.

31. Teligent, Inc. was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Econazole case, but was named in the Indirect Reseller Class Action Complaint in the Econazole case. Teligent, Inc. hereby agrees to waive service of process of that complaint.

32. Breckenridge Pharmaceuticals, Inc. was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Propranolol case, but was named in the Indirect Reseller Class Action Complaint in the Propranolol case. Breckenridge Pharmaceuticals, Inc. was incorrectly named in that complaint. Breckenridge Pharmaceutical, Inc. has represented that Breckenridge Pharmaceuticals, Inc. does not exist and should not have been named as a defendant in that action. It is thus waiving service of process of that complaint on behalf of Breckenridge Pharmaceutical, Inc.

33. Apotex Corp. was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Pravastatin case, but was named in the Indirect Reseller Class Action Complaint in the Pravastatin case. Apotex Corp. hereby agrees to waive service of process of that complaint.

34. Glenmark Pharmaceuticals Inc., USA was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Pravastatin case, but was named in the Indirect Reseller Class Action Complaint in the Pravastatin case. Glenmark Pharmaceuticals Inc., USA hereby agrees to waive service of process of that complaint.

35. Lupin Pharmaceuticals, Inc. was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Pravastatin case, but was named in the Indirect Reseller Class Action Complaint in the Pravastatin case. Lupin Pharmaceuticals, Inc. hereby agrees to waive service of process of that complaint.

36. Epic Pharma, LLC was not named or served with process in any prior Individual Case filed by any Indirect Reseller Plaintiff and consolidated in the Ursodiol case, but was named in the Indirect Reseller Class Action Complaint in the Ursodiol case. Epic Pharma, LLC hereby agrees to waive service of process of that complaint.

WHEREFORE, the Parties respectfully request that the Court enter this Stipulation as its Order as set forth herein.

IT IS SO STIPULATED AND ORDERED.

Dated: August 29, 2017

/s/ Roberta D. Liebenberg

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APPROVED BY THE COURT:

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The Honorable Cynthia M. Rufe