

UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST ACTION)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No: 2785)
_____)	
)	
This Document Relates To:)	
)	
CONSUMER CLASS CASES.)	
_____)	

**CLASS PLAINTIFFS’ MOTION FOR PRELIMINARY APPROVAL
OF SETTLEMENT WITH THE MYLAN DEFENDANTS**

Plaintiff Class Representatives, on behalf of themselves and the certified Class (together, “Class Plaintiffs”) and by and through their undersigned counsel, respectfully move the Court for an order:

(i) Preliminarily approving the terms of the proposed settlement between Class Plaintiffs and Defendants Mylan N.V., Mylan Specialty L.P., Mylan Pharmaceuticals Inc., and Heather Bresch (collectively, “Mylan”), and Viatris Inc. (collectively with Mylan, the “Mylan Defendants”), which provides \$264,000,000 in relief to the certified Class (the “Settlement”), as set forth in the Settlement Agreement submitted herewith;

(ii) Approving the form and content of the Notice of Proposed Settlement of Class Action (“Notice”), Summary Notice, and claim forms attached as Exhibits B-D of the Settlement Agreement;

(iii) Appointing A.B. Data, Ltd. (“Settlement Administrator”) to supervise and administer the notice procedure as well as the processing of claims;

(iv) Finding that the procedures for distribution of the Notice and Summary Notice in the manner and form set forth in the Preliminary Approval Order constitute the best practicable

notice under the circumstances and comply with the notice requirements of due process and Rule 23;

(v) Setting a Hearing on Final Approval of Settlement, Approval of Plan of Allocation, and Attorneys' Fees, Expenses, and Service Awards ("Final Fairness Hearing") and associated deadlines in anticipation of that hearing; and

(vi) Providing such other related relief as is set forth in the [Proposed] Order Preliminarily Approving Settlement Pursuant to Fed. R. Civ. P. 23(e)(1), including a stay of proceedings pending a final determination as to the approval of the Settlement.

The [Proposed] Order Preliminarily Approving Settlement Pursuant to Fed. R. Civ. P. 23(e)(1) is submitted herewith as Exhibit A to the Settlement Agreement and submitted to chambers in Word format pursuant to the Local Rules.

Respectfully submitted,

DATED: February 28, 2022

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/s/ Rex A. Sharp

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*Class Counsel and Liaison Counsel
for Class Plaintiffs*

CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2022, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to parties and attorneys who are filing users.

/s/ Rex A. Sharp
Rex A. Sharp