

**Authorized by the U.S. District Court for the District of Massachusetts**  
**Notice of Revision to Proposed Class Action Settlement**  
**Involving Certain Drugs**

**1. What Is This Notice About?**

There is a Proposed Settlement (the “AWP Track Two Settlement”) of a class action lawsuit involving various drug manufacturers (“Defendants”) concerning the drugs listed on Attachment A (referred to as the “Track Two Drugs”). The name of the lawsuit is *In re: Pharmaceutical Industry Average Wholesale Price Litigation*, Docket No. 01-CV-12257-PBS, MDL No. 1456.

You were mailed this Notice because you previously filed a Claim Form in response to an earlier Notice that was sent to you. On the Claim Form, you indicated that you made a payment for an insured’s Medicare Part B co-payment for one or more of the Track Two Drugs from January 1, 1991 through January 1, 2005 and/or that you made a payment for one or more of the Track Two Drugs outside of Medicare Part B from January 1, 1991 through March 1, 2008.

This revised Notice informs you of a change in the terms of the Proposed Settlement.

**2. What Is The Relevant Change In The Terms Of The Proposed Settlement?**

Under the Proposed Settlement, Defendants will pay a total of \$125 million to settle the lawsuit. This amount is meant to satisfy the claims of both Third-Party Payors (“TPPs”) who meet the criteria for inclusion in one of the two Settlement Classes as well as claims by consumers who made percentage co-payments and full cash payments based on the published Average Wholesale Price (“AWP”). All costs associated with notice and administration, attorneys’ fees and litigation costs, and compensation to the named class representatives for time spent providing documents and testimony in connection with this case will be paid from the \$125 million settlement amount.

Under the initial proposal, 82.5% (or \$103,125,000) of the gross settlement amount was allocated to satisfy the claims of TPPs and 17.5% (or \$21,875,000) of the gross settlement amount was allocated to satisfy consumer claims. Consumers and TPPs are sharing the costs of notice and administration in proportion to the amount of settlement proceeds they are allocated.

The Court considered the Proposed Settlement at hearings held June 13, 2011 and July 7, 2011. Among other things, the Court considered whether certain changes to the Proposed Settlement be made to provide more money to consumer members of the Classes. Afterward, a mediation was held in which Allocation Counsel for TPPs agreed to provide Consumers with an additional \$3,125,000. Thus, the Proposed Settlement now provides that Consumers will receive a gross settlement amount of \$25,000,000 (20%), and that TPPs will receive a gross settlement amount of \$100,000,000 (80%).

*Your legal rights are affected even if you do not act.  
Read this Notice carefully.*

All other terms of the Proposed Settlement relevant to TPPs remain unchanged.

The Court has approved the Proposed Settlement, as revised, on a preliminary basis. It has further determined that the revision does not warrant a second “opt out” period in which TPP class members who declined to exclude themselves before should now be offered another chance to do so. Accordingly, if the Proposed Settlement is finally approved as revised, you will be bound by its terms. The Court will hold a Hearing to decide whether the revised Proposed Settlement should be finally approved (See Question 4).

### **3. May I Object To, Or Comment On, The Revision To The Proposed Settlement?**

Yes. If you have comments about, or disagree with, any aspect of the revision to the Proposed Settlement, you may express your views to the Court. You must do this in writing. Your written response must include:

- Your name, address, telephone number, a brief explanation of your reasons for objection, and
- The case number (Civil Action Number: 01-CV-12257-PBS, MDL No. 1456).

The document **must** be signed to ensure the Court’s review. The response must be filed with the Court at the following address on or before **October 21, 2011**: Clerk of Court, John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Suite 2300, Boston, Massachusetts 02210 and served on Counsel for the Parties so that the objection is **received** on or before **October 21, 2011** at the following addresses:

#### Counsel for the Class

Steve W. Berman  
Hagens Berman Sobol Shapiro LLP  
1918 Eighth Avenue  
Suite 3300  
Seattle, WA 98101

#### Counsel for Track Two Defendants

Steven F. Barley	James P. Muehlberger
Hogan Lovells US LLP	Shook, Hardy & Bacon, LLP
100 International Drive	2555 Grand Boulevard
Suite 2000	Kansas City, MO 64108
Baltimore, MD 21202	

In addition, your document must clearly state that it relates to the “Track Two Settlement.” If you file or present an objection, you will be subject to the jurisdiction of the Court.

### **4. When And Where Will The Court Decide On Whether To Grant Final Approval Of The Proposed Settlement?**

The Court will hold a Hearing on **November 22, 2011** at 2:30 p.m. to consider whether the Proposed Settlement is fair, reasonable and adequate. At the Hearing, the Court will also consider whether to approve the Proposed Settlement; the request for attorneys’ fees and expenses; and any comments or objections. You are not required to attend, but may do so at your own expense.

If you want your own lawyer instead of Class Counsel to speak at the Final Approval Hearing, you must give the Court a paper that is called a "Notice of Appearance." The Notice of Appearance must include:

- Your name, address, telephone number, signature;
- The name, and number of the lawsuit (Civil Action Number: 01-CV-12257-PBS, MDL No. 1456);
- State that you wish to enter an appearance at the Final Approval Hearing; and
- Any documentation in support of such opposition.

Your Notice of Appearance **must** be filed with the Court on or before **October 21, 2011** and served on Counsel so that it is **received** on or before **October 21, 2011**. The Notice of Appearance must be filed with the Court and served on Counsel at the addresses set forth above in response to Question 3.

### 5. Where Do I Obtain More Information?

You may obtain more information, including a copy of the original Notice that was previously mailed to you, by visiting the Track Two AWP Settlement web site at [www.AWPTrack2Settlement.com](http://www.AWPTrack2Settlement.com), by calling 1-877-465-8136, or by writing to:

AWP Track 2 TPP Settlement Administrator  
P.O. Box 24703  
West Palm Beach, FL 33416

DATED: September 16, 2011

**BY ORDER OF THE COURT**

# **ATTACHMENT A**

**Attachment A - NDC List**

<b>DRUG</b>	<b>NDC</b>	<b>NDC Name</b>	<b>DRUG</b>	<b>NDC</b>	<b>NDC Name</b>
ANZEMET INJECTABLE	00088120632	20MG IV 5ML VIAL	ARANESP	55513004304	150 mcg/0.3 ml syringe
ANZEMET TABLETS	00088120205	50MG 5CT TABS	ARANESP	55513004301	150 mcg/0.3 ml syringe
ANZEMET TABLETS	00088120229	50MG 5CT TABS BLISTER PACK	ARANESP	55513005804	25 mcg/0.42 ml syringe
ANZEMET TABLETS	00088120243	50MG 10 UDIP	ARANESP	55513005801	25 mcg/0.42 ml syringe
ANZEMET TABLETS	00088120305	100MG 5CT TABS	ARANESP	55513003704	40 mcg/0.4 ml syringe
ANZEMET TABLETS	00088120329	100MG 5CT TABS BLISTER	ARANESP	55513003701	40 mcg/0.4 ml syringe
ANZEMET TABLETS	00088120343	100MG 10CT TABS UDIP	ARANESP	55513004104	100 mcg (0.5 mL) syringe, 4 pk
ANZEMET INJECTABLE	00088120806	Intravenous Solution 20 MG/ML	ARANESP	55513001304	100 mcg (1.0 mL) vial, 4 pk
ANZEMET INJECTABLE	00088120865	Intravenous Solution 20 MG/ML	ARANESP	55513005404	150 mcg (0.75 mL) vial, 4 pk
ANZEMET INJECTABLE	00088120869	Intravenous Solution 20 MG/ML	ARANESP	55513004401	200 mcg (0.4 mL) syringe, 1 pk
ANZEMET INJECTABLE	00088120876	Intravenous Solution 20 MG/ML	ARANESP	55513001401	200 mcg (1.0 mL) vial, 1 pk
ANZEMET INJECTABLE	00088120926	Intravenous Solution 20 MG/ML	ARANESP	55513001404	200 mcg (1.0 mL) vial, 4 pk
ANZEMET	54569487000	100MG TABLET	ARANESP	55513001004	25 mcg (1.0 mL) vial, 4 pk
ANZEMET	54868413800	100 MG TABLET	ARANESP	55513004601	300 mcg (0.6 mL) syringe, 1 pk
ANZEMET	54569530900	20MG/ML AMPUL	ARANESP	55513001501	300 mcg (1.0 mL) vial, 1 pk
ANZEMET	54868413801	100 MG TABLET	ARANESP	55513001104	40 mcg (1.0 mL) vial, 4 pk
ANZEMET INJECTION	55154215205	12.5MG/.625ML	ARANESP	55513003904	60 mcg (0.3 mL) syringe, 4 pk
ANZEMET INJECTION	12522879501	100MG/5ML	ARANESP	55513001204	60 mcg (1.0 mL) vial, 4 pk
ANZEMET SOLUTION FOR INJECTION	12522879902	12.5MG/ML	ARANESP	55513004101	Injection Solution 100 MCG/0.5ML
ANZEMET INJECTION	12522879801	20MG/ML	ARANESP	55513001301	Injection Solution 100 MCG/ML
ANZEMET INJECTION	12522879806	20MG/ML	ARANESP	55513005401	Injection Solution 150 MCG/0.75ML
ANZEMET INJECTION	00409249802	12.5MG/0.625ML	ARANESP	55513004401	Injection Solution 200 MCG/0.4ML
ANZEMET TABLETS	00068120205	50MG	ARANESP	55513001001	Injection Solution 25 MCG/ML
ANZEMET TABLETS	00068120229	50MG	ARANESP	55513001101	Injection Solution 40 MCG/ML
ANZEMET TABLETS	00068120243	50MG	ARANESP	55513003901	Injection Solution 60 MCG/0.3ML
ANZEMET TABLETS	67651120205	50MG	ARANESP	55513001201	Injection Solution 60 MCG/ML
ANZEMET TABLETS	67651120201	50MG	ARANESP	54868542800	200 MCG/0.4 ML SYRINGE
ANZEMET TABLETS	67651120203	50MG	ARANESP	55513005701	25 MCG/0.42 ML SYRINGE
ANZEMET TABLETS	67651120301	100MG	ARANESP	55513009701	500 MCG/1 ML AUTOINJ
ANZEMET TABLETS	67651120305	100MG	ARANESP	55513002104	40 MCG/0.4 ML SYRINGE
ANZEMET TABLETS	54868413801	100MG	ARANESP	55513009201	60 MCG/0.3 ML AUTOINJ
ANZEMET TABLETS	54868413800	100MG	ARANESP	55513000401	60 MCG/ML VIAL
			ARANESP	55513002504	100 MCG/0.5 ML SYRINGE
			ARANESP	55513004801	500MCG/1ML SYRINGE

DRUG	NDC	NDC Name	DRUG	NDC	NDC Name
ARANESP	55513000601	200 MCG/ML VIAL	EPOGEN	55513014801	Injection Solution 4000 UNIT/ML
ARANESP	55513009601	300 MCG/0.6 ML AUTOINJ	EPOGEN	55513026701	Injection Solution 3000 UNIT/ML
ARANESP	55513002301	60 MCG/0.3 ML SYRINGE	EPOGEN	55513028301	Injection Solution 10000 UNIT/ML
ARANESP	55513000304	40 MCG/ML VIAL	EPOGEN	55513047801	Injection Solution 20000 UNIT/ML
ARANESP	55513002501	100 MCG/0.5 ML SYRINGE	EPOGEN	55513082301	Injection Solution 40000 UNIT/ML
ARANESP	55513002801	200 MCG/0.4 ML SYRINGE	EPOGEN	54569313700	10000 U/ML Vial
ARANESP	55513002701	150 MCG/0.3 ML SYRINGE			
ARANESP	55513000301	40 MCG/ML VIAL	FERRLECIT	00364279123	62.5MG 10X5ML
ARANESP	55513002101	40 MCG/0.4 ML SYRINGE	FERRLECIT	52544092226	62.5MG 10X5ML
ARANESP	55513009301	100 MCG/0.5 ML AUTOINJ			
ARANESP	55513000404	60 MCG/ML VIAL	INFED	00364301247	50MG/ML 10X2ML
ARANESP	55513000201	25 MCG/ML VIAL	INFED	52544093102	50MG/ML 10X2ML
ARANESP	55513000204	25 MCG/ML VIAL	INFED	54569384600	Injection Solution 50 MG/ML
ARANESP	55513009001	25 MCG/0.42 ML AUTOINJ	INFED	54868431900	50 MG/ML VIAL
ARANESP	55513009501	200 MCG/0.4 ML AUTOINJ			
ARANESP	55513005301	150 MCG/0.75 ML VIAL	NEULASTA	55513019001	6 mg (0.6 mL) syringe, 1 pk
ARANESP	55513005704	25 MCG/0.42 ML SYRINGE			
ARANESP	55513009401	150 MCG/0.3 ML AUTOINJ	NEUPOGEN	55513020910	480 mcg (0.8 mL) syringe, 10 pk
ARANESP	55513009101	40 MCG/0.4 ML AUTOINJ	NEUPOGEN	55513034710	300 mcg (1.0 mL) vial, 10 pk
ARANESP	55513000504	100 MCG/ML VIAL	NEUPOGEN	55513034810	480 mcg (1.6 mL) vial, 10 pk
ARANESP	55513005304	150 MCG/0.75 ML VIAL	NEUPOGEN	55513053010	300 mcg (1.0 mL) vial, 10 pk
ARANESP	55513003201	500 MCG/1 ML SYRINGE	NEUPOGEN	55513054610	480 mcg (1.6 mL) vial, 10 pk
ARANESP	55513002704	150 MCG/0.3 ML SYRINGE	NEUPOGEN	55513092410	300 mcg (0.5 mL) syringe, 10 pk
ARANESP	55513002304	60 MCG/0.3 ML SYRINGE	NEUPOGEN	54868252200	Injection Solution 300 MCG/ML
			NEUPOGEN	54868252201	Injection Solution 300 MCG/ML
EPOGEN	55513012610	2,000 U/mL (1 mL) vial, 10 pk	NEUPOGEN	55513020901	Injection Solution 480
EPOGEN	55513014410	10,000 U/mL (1 mL) vial, 10 pk	NEUPOGEN	55513053001	Injection Solution 300 MCG/ML
EPOGEN	55513014810	4,000 U/mL (1 mL) vial, 10 pk	NEUPOGEN	55513054601	Injection Solution 480
					Injection Solution 300 MCG/0.5ML
EPOGEN	55513026710	3,000 U/mL (1 mL) vial, 10 pk	NEUPOGEN	55513092401	
EPOGEN	55513028310	10,000 U/mL (2 mL) vial, 10 pk	NEUPOGEN	55513034701	300MCG/ML VIAL
EPOGEN	55513047810	20,000 U/mL (1 mL) vial, 10 pk	NEUPOGEN	54569482400	300MCG/ML VIAL
EPOGEN	55513082310	40,000 U/mL (1 mL) vial, 10 pk	NEUPOGEN	54868305000	480 MCG/0.8 ML SYR
EPOGEN	55513012601	Injection Solution 2000 UNIT/ML	NEUPOGEN	54868502000	300MCG/0.5ML SYR
EPOGEN	55513014401	Injection Solution 10000	NEUPOGEN	55513034801	300MCG/ML VIAL
					Attachment A - Page 2 of 3

**Attachment A - J-CODE List**

<b>DRUG</b>	<b>J-CODE</b>	<b>DRUG</b>	<b>J-CODE</b>
Anzemet	J1260	Ferrlecit	J2915
	Q0180		J2916
	S0174		
		InFed	J1750
Aranesp	J0880		J1751
	Q0137		J1760
	C1774		J1770
			J1780
Epogen	Q0136		
	Q4055	Neulasta	J2505
	Q9920		Q4053
	Q9921		
	Q9922	Neupogen	J1440
	Q9923		J1441
	Q9924		
	Q9925		
	Q9926		
	Q9927		
	Q9928		
	Q9929		
	Q9930		
	Q9931		
	Q9932		
	Q9933		
	Q9934		
	Q9935		
	Q9936		
	Q9937		
	Q9939		
	Q9940		

AWP Track 2 Settlement Administrator  
c/o Complete Claim Solutions, LLC  
P.O. Box 24703  
West Palm Beach, FL 33416

**IMPORTANT COURT DOCUMENTS**

**Attention – President/CEO, Fund Administrator or Legal Department**