

**If You Bought or Provided Reimbursement for the Anticoagulant Medications Lovenox® or Generic Enoxaparin From September 21, 2011 through September 30, 2015  
You Could Get Money from Class Action Settlements totaling \$120 Million**

*A Federal Court authorized this Notice. This is not a solicitation from a lawyer.*

- Settlements have been reached in a Class Action Lawsuit against Momenta Pharmaceuticals, Inc. and Sandoz Inc. (together called the “Defendants”) about the price that consumers, hospitals, and third-party payors paid for Lovenox® or generic enoxaparin. The lawsuit asserts that Defendants kept the prices of Lovenox® and generic enoxaparin higher than they otherwise would have been by manipulating the generic approval process to bring within the scope of Defendant Momenta’s patents the testing of enoxaparin that is required to ensure every batch meets FDA standards. This means that although Momenta did not develop enoxaparin, it tried to use its patented processes for testing generic enoxaparin to prevent other generic drug manufacturers from selling it. The lawsuit also claims Momenta collaborated with Sandoz and knew that developing a scheme to monopolize the market would lead to record profits. The Defendants deny these claims.
- Settlements totaling \$120 million have been reached between the Class Plaintiffs (uninsured consumers, hospitals, and third-party payors) and the Defendants.
- You may be able to recover money from the \$120 million in Settlements if you are an uninsured consumer, hospital, or third-party payor who paid for or reimbursed all or part of the cost of Lovenox® or generic enoxaparin in Arizona, Arkansas, California, District of Columbia, Florida, Hawaii, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, South Dakota, Tennessee, Utah, Vermont, West Virginia, and Wisconsin during the period from September 21, 2011, through September 30, 2015.
- If you previously excluded yourself from the Class, you will receive no benefits, but you will retain any rights you currently have to sue the Defendants about the claims in this case.
- **No one is claiming that Lovenox® or generic enoxaparin are unsafe or ineffective.**

A Summary of Your Rights and Choices:

*Your Legal Rights Are Affected Even If You Do Not Act.*

YOUR LEGAL RIGHTS AND OPTIONS		
File a Claim	This is the only way to receive money from the Settlements.	July 3, 2020
Object to the Settlements	Write to the Court explaining why you don’t like the Settlements.	March 16, 2020
Go to the Hearing	Ask to speak in Court about your opinion of the Settlements.	May 29, 2020
Do Nothing	You won’t get a payment and will give up your rights to sue the Defendants about the claims in this case.	

These rights and options – **and the deadlines to exercise them** – are explained in this Notice.

## BASIC INFORMATION

### 1. Why Did I Get This Notice?

A Court authorized this Notice because you have a right to know about proposed class action Settlements and about all of your options, before the Court decides whether to give final approval to the Settlements. This Notice explains the class action lawsuit, the Settlements, and your legal rights.

### 2. What Is A Class Action?

In a class action, one or more people called class representatives sue on behalf of a group or a “class” of people who have similar claims. In a class action, the court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

### 3. What Is This Lawsuit About?

The lawsuit claims that the Defendants kept the prices of Lovenox® and generic enoxaparin higher than they otherwise would have been by manipulating the generic approval process to bring within the scope of Defendant Momenta’s patents the testing of enoxaparin that is required to ensure every batch meets FDA standards. This means that although Momenta did not develop enoxaparin, it tried to use its patented processes for testing generic enoxaparin to prevent other generic drug manufacturers from selling it. The lawsuit also claims Momenta collaborated with Sandoz and knew that developing a scheme to monopolize the market would lead to record profits.

Defendants deny these claims and deny that they did anything wrong. No court or other authority has found that Defendants engaged in any wrongdoing.

### 4. What Is The Current Status Of The Lawsuit?

Plaintiffs have agreed to settle with the Defendants. The lawsuit is currently pending in the United States District Court for the Middle District of Tennessee before Chief Judge Waverly D. Crenshaw, Jr. and Magistrate Judge Barbara D. Holmes. The Court has set a Final Approval Hearing for the proposed Settlements on May 29, 2020, at 1:00 p.m. Central time, at the United States District Court for the Middle District of Tennessee, Nashville Division, 801 Broadway, Room A859, Nashville, Tennessee 37203. The Court may continue the Final Approval Hearing without further notice so please consult [www.dvtmedslawsuit.com](http://www.dvtmedslawsuit.com) for any updates on deadlines.

## WHO IS IN THE SETTLEMENTS?

### 5. How Do I Know If I Am A Member Of The Class?

You are a Class Member if you fit the Class definition below:

The Class includes:

- Hospitals, third-party payors, and people without insurance who indirectly purchased, paid for, and/or reimbursed some or all of the purchase price for Lovenox® or generic enoxaparin,
- In Arizona, Arkansas, California, District of Columbia, Florida, Hawaii, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, South Dakota, Tennessee, Utah, Vermont, West Virginia, and Wisconsin,
- From September 21, 2011, through September 30, 2015,
- For the purpose of personal consumption by themselves, their families, or their members, employees, insureds, participants, patients, beneficiaries, or anyone else.

In addition to hospitals, the Class only includes third-party payors and people without insurance who purchased, paid for, and/or reimbursed some or all of the purchase price for Lovenox® or generic enoxaparin from a pharmacy.

The lawsuit does not include:

- Defendants, their officers, directors, management, employees, subsidiaries, and affiliates;

QUESTIONS? CALL 888-208-9630 TOLL-FREE, OR VISIT [WWW.DVTMEDSLAWSUIT.COM](http://WWW.DVTMEDSLAWSUIT.COM)

- Federal and state governmental agencies except for cities, towns, municipalities, counties, or other municipal government entities, if otherwise qualified;
- Payors that received 100% reimbursement on all transactions, such as fully insured health plans (*i.e.*, plans that purchased insurance covering 100% of their reimbursement obligation to members);
- Third-party payors and people without insurance who purchased, or paid or reimbursed only for branded Lovenox®, and not generic enoxaparin, from a pharmacy or other retail outlet; and
- Judges assigned to this case and any members of their immediate families.

The full class definition is included in the Class Certification Order and Settlement Agreements available at [www.dvtmedslawsuit.com](http://www.dvtmedslawsuit.com). Additionally, if you timely and validly excluded yourself from the Class, you are no longer a Class Member.

## 6. What If I Am Still Not Sure If I Am Included In The Class?

If you are still not sure whether you are included, you can get more information at [www.dvtmedslawsuit.com](http://www.dvtmedslawsuit.com), or get help by contacting the Notice and Claims Administrator using the contact information listed in Question 19.

## THE BENEFITS OF THE SETTLEMENTS

### 7. What Do The Settlements Provide?

The Defendants settled with Plaintiffs for a total of \$120 million. After deducting attorneys' fees, expenses of the litigation, administrative costs, and payments to Class Representatives, the net fund remaining will be distributed to uninsured consumers, hospitals, and third-party payors who submit valid and timely Claim Forms. For more details, please see the Distribution Plan, which is available at [www.dvtmedslawsuit.com](http://www.dvtmedslawsuit.com).

### 8. How Much Will My Payment Be?

Recoveries will generally be calculated based on how much each Class Member paid for Lovenox® or generic enoxaparin from September 21, 2011, through September 30, 2015, compared to the amount paid by all other Class Members who file valid and timely Claim Forms. The calculation may differ depending on whether the purchase was by a hospital, third-party payor, or uninsured person, and depending on whether the purchase was of Lovenox® or generic enoxaparin. Additional details of how your recovery will be calculated can be found in the proposed Distribution Plan, which is available at [www.dvtmedslawsuit.com](http://www.dvtmedslawsuit.com). Please note that the Court has the authority to modify the proposed Distribution Plan as part of the approval process, so the calculation of your claim might change.

## HOW TO GET A PAYMENT

### 9. What Do I Need To Do To Get A Payment?

To be eligible to receive a payment if the Court approves the Settlements, you must complete and submit a valid Claim Form. Claim Forms should be mailed to the address below and must be received by **July 3, 2020**. You can get a Claim Form at [www.dvtmedslawsuit.com](http://www.dvtmedslawsuit.com) or by calling 1-888-208-9630 or writing to the address below and requesting a Claim Form.

**Enoxaparin Antitrust Settlement**  
**c/o A.B. Data, Ltd.**  
**P.O. Box 173090**  
**Milwaukee, WI 53217**

You may also submit a completed Claim Form online at [www.dvtmedslawsuit.com](http://www.dvtmedslawsuit.com). If you submit a Claim Form online, you must do it by **July 3, 2020**.

### 10. What Happens If I Do Nothing?

If you do nothing, you won't get any money from the Settlements and you won't be able to start a lawsuit or be part of any other lawsuit against the Defendants for the claims being resolved by the Settlements.

## 11. What Claims Am I Settling?

If the Settlements become final, you will be releasing the Defendants from all the claims identified in the Settlement Agreements. The Settlement Agreements are available at [www.dvtmedslawsuit.com](http://www.dvtmedslawsuit.com). The Settlement Agreements describe the released claims with specific descriptions, in accurate legal terminology, so read them carefully.

## OBJECTING TO THE SETTLEMENTS

## 12. May I Object To The Settlements?

Yes. If you are a Class Member and you did not request to exclude yourself from the Class, you may object to any aspect of the Settlements, including the fairness of the Settlements, the Distribution Plan, and/or Class Counsel's requests for attorneys' fees, expenses, and Class Representatives' incentive awards.

## 13. How Do I Object To The Settlements?

To object to the Settlements, you (or your lawyer if you have one) must file a written objection with the Court and send the objection to the counsel identified below. You must file your objection on or before **March 16, 2020**. Your written objection can include any supporting materials, papers, or briefs that you want the Court to consider. Your written objection must include:

- Your name, address, telephone number, and an explanation of your objection;
- The case name and number: *The Hospital Authority of Metropolitan Government of Nashville and Davidson County v. Momenta Pharmaceuticals, Inc.*, Civil No. No. 15-CV-01100; and
- Documentation demonstrating that you are a member of the Class and/or this statement, followed by your signature: "I declare under penalty of perjury under the laws of the United States of America that [insert your name] is a member of the Class."

You must file your objection with the Court (address immediately below) and mail copies to the counsels' addresses below so that they are received by **March 16, 2020**.

Court	Class Counsel	Defense Counsel
Clerk of the Court U.S. District Court Middle District of Tennessee Nashville Division 801 Broadway Nashville, Tennessee 37203	Brendan P. Glackin LIEFF CABRASER HEIMANN & BERNSTEIN, LLP 275 Battery Street, 29th Floor San Francisco, CA 94111-3339	Michael L. Keeley Bradley Justus AXINN, VELTROP & HARKRIDER LLP 950 F St., NW Washington, DC 20004  Teresa T. Bonder Matthew D. Kent ALSTON & BIRD LLP 1201 W. Peachtree Street, Suite 4900 Atlanta, GA 30309

Any lawyer representing a Class Member for the purpose of making objections must also file a Notice of Appearance with the Court and mail the Notice to Counsel.

## THE LAWYERS REPRESENTING YOU

## 14. Do I Have A Lawyer Representing My Interests?

Yes. The Court appointed Lief Cabraser Heimann & Bernstein, LLP as "Class Counsel" to represent the interests of the Class. Their contact information is below:

San Francisco Office  
275 Battery Street, 29th Floor  
San Francisco, CA 94111-3339  
Telephone: (415) 956-1000  
Facsimile: (415) 956-1008

Nashville Office  
222 2nd Ave. South, Ste 1640  
Nashville, TN 37201  
Telephone: (615) 313-9000  
Facsimile: (615) 313-9965

If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

#### **15. How Will The Lawyers Be Paid?**

Class Counsel will request an award from the Court for attorneys' fees of up to 33% of the total amount of the Settlement Fund plus any accrued interest, plus reimbursement for the costs and expenses they advanced in litigating the case, which are currently over \$2.1 million. All awards for attorneys' fees and expenses shall be paid from the Settlement Funds after the Court approves them.

Class Counsel will also request a service award of up to \$200,000 to be paid to each of the Class Representatives who worked on behalf of the entire Class to achieve the results of the Settlements.

### **The Final Approval Hearing**

#### **16. When And Where Will The Court Decide Whether To Approve The Settlements?**

The Court will hold a Final Approval Hearing on **May 29, 2020, at 1:00 p.m. Central Time**, at the United States District Court for the Middle District of Tennessee, Nashville Division, 801 Broadway, Room A859, Nashville, Tennessee 37203. The Court may reschedule the Final Approval Hearing without further written notice, so you should check [www.dvtmedslawsuit.com](http://www.dvtmedslawsuit.com) or call 1-888-208-9630 if you want to find out if the Final Approval Hearing has been rescheduled.

The purpose of the Final Approval Hearing is to:

- Decide if the Settlements are fair, reasonable, adequate, and in the best interests of the Class, if it should be approved, and if a judgment should be entered;
- Consider the proposed Distribution Plan;
- Consider Class Counsel's requests for an award of attorneys' fees and reimbursement of expenses;
- Consider the request for service awards for the Class Representatives;
- Consider all comments and objections; and
- Consider any other issues that the Court thinks are necessary.

#### **17. Must I Attend The Final Approval Hearing?**

No. Attendance is not required. Class Counsel is prepared to answer questions on your behalf. Class Members who filed and served written objections may (but do not have to) appear at the Final Approval Hearing, in person or through an attorney hired at their own expense.

#### **18. Can I Attend The Final Approval Hearing?**

Yes, anyone can attend the Final Approval Hearing and watch. If you want to appear at the Final Approval Hearing and object, in person or through an attorney hired at your own expense, you need to file a Notice of Intent to Appear with the Court, as well as mail the Notice of Intent to Appear to the addresses listed in Question 13 so that they are received by **May 15, 2020**. The Notice of Intent to Appear must contain the following information:

- The name, address, and telephone number of the Class Member and, if applicable, the name, address, and telephone number of the Class Member's attorney (who must file a Notice of Appearance);
- The objection, including any supporting papers; and
- The name and address of any witnesses to be presented at the Final Approval Hearing, together with a statement as to the matters on which they wish to testify and a summary of the proposed testimony.

## GETTING MORE INFORMATION

### 19. Where Do I Get More Information?

This Notice only summarizes the Settlements. You can get a copy of the Settlement Agreements, Distribution Plan, Claim Forms, and other important documents at [www.dvtmedslawsuit.com](http://www.dvtmedslawsuit.com). You may also write to Enoxaparin Antitrust Settlement, c/o A.B. Data, Ltd., P.O. Box 173090, Milwaukee, WI 53217, email [info@DVTmedslawsuit.com](mailto:info@DVTmedslawsuit.com), or call the Notice and Claims Administrator at 1-888-208-9630.

Complete copies of public pleadings, Court rulings, and other filings are available for review and copying at the Clerk's office. The address is United States District Court for the Middle District of Tennessee, Nashville Division, 801 Broadway, Room A859,, Nashville, Tennessee 37203.

*Please do not contact the Court or the Judge regarding this Notice.*

DATED: JANUARY 24, 2020

BY ORDER OF THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE