

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

NOTICE OF PENDENCY OF CLASS ACTION

**Purchased Suboxone? A Class Action Lawsuit May Affect Your Rights.**

*This Notice is being provided by Order of the U.S. District Court.  
It is not a solicitation from a lawyer. You are not being sued.*

- A lawsuit is pending in the United States District Court for the Eastern District of Pennsylvania (the “Court”) against defendants Reckitt Benckiser Pharmaceutical, Inc., Reckitt Benckiser Group plc (the “Reckitt Defendants”), and Indivior, Inc. (“Indivior”).
- The Court dismissed the claims against the Reckitt Defendants and, subject to eventual appeal, the sole remaining defendant is Indivior.
- Plaintiffs in the lawsuit claim that Indivior violated certain state antitrust laws in the United States, harming competition and causing class members to overpay for Suboxone (Co-Formulated Buprenorphine/Naloxone). Indivior denies that it violated any laws and contends that their actions enhanced competition and did not cause class members to overpay.
- On September 27, 2019, the Court determined that certain issues in this case could proceed against Indivior as a class action. Your legal rights and options are explained below.
- The Court has not decided whether Indivior did anything wrong. There is no money available and the class is only certified for the issue of whether an antitrust violation occurred. However, your legal rights are affected, and you have a choice to make now.
- **PLEASE NOTE: This is NOT a recall, safety, or other similar notice. This lawsuit is not asserting that Suboxone products are unsafe or ineffective. This Notice is only for purposes of advising you of certain rights in litigation.**

**CERTIFIED CLASS**

The Court certified what is known as an “issues Class.” That means the case will proceed as a class action against Indivior with respect to certain issues (described below). If the Class prevails on those issues, those issues will be resolved for you individually, and you can proceed against Indivior without having to prove those issues again.

The issues Class certified by the Court (hereinafter referred to as the “Class”) includes the following persons and entities:

All persons or entities who purchased and/or paid for some or all of the purchase price for Co-Formulated Buprenorphine/Naloxone (“Suboxone”) in California, Florida, Iowa, Michigan, Minnesota, Mississippi, Nevada, New York, Pennsylvania, Virginia, and Wisconsin in any form for consumption by themselves, their families, or their members, employees, insureds, participants, or beneficiaries at any time during the period January 1, 2012, through September 26, 2019.

On the following issues:

- (i) Whether Indivior engaged in anticompetitive and deceptive conduct;
- (ii) Whether Indivior willfully maintained monopoly power through such conduct;
- (iii) Whether Indivior had a specific intent to monopolize;
- (iv) Whether Indivior had a dangerous probability of achieving monopoly power;
- (v) Whether Indivior has offered a non-pretextual procompetitive justification that could not have been obtained through less restrictive means, and if so;
- (vi) Whether the anticompetitive effects of Indivior’s conduct outweigh their proffered procompetitive benefits, if any.

The following groups are excluded from the Class:

- (i) Pharmacy benefit managers;
- (ii) Defendant and their officers, directors, management, employees, subsidiaries, or affiliates;
- (iii) All governmental entities, except for government funded employee benefit plans;
- (iv) All persons or entities who purchased Suboxone for purposes of resale or directly from Defendant or its affiliates;
- (v) The judges in this case and any members of their immediate families.

<b>YOUR LEGAL RIGHTS AND OPTIONS</b>	
<b>DO NOTHING</b>	This option means that you remain part of the Class and you keep the possibility of getting money or benefits that may come from a subsequent individual trial on injury and damages or a settlement and will be bound by any judgment for or against Indivior on the issues decided, but you give up all rights to be part of any other lawsuit that re-asserts the same state law claims against Indivior as are pending here.
<b>EXCLUDE YOURSELF FROM THE CLASS</b>	This option allows you to exclude yourself from the Class and retain the right to file a lawsuit against Indivior asserting the claims relating to the allegations in this case. If you exclude yourself, you will not be bound by any judgment for or against Indivior and will not share in any money or benefits obtained for the Class. The exclusion deadline is April 17, 2022.

**BASIC INFORMATION ABOUT THE LAWSUIT**

**1. What is the lawsuit about?**

Plaintiffs in this lawsuit claim that Indivior violated certain state antitrust laws in the United States, harming competition and causing class members to overpay for Suboxone. Indivior denies that they violated any laws. The litigation is proceeding and, at this point, no court has found that Indivior engaged in any wrongdoing.

**2. What is a class action and who is involved?**

In a class action lawsuit, one or more people called “Class Representatives” sue on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” The Class Representatives who sued—and all the Class Members like them—are called the Plaintiffs. The companies and people they sued are called Defendants. One court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class. Here, the Class Representatives seek to establish, on behalf of all Class Members, that Indivior violated state antitrust laws, but the Class Representatives do not seek to recover aggregate damages on behalf of all Class Members. If the Class Representatives successfully prove Indivior’s antitrust violations, individual Class Members will need to prove their own individual injury and damages in separate proceedings in order to recover any money.

**3. Why is this lawsuit a class action?**

The Court decided that certain claims in this lawsuit can move toward a trial as a class action because they meet the requirements of the relevant Federal Rules of Civil Procedure, which govern class actions in United States courts.

**4. What is the current status of the lawsuit?**

The lawsuit is currently pending in the United States District Court for the Eastern District of Pennsylvania before United States District Judge Mitchell S. Goldberg. The case name is *In Re: Suboxone (Buprenorphine Hydrochloride*

and Naloxone) Antitrust Litigation, and the civil action number is 2:13-md-02445-MSG. Due to COVID-19, trial is not currently scheduled. When it is, trial will take place in the United States District Court, Eastern District of Pennsylvania, located at James A. Byrne U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106. The date or location of the trial and any changes thereto will be posted to the website [www.SuboxAntitrust.com](http://www.SuboxAntitrust.com). Plaintiffs will have to prove their issues at trial. There is no guarantee that Plaintiffs will win.

**5. Is there any money available now?**

No money or benefits are available now because the case is not resolved. There is no guarantee that money or benefits ever will be obtained. If they are, you will be notified about how to ask for a share. If the litigation is resolved, and you have not excluded yourself pursuant to this Notice, you may not be given another opportunity to do so.

**6. How do I receive money?**

If the Plaintiffs are successful in the issues trial, you will be able to use the judgment in further individual proceedings on impact and damages. At that time, you will need to retain counsel to proceed on your behalf and, if you are successful, you may receive an award of damages.

**DETERMINING IF YOU ARE A MEMBER OF THE CLASS**

**7. I purchased Suboxone. How do I know if I am a member of the Class?**

You are a member of the Class if:

- You paid or provided reimbursement for some or all of the purchase price of Suboxone in California, Florida, Iowa, Michigan, Minnesota, Mississippi, Nevada, New York, Pennsylvania, Virginia, and Wisconsin for the purpose of consumption, and not resale, by yourself, your family member(s), insureds, plan participants, employees, or beneficiaries, at any time between January 1, 2012, and September 26, 2019.
- The following are **NOT** members of the Class:
  - Pharmacy benefit managers;
  - Defendant and their officers, directors, management, employees, subsidiaries, or affiliates;
  - All governmental entities, except for government funded employee benefit plans;
  - All persons or entities who purchased Suboxone for purposes of resale or directly from Defendant or its affiliates; and
  - The judges in this case and any members of their immediate families.

**IF YOU DO NOTHING**

**8. What happens if I do nothing at all?**

If you do nothing, you will be bound by the outcome of the case, whether a judgment on the issues is rendered for or against Indivior. Unless you exclude yourself, you will not be able to file a lawsuit or be part of any other lawsuit asserting claims against Indivior concerning or relating to the claims and factual allegations that were or could have been raised in this action.

**EXCLUDING YOURSELF FROM THE CLASS**

**9. What does it mean to request to be excluded from the Class?**

If you do not want to be part of the Class and want to keep your right to sue Indivior relating to the allegations concerning the alleged anticompetitive conduct described in this Notice, then you must take steps to remove yourself from the Class. This is called excluding yourself, or “opting out” of the Class. If you exclude yourself, you will not be eligible to receive any payment from future settlements or judgments on the issues in this lawsuit, and you will not be bound by any judgment rendered for or against Indivior.

10. **How do I exclude myself from the Class?**

To exclude yourself from the Class, you must send a letter by mail stating that you wish to be excluded from the Class in *In Re: Suboxone (Buprenorphine Hydrochloride and Naloxone) Antitrust Litigation*, 2:13-md-02445-MSG. Be sure to include your name, address, telephone number, and signature. You cannot exclude yourself over the telephone. You must mail your Request for Exclusion, postmarked no later than **April 17, 2022**, to:

Suboxone End-Payor Antitrust Litigation  
ATTN: EXCLUSIONS  
P.O. Box 173001  
Milwaukee, WI 53217

You may also email your exclusion request to [info@SuboxAntitrust.com](mailto:info@SuboxAntitrust.com), or submit your exclusion request on the case website at [www.SuboxAntitrust.com](http://www.SuboxAntitrust.com). Any email or website exclusion requests must also be submitted no later than **April 17, 2022**.

11. **If I don't exclude myself, can I sue for an antitrust violation later?**

No. Unless you exclude yourself, you give up the right to sue Indivior for the same issues in this case. You must exclude yourself from the Class to be able to bring your own, separate lawsuit(s) on all issues against Indivior. Remember, the exclusion deadline is **April 17, 2022**. In the event the Action resolves, you may not be given another opportunity to exclude yourself from the Class.

**THE LAWYERS REPRESENTING YOU**

12. **As a member of the Class, do I have a lawyer representing my interests in this Class Action?**

Yes. The Court has appointed lawyers to represent you and other Class Members. These lawyers are called Class Counsel. The following lawyers are lead counsel in representing the Class:

CLASS COUNSEL	
Kenneth A. Wexler Wexler Boley & Elgersma LLP 55 West Monroe St., Suite 3300 Chicago, IL 60603	Steve D. Shadowen Hilliard Shadowen LLP 1135 W. 6th Street, Suite 125, Austin, TX 78703
Michael M. Buchman Motley Rice LLC 777 Third Avenue, 27 <sup>th</sup> Floor New York, NY 10017	Marvin A. Miller Miller Law LLC 115 South LaSalle Street, Suite 2910 Chicago, IL 60603
Jeffrey L. Kodroff Spector Roseman & Kodroff P.C. 2001 Market Street, Suite 3420 Philadelphia, PA 19103	

13. **How will the lawyers be compensated? Will the named Plaintiffs receive a service award?**

No money is being sought at this stage of the litigation and, therefore, if the class obtains judgment on the issues, fees for the lawyers will be subject to individual negotiation if you choose to proceed further. If Plaintiffs ultimately achieve certification of a damages class and obtain a judgment against Indivior after trial or by settlement, Class Counsel will ask the Court to approve and award attorneys' fees and expenses. They also may ask for service awards for the Class Representatives. The amount of these fees, costs, and awards, if any, will ultimately be determined by the Court.

14. **Should I get my own lawyer?**

You do not need to hire your own lawyer at this time because Class Counsel is working on behalf of the Class. If you hire your own lawyer, he or she must file a Notice of Appearance. If you hire your own lawyer, you will have to pay for that lawyer on your own.

**GETTING MORE INFORMATION**

15. **Where do I get more information?**

This Notice contains a summary of relevant Court papers. You can review relevant Decisions and Orders and additional information about this action on the case website at [www.SuboxAntitrust.com](http://www.SuboxAntitrust.com). You may also contact the Notice Administrator, A.B. Data, Ltd. by mail at Suboxone End-Payor Antitrust Litigation, c/o A.B. Data, Ltd., P.O. Box 173080, Milwaukee, WI 53217, by email at [info@SuboxAntitrust.com](mailto:info@SuboxAntitrust.com), or at 1-877-311-3735. Complete copies of all public pleadings, Court rulings, and other filings are available for review by accessing the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.paed.uscourts.gov/>, or by visiting the office of the Clerk of the Court for the United States District Court for the Eastern District of Pennsylvania, James A. Byrne U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

PLEASE DO NOT CONTACT THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS CASE.

DATED: December 23, 2021

BY ORDER OF THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA,  
MITCHELL S. GOLDBERG