

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE NOVARTIS AND PAR ANTITRUST
LITIGATION

**ORDER REGULATING
PROCEEDINGS**

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: 18 Civ. 4361 (AKH)
: 18 Civ. 5536 (AKH)
: 18 Civ. 5603 (AKH)

This Order relates to:

End-Payor Plaintiff Actions

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ALVIN K. HELLERSTEIN, U.S.D.J.:

This class action involves individual consumer and third-party payor plaintiffs (the “end-payor class action”) who sued Defendants Novartis Pharmaceuticals Corp. and Novartis AG (“Novartis”) and Defendant Par Pharmaceutical, Inc.¹ for an antitrust conspiracy that delayed generic competition with Exforge, a prescription drug, for a lengthened 12-month monopoly period after the patent expired. Exforge is a hypertension drug with amlodipine and valsartan as active ingredients.

On October 3, 2023, I approved the end-payor class action settlement in the amount of \$30 million, minus Court-approved attorneys’ fees and costs, service awards, taxes, and administrative fees. The net settlement fund was calculated at \$17,233,472.53. Under the plan of allocation, the individual consumer pool was calculated at \$4,790,905.36, or 27.8% of the net settlement fund, with the remainder going to the third-party payor pool.


¹ The claims against Defendant Par were dismissed with prejudice on July 31, 2022. ECF No. 636.

The settlement administrator, Angeion Group, reported that 132,192 claims from individual consumers were received, but only 22,342 claims were allowed. ECF No. 648. The number seems disproportionately low. Angeion reported that it mailed award payment checks to those eligible claimants in December 2023, with instructions to deposit the checks within 120 days of issuance. Approximately 14,924 of those checks (totaling \$2,131,046.76), a disproportionately high number, were rendered stale for failure to be deposited. ECF No. 651. An additional 1,884 checks (totaling \$165,429.69) will become stale if not deposited by the end of June 2024. ECF No. 651.

An inquiry by the Court is required to assure the integrity of the claims distribution process. The matter is respectfully referred to Magistrate Judge Stewart D. Aaron, who may require such submissions and conduct such hearings as may be appropriate, and who shall deliver a Report and Recommendation to the Court.

SO ORDERED.

Dated: June 5, 2024
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge