

PLAN OF ALLOCATION

I. Amount Payable To A Claimant.

If a person or entity ("Claimant") submitting a Proof of Claim is not a member of the EPP Class certified by the Court by Order dated October 23, 2019 (ECF 1278) and/or the TPP Class certified by the Court by Order dated September 17, 2019 (ECF 1226), then that Claimant shall not be entitled to any distribution from any Settlement. If a Claimant is a member of a Class, then that Claimant's eligibility to participate in this Plan of Allocation, and the amount of payment the Claimant shall receive (if any), is described below. For each Settlement the Court approves, the Net Settlement Amount for that Settlement shall be distributed to Eligible Claimants for that Settlement as follows:

II. Definitions.

1. "Allocation Pool" shall mean the Consumer Pool and the TPP Pool, defined below.

A. "Consumer Pool" shall mean, 30.03% of the Net Settlement Fund as defined in the Lupin Settlement Agreement dated May 2, 2019. In calculating the Net Settlement Fund, the Claims Administrator made a good faith estimate that the cost of administration for only the Consumer Pool will be approximately \$100,000. That amount will be added to the total costs of the out-of-pocket expenses incurred by Class Counsel through May 2, 2019, and 30.03% of the costs will be charged to the Consumer Pool.

B. "Third-Party Payor Pool" shall mean, 69.97% of the Net Settlement Fund as defined in the Lupin Settlement Agreement dated May 2, 2019 and 100% of the Net Settlement Fund as defined in the Warner Chilcott Settlement Agreement dated January 30, 2020.

2. "Eligible Claimant" shall mean any member of a Class who submits a timely and valid Proof of Claim
3. "Net Settlement Amount" shall mean the combined Settlement Fund Amounts (\$63,500,000), less Court-approved attorneys' fees, reimbursement of costs and expenses, incentive awards, and fees and costs associated with issuing notice and claims administration.
4. "Notice" shall mean the legal notice authorized by the Court in the *In re: Loestrin 24 Fe Antitrust Litigation*, MDL No. 2472 (D.R.I.), civil action number 1:13-md-02472-WES-PAS, District of Rhode Island, to be disseminated to the class of indirect purchasers of *Loestrin 24 Fe* or *Minastrin 24 Fe*.
5. "Proof of Claim" shall mean the document titled "Consumer Proof of Claim and Release," which is available for download at <http://www.InReLoestrin24FeAntitrustLitigation.com>, or by calling 1-800-302-7323, and the document titled "Third-Party Payor Proof of Claim and Release", related to TPPs. The timeliness and validity of a Claimant's Proof of Claim shall be determined by the Claims Administrator.
6. "Qualifying Claim" shall mean, for consumers, the amount paid for branded Loestrin 24 Fe or Minastrin 24 Fe during September 1, 2009 through May 2, 2019; and for TPPs shall mean the amount paid or reimbursed for branded Loestrin 24 Fe or Minastrin 24 Fe during September 1, 2009 through September 17, 2019.

III. Distribution Among Eligible Claimants *Inter Se*.

7. No Eligible Claimant shall be permitted to recover from any Allocation Pool unless that Claimant submits a Proof of Claim with a Qualifying Claim for that Allocation Pool.

8. Each Allocation Pool shall be distributed to Eligible Claimants in that Allocation Pool on a pro rata basis. To determine each Eligible Claimant's *pro rata* share of an Allocation Pool, the Claims Administrator shall multiply the total value of that Allocation Pool by a fraction, for which (a) the numerator is the Qualifying Claim for that Eligible Claimant for that Allocation Pool, and (b) the denominator is the sum total of all Qualifying Claims by all Eligible Claimants for that Allocation Pool. In no event shall any Eligible Claimant be allowed to collect more than an amount equal to that Claimant's Qualifying Claim.

9. Claimants shall be paid out of each Allocation Pool for which they are eligible. Claimants are not eligible to be paid from an Allocation Pool in a Settlement from which they have opted out.

10. If an Eligible Claimant's payment amount calculates to less than \$10.00, it will not be included in the calculation and no distribution will be made to that Eligible Claimant.

11. Any funds not distributed pursuant to the terms of this Plan of Allocation shall be paid to a *cy pres* beneficiary, *e.g.*, Center for Justice (centerforjustice.org), Southern New England Healthcare for Women, if approved by the Court.

IV. Administration.

12. All determinations under this Plan of Allocation shall be made by the Claims Administrator, subject to review by Lead Counsel and approval by the Court.

V. Amendments to the Plan of Allocation.

This Plan of Allocation may be amended. To obtain the most up-to-date information regarding the Plan of Allocation, please visit www.InReLoestrin24FeAntitrustLitigation.com, or call 1-877-324-0380.