

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

*In re LORAZEPAM & CLORAZEPATE  
ANTITRUST LITIGATION*

This Document Relates to:

ADVOCATES HEALTH CARE;  
ST. CHARLES HOSPITAL &  
REHABILITATION CENTER; DIK DRUG  
COMPANY and HARVARD PILGRIM  
HEALTH CARE, INC., on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

MYLAN LABORATORIES, INC., *et al.*

Defendants.

MDL No. 1290 (TFH)  
Misc. No. 99ms276  
Judge Thomas F. Hogan

Case No.: 1:99cv00790  
Consolidated with  
Case No.: 99 c 2228  
(U.S. District Court for the  
District of Illinois)

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

**FILED**

JUN 21 2002

<sup>TFH</sup>  
**PROPOSED ORDER APPROVING SST SETTLEMENT NOTICE COSTS  
AND DISBURSEMENT OF CERTAIN SETTLEMENT PROCEEDS**

WHEREAS, Plaintiff States, Indirect Purchaser Plaintiffs and Direct Purchaser Class Plaintiffs have entered into a settlement of this litigation with defendant SST Corporation (the "SST Settlement"), which settlement was approved by this Court in the Final Order and Judgment Approving Settlement between Plaintiffs, the Settlement Class and Defendant SST Corporation ("Final Order") filed on January 29, 2002; and

WHEREAS, pursuant to paragraph 13 of the Final Order, Class Counsel for the Direct Purchaser Plaintiff Class are to apply subsequent to the Final Order for Court approval of notice costs incurred in conjunction with the SST Settlement notice; and

WHEREAS, pursuant to paragraph 5(b) of the Escrow Agreement, the Court is required

to approve notice costs prior to disbursement of funds by the Escrow Agent out of the SST Settlement Accounts to reimburse Class Counsel for notice costs and to divide the balance of the \$250,000 after deducting notice costs among the settlement fund of the Direct Purchaser Action; to the settlement fund in the State Action, and the settlement fund in the Indirect Purchaser Action; and

WHEREAS, pursuant to paragraphs III.A.(d) of the SST Settlement Agreement dated February 6, 2001 and 4(b) and 5(b) of the Escrow Agreement executed on May 14, 2001 in conjunction with the SST Settlement Agreement, up to \$250,000 of the SST Settlement proceeds is designated to cover notice costs, and the balance of \$500,000 of the SST Settlement proceeds, after deducting notice costs up to \$250,000, is to be evenly divided among: the settlement fund in the Direct Purchaser Action; the settlement fund in the State Action; and the settlement fund in the Indirect Purchaser Action; and

WHEREAS, the Direct Purchaser Class Plaintiffs' counsel has incurred \$98,112.33 in notice costs, resulting in the balance of \$401,887.67 to be evenly divided among the three groups of plaintiffs, and \$133,962.55 to be allocated to the settlement fund in the Direct Purchaser Action; \$133,962.55 to be allocated to the settlement fund in the State Action; and \$133,962.55 to be allocated to the settlement fund in the Indirect Purchaser Action; and

WHEREAS, pursuant to paragraph 5(b) of the Escrow Agreement, the balance of \$250,000 less the notice costs, held in the SST *Direct Purchaser* Settlement Account is to be divided in three equal parts and \$50,629.22 is to be disbursed out of the SST Direct Purchaser Settlement Account to the settlement fund in the State Action; and \$50,629.22 is to be disbursed out of the SST Direct Purchaser Settlement Account to the settlement fund in the Indirect

Purchaser Action; and

WHEREAS, pursuant to paragraph 5(c) of the Escrow Agreement, \$166,666 deposited in the SST *Related Actions* Settlement Account (plus any interest accrued on that account) is to be divided in two equal portions between the settlement fund in the State Action and the settlement fund in the Indirect Purchaser Action; and

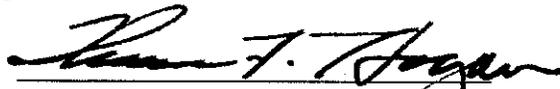
UPON the Affidavit of Mary N. Strimel in support of the Motion,

NOW THEREFORE, IT IS HEREBY ORDERED that:

1. Notice costs in the amount of \$98,112.33 are approved.
2. The Escrow Agent for the SST Direct Purchaser Settlement Account is authorized and directed to disburse \$98,112.33 to reimburse counsel for the Direct Purchaser Class Plaintiffs who have incurred the notice costs.
3. The Escrow Agent for the SST Settlement Accounts is authorized and directed to disburse a total of at least \$133,962.55 to the settlement fund in the State Action, consisting of \$50,629.22 to be disbursed out of the SST Direct Purchaser Settlement Account and \$83,333.00 to be disbursed out of the SST Related Actions Settlement Account, plus half of the interest accrued on the SST Related Actions Settlement Account;
4. The Escrow Agent for the SST Settlement Accounts is authorized and directed to disburse a total of at least \$133,962.55 to the settlement fund in the Indirect Purchaser Action, consisting of \$50,629.22 to be disbursed out of the SST Direct Purchaser Settlement Account and \$83,333.00 to be disbursed out of the SST Related Actions Settlement Account, plus half of the interest accrued on the SST Related Actions Settlement Account; and
5. \$133,962.55 is allocated to the settlement fund for the Direct Purchaser Action

and shall remain in the SST Direct Purchaser Settlement Account pending the final distribution order in conjunction with future settlements or judgments, if any, involving the remaining defendants in the Action.

SO ORDERED this the 21 day of June, 2002.



Thomas F. Hogan  
United States District Judge

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