

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE LORAZEPAM AND CLORAZEPATE
ANTITRUST LITIGATION

) CASE NUMBER MDL 1290 (TFH)
)
)

UNITED WISCONSIN SERVICES, INC., on
behalf of itself, its subsidiaries and affiliates,
including BLUE CROSS & BLUE SHIELD
UNITED OF WISCONSIN, INC., COMPCARE
HEALTH INSURANCE CORPORATION,
UNITY HEALTH PLANS INSURANCE
CORPORATION, VALLEY HEALTH PLAN
INCORPORATED and all others similarly
situated,
401 West Michigan Street
Milwaukee, Wisconsin 53203

) CASE NUMBER 1:99-CV-01082
)
)

) JUDGE: THOMAS F. HOGAN
)
)

FILED

APR 27 2001

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

BLUE CROSS BLUE SHIELD OF KANSAS,
INC., on behalf of itself and all others similarly
situated,
1133 Topeka Boulevard
Topeka, Kansas 66612

-and-

GROUP HOSPITALIZATION and MEDICAL
SERVICES, INC., d/b/a CAREFIRST BLUE
CROSS BLUESHIELD, on behalf of itself and all
others similarly situated,
550 12th Street S.W.
Washington, D.C. 20065,

) Plaintiffs,
)
)

v.
)
)

MYLAN LABORATORIES, INC.
130 Seventh Street
1030 Century Building
Pittsburgh, Pennsylvania 15222

MYLAN PHARMACEUTICALS, INC.
781 Chesnut Ridge Road
Morgantown, West Virginia 26505

CAMBREX CORPORATION)
 One Meadowlands Plaza)
 East Rutherford, New Jersey 07073)
)
 - and -)
)
 GYMA LABORATORIES OF AMERICA, INC.)
 135 Cantiague Rock Road)
 Westbury, New York 11590,)
)
 Defendants.)

~~TFH~~
[PROPOSED] SETTLEMENT SCHEDULING ORDER

WHEREAS, on February 9, 2001, the Court entered the Order Conditionally Certifying Settlement Class And Preliminarily Approving Proposed Settlement (the "Preliminary Approval Order") with respect to the proposed settlement of this class action;

WHEREAS, the Preliminary Approval Order postponed the occurrence of certain events related to the settlement of this action until "further order of this Court;"

WHEREAS, plaintiffs intended to seek and coordinate the scheduling of those events after the Plaintiff States and the Federal Trade Commission (the "FTC") moved this Court for preliminary approval of their settlements with the defendants in the related actions filed by those plaintiffs;

WHEREAS, the Plaintiff States and the FTC filed their motion for preliminary approval on April 17, 2001;

WHEREAS, all parties to the Stipulation of Settlement containing the proposed settlement of this action (the "Settlement") have consented to the relief ordered herein;

NOW THEREFORE, IT IS ORDERED THAT:

1. This Order incorporates the terms of the Preliminary Approval Order and supplements that order only to the extent expressly provided for herein;

2. Beginning no later than June 1, 2001, Indirect Purchaser Lead Counsel shall cause the Notice of Settlement of Class Action (the "Mail Notice"), the Proof of Claim and Notice of Exclusion form, each substantially in the form of Exhibits D, G and E, respectively, to the Stipulation of Settlement, to be mailed to the class conditionally certified by the Preliminary Approval Order (the "Settlement Class"), by first class mail, postage pre-paid, to the extent they can be identified with reasonable diligence, and to all other Settlement Class members that request copies of the Mail Notice;

3. On or before July 13, 2001, Indirect Purchaser Lead Counsel shall cause the Summary Notice of Settlement of Class Action, substantially in the form of Exhibit I to the Stipulation of Settlement, to be published in the manner and locations set forth in the Preliminary Approval Order;

4. Any member of the Settlement Class that wishes to be excluded from the Settlement Class shall mail the Notice of Exclusion or other written request for exclusion that contains the information referred to in the Preliminary Approval Order ("Request for Exclusion") to Complete Claim Solutions, Inc. (the "Settlement Administrator"), postmarked on or before August 31, 2001;

5. On or before October 1, 2001, the Settlement Administrator shall provide a schedule of those Settlement Class members that have timely excluded themselves from the Settlement to the Clerk of the Court, Indirect Purchaser Lead Counsel, counsel for Mylan Laboratories, Inc. and counsel for SST Corporation. This schedule shall set forth the total aggregate "Opt-Out Purchases," as that term is defined in Paragraph 9 of the Preliminary Approval Order, determined from the Requests for Exclusion and identify those members of the Settlement Class that did not comply with the request to provide the amount of their Opt-Out Purchases;

6. Each Settlement Class member that wishes to participate in the Settlement must mail a properly executed and verified Proof of Claim to the Settlement Administrator at the address indicated in the Mail Notice, postmarked on or before December 31, 2001;

7. A hearing on final settlement approval (the "Fairness Hearing") is hereby scheduled to be held before the undersigned on November 29, 2001 at 10: a m. in Courtroom No. 9, United States Courthouse, 333 Constitution Avenue, N.W., Washington, D.C. 20001 to consider the matters specified in the Preliminary Approval Order;

8. Any Settlement Class member that wishes to appear and be heard at the Fairness Hearing, either in person or through an attorney, as provided and to the extent permitted by the Preliminary Approval Order, shall serve and file by August 31, 2001 the materials specified in Paragraphs 17 and 21 of the Preliminary Approval Order, on the persons and in the manner specified by the Preliminary Approval Order;

9. The parties to the Stipulation of Settlement shall file any pleadings or memoranda in support of the Settlement with the Court no later than November 15, 2001; and

10. Pleadings or memoranda with respect to plaintiffs' counsel's application for attorneys' fees and reimbursement of expenses or the request for incentive awards shall be filed no later than November 15, 2001.

SO ORDERED this 27th day of April 2001.


Hon. Thomas F. Hogan
United States District Judge