

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE RESTASIS (CYCLOSPORINE
OPHTHALMIC EMULSION) ANTITRUST
LITIGATION

MDL No. 2819

18-MD-2819 (NG) (LB)

This Document Relates To: All End-Payor
Actions

**DECLARATION OF DENA C. SHARP IN SUPPORT OF END-PAYOR CLASS
COUNSEL'S MOTION FOR ENTRY OF A SET-ASIDE ORDER**

I, Dena Sharp, hereby declare as follows:

1. I am a partner at Girard Sharp LLP and am admitted pro hac vice in this matter. Girard Sharp serves as End-Payor Co-Lead Counsel. I submit this declaration in support of End-Payor Class Counsel's Motion for Entry of a Set-Aside Order.
2. On April 4, 2018, the Court appointed End-Payor Interim Co-Lead Counsel, Interim Liaison Counsel, and an Executive Committee to conduct this litigation on behalf of all Restasis end-payors seeking damages due to Allergan's efforts to delay the introduction of a generic version of Restasis. ECF 51.
3. EPP Class Counsel, together with other plaintiffs' counsel, reviewed over eight million pages of documents produced by Allergan, reviewed tens of thousands of pages produced by third parties, and deposed more than twenty fact witnesses. EPP Class Counsel have also litigated numerous discovery disputes that have resulted in the production of key documents that support end-payors' case against Allergan. *E.g.* ECFs 157, 224.
4. EPP Class Counsel have engaged twelve experts submitting merits reports addressing a range of issues, the review and analysis of Allergan's opposition reports, and the preparation of rebuttal reports. The issues addressed in these reports have included Allergan's patent, Allergan's citizen petition, the extent to which Allergan's conduct has delayed the FDA's review and approval of a generic version of Restasis, the performance of Teva's generic product in Canada, the relevant antitrust market, and the damages suffered by the End-Payor Class. EPP Class Counsel took the lead in taking and defending many of the expert depositions, including several that occurred after the Direct Purchasers and Retailer Plaintiffs settled their claims in the litigation.

5. To date, EPP Class Counsel have collectively devoted tens of thousands of hours in attorney time and have advanced litigation costs well in excess of \$1 million.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 5th day of June, 2020, at San Francisco, CA.

/s/ Dena C. Sharp

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2020, I served the foregoing document via electronic mail in accordance with the Federal Rules of Civil Procedure, and/or the Eastern District's Local Rules, and/or Item 3.C of your Honor's Individual Motion Practices.

/s/ Dena C. Sharp
Dena C. Sharp