

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

IN RE RESTASIS (CYCLOSPORINE  
OPHTHALMIC EMULSION) ANTITRUST  
LITIGATION

Case No. 18-MD-2819 (NG) (LB)

**ORDER GRANTING END-PAYOR  
PLAINTIFFS' MOTION TO  
AUTHORIZE DISTRIBUTION OF  
CLASS CERTIFICATION NOTICE TO  
THE END-PAYOR CLASS**

THIS DOCUMENT APPLIES TO:  
ALL END-PAYOR PLAINTIFF CLASS  
ACTIONS

The Court granted End-Payor Plaintiffs' Motion to Authorize Distribution of Class Certification Notice to the End-Payor Class with respect to the manner of notice on March 15, 2021. Dkt. No. 147. The Court found that the proposed notice program satisfies the requirements of Fed. R. Civ. P. 23(c)(2) and constitutes the best notice practicable under the circumstances. The Court also appointed A.B. Data as Notice Administrator. After reviewing End-Payor Plaintiffs' proposed notice forms (Dkt. Nos. 645-3, 645-4, and 645-6), providing edits to those forms, and reviewing revised versions filed on March 22, 2021, the Court hereby **GRANTS** the Motion with respect to the forms of notice and **ORDERS** as follows:

1. The Court approves the Postcard Notice and the Long- and Short-Form Notices filed on March 22, 2021. A.B. Data may modify the form and/or content of the targeted advertisements and banner notices as it deems necessary and appropriate to maximize their impact and reach, as long as those modifications substantially comport with the Notices filed on March 22, 2021.

2. End-Payor Plaintiffs and A.B. Data shall adhere to the following schedule:

- a. Within 14 days of this Order: activate website and toll-free number;
  - b. Within 14 days of this Order: initiate digital publication notice;
  - c. Within 21 days of this Order: complete mailing the Postcard Notice to third-party payors;
  - d. By June 18, 2021: complete publication notice.
3. By July 19, 2021, A.B. Data shall file a declaration confirming that it has distributed Notice in accordance with the Notice Plan and this Order.
4. Members of the End-Payor Class may request to be excluded from the Class. Exclusion requests must be emailed or mailed to A.B. Data no later than July 19, 2021. By July 26, 2021, Class Counsel shall e-file a list of excluded Class Members. To the extent any consumers opt out of the End-Payor Class, the names of those Class members shall be filed under seal.
5. Any responses from Class Members to End-Payor Class Counsel's Motion for Entry of a Set-Aside Order must also be emailed to the Court ([Victor\\_Joe@nyed.uscourts.gov](mailto:Victor_Joe@nyed.uscourts.gov)) and Class Counsel ([dsharp@girardsharp.com](mailto:dsharp@girardsharp.com), [efastiff@lchb.com](mailto:efastiff@lchb.com), and/or [jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)) by July 19, 2021. By July 20, 2021, End-Payor Class Counsel shall e-file any responses they have received and provide via email a confirmation of filing to any Class Member that submitted a response. End-Payor Class Counsel shall file any reply in support of the motion by July 26, 2021 and shall post the reply on the case website.

**SO ORDERED** this 23rd day of March 2021.

/S/  

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**THE HONORABLE NINA GERSHON**  
**UNITED STATES DISTRICT JUDGE**