

UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

KPH HEALTHCARE SERVICES, INC., a/k/a
KINNEY DRUGS INC., FWK HOLDINGS
LLC, and CÉSAR CASTILLO, LLC,
individually and on behalf of all those
similarly situated,

Plaintiffs,

v.

MYLAN N.V., MYLAN
PHARMACEUTICALS INC., and MYLAN
SPECIALTY L.P.

Defendants.

Civil Action No. 2:20-cv-02065-DDC-TJJ

**DIRECT PURCHASER CLASS PLAINTIFFS' MOTION FOR FINAL APPROVAL OF
SETTLEMENT WITH THE MYLAN DEFENDANTS, APPROVAL OF PLAN OF
ALLOCATION, AND AWARD OF ATTORNEYS' FEES AND EXPENSES**

Plaintiffs KPH Healthcare Services, Inc. (“KPH”), FWK Holdings LLC (“FWK”), and César Castillo, LLC (“Castillo”), on behalf of themselves and the certified Direct Purchaser Settlement Class (the “Class,” together with KPH, FWK, and Castillo, “Plaintiffs”), respectfully move the Court for an Order:

- (i) Finding the Settlement Agreement (ECF No. 454-2) between Plaintiffs and Mylan N.V., Mylan Specialty L.P., and Mylan Pharmaceuticals Inc. (collectively, “Mylan Defendants”) and its terms, and the Plan of Allocation (ECF No. 454-9), are fair, reasonable, and adequate within the meaning of Rule 23 of the Federal Rules of Civil Procedure, granting final approval of the Settlement, and directing its consummation pursuant to the terms of the Settlement Agreement;
- (ii) Finding that notice of the Settlement has been given to the Class in substantially the manner approved by the Court, and that the manner and forms of notice given

constituted the best notice practicable under the circumstances, were due, adequate, and sufficient, and met the requirements of due process and the Federal Rules of Civil Procedure;

- (iii) Finding that all Class Members had a full and fair opportunity to exclude themselves from the Class, object to the Settlement, and participate in the Final Approval Hearing;
- (iv) Finding that all Class Members that did not timely exclude themselves from the Settlement Class shall be bound by the Settlement Agreement and its terms;
- (v) Awarding attorneys' fees equal to one-third of the Settlement Fund in the amount of \$24,500,000 and any interest earned thereon, awarding reimbursement of their litigation costs and expenses in the amount of \$342,614.77, and granting authority to Co-Lead Counsel to distribute the attorneys' fees and expenses in a manner that, in the opinion of Co-Lead Counsel, fairly compensates each firm in view of its contribution to the prosecution of Plaintiffs' claims;
- (vi) Directing that Plaintiffs' and Class Members' claims against the Mylan Defendants be dismissed with prejudice and without costs and without attorneys' fees recoverable under 15 U.S.C. § 15(a), except as otherwise provided in the Settlement Agreement;
- (vii) Authorizing Co-Lead Counsel and the Settlement Administrator, A.B. Data, Ltd., to use all reasonable procedures that are not materially inconsistent with this Order or the Settlement Agreement to carry out all remaining aspects of the administration of the Settlement;

- (viii) Ordering that any claimant that disagrees with the decision of A.B. Data shall have a further opportunity to seek review of that decision by the Court as provided in the Plan of Allocation, but that nevertheless, the Class, Plaintiffs' Counsel, A.B. Data, Ltd., Monument Economics Group, and all persons who are involved in any aspect of the processing of the claims filed in this Settlement, or who are otherwise involved in the administration or taxation of the Mylan Settlement Fund, are hereby released and discharged from any and all claims arising out of such involvement, and, pursuant to the release terms of the settlement agreement, all Class members and claimants, and their assignees, whether or not they are to receive payment from the Mylan Settlement Fund, are hereby barred from making any further claim against the Mylan Settlement Fund beyond the amount, if any, allocated to them during the claim administration process;
- (ix) Retaining exclusive jurisdiction over the Settlement and the Settlement Agreement, including the administration and consummation of the Settlement; and
- (x) Directing that the judgment of dismissal of all Class claims against the Mylan Defendants shall be final and appealable.

In support of this Motion, Plaintiffs rely on and incorporate by reference the Memorandum of Law in Support of Direct Purchaser Class Plaintiffs' Motion for Final Approval of Settlement with The Mylan Defendants, Approval of Plan of Allocation, and Award of Attorneys' Fees and Expenses; the accompanying declarations and exhibits filed in support; and all papers and records on file in this matter.

Date: March 21, 2025

Respectfully submitted,

/s/ Bradley T. Wilders

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