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IN RE HIV ANTITRUST LITIGATION

This Document Relates To:

Staley et al. v. Gilead Sciences, Inc. et al., No. 3:19-cv-02573-EMC

Case No. 3:19-cv-02573-EMC (Master Docket)

~~PROPOSED~~ ORDER GRANTING END-PAYOR PLAINTIFFS' PLAN FOR NOTICE OF CLASS CERTIFICATION AND TO APPOINT NOTICE ADMINISTRATOR

Ctrm: 5-17th Floor
Judge: Honorable Edward M. Chen

1 The Court, having considered End-Payor Plaintiffs’ Motion to Approve Plan for Notice of Class
2 Certification and to Appoint Notice Administrator for Class Certification (ECF 1440) and all supporting
3 papers, and good cause appearing, hereby **ORDERS** that:

4 **1. Plaintiffs’ Proposed Order on Class Certification**

5 The Court issued an Order on November 14, 2022 (ECF 1470) that, among other issues,
6 held the Third-Party Payor Plaintiffs (“TPP Plaintiffs”) should have been included as
7 named representatives of the cART Injunctive Classes in the Court’s September 27, 2022
8 Order (ECF 1388). Therefore, the Court hereby appoints the named TPP Plaintiffs as
9 representatives of the cART Injunctive Classes.¹

10 **2. Appointment of the Class Notice Administrator**

11 The Court finds that A.B. Data will adequately oversee the Notice Plan and administer
12 class notice to potential End-Payor Class Members. The Court finds none of class counsel
13 have any financial or other ties with A.B. Data. The Court hereby appoints A.B. Data as
14 the Notice Administrator.

15 **3. Notice to End-Payor Class Members**

- 16 (a) The Court approves the form and content of: (a) the Short-Form Notice attached as
17 Exhibit 1; (b) the Long-Form Notice attached as Exhibit 2; (c) the TPP Postcard
18 attached as Exhibit 3; (d) the Government Cover Letter attached as Exhibit 4; (e)
19 the Government Postcard attached as Exhibit 5; and (f) the banner ads attached
20 hereto as Exhibit 6.
- 21 (b) The Court finds that the publication of banner ads on digital media containing
22 embedded links to the case-specific website with the Long-Form Notice available
23 for download in the manner set forth by End-Payor Plaintiffs (“EPPs”) in their
24 Memorandum constitutes the best notice that is practicable under the
25 circumstances and complies fully with the requirements of Fed. R. Civ. P.
26 23(c)(2)(B) and Due Process.
- 27 (c) The Court finds that the mailing of the Government Postcard, which is
28 substantially similar to the Short-Form Notice sent to the other Third-Party Payors,
to the local government entities and the Government Cover Letter to the State
Attorney General Offices and publication of ads on targeted websites in the
manner set forth by EPPs in their Memorandum constitutes the best notice that is
practicable under the circumstances and complies fully with the requirements of
Fed. R. Civ. P. 23(c)(2)(B) and Due Process.
- (d) On or before January 6, 2023, the TPP Postcard Notice shall be mailed by first
class mail, postage prepaid, to all potential third-party payors included in A.B.
Data’s database. In addition, a copy of the Long-Form Notice shall be posted on
the Internet at www.HIVDrugLitigation.com, the website dedicated to this
litigation.

¹ TPP Plaintiffs refers to Fraternal Order of Police, Miami Lodge 20, Insurance Trust Fund; Service Employees International Union, Local No. 1 Health Fund; Teamsters Local 237 Welfare Fund, Teamsters Local 237 Retirees’ Benefit Fund; and Pipe Trades Services MN Welfare Fund.

- 1 (e) On or before January 6, 2023, the Government Postcard shall be mailed by first
2 class mail, postage prepaid, to the local government entity offices and the
3 Government Cover Letter to the Attorney General Offices of the Specified States
4 identified in the Notice Memorandum.
- 5 (f) On or before January 6, 2023, Co-Lead EPP Class Counsel shall cause the digital
6 and social media notice directed at Consumer Class Members to be published in
7 the manner set forth by the Proposed Notice Plan for a period of 45 days.
8 Additionally, a Press Release via *PR Newswire* will be distributed.

9 **IT IS SO ORDERED.**

10 Dated: December 5, 2022



11 _____
12 Honorable Edward M. Chen
13 United States District Judge
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