

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
NEWARK DIVISION**

IN RE: METFORMIN MARKETING
AND SALES PRACTICES
LITIGATION

Case No. 2:20-cv-2324-MCA-MAH

Honorable Madeline C. Arleo

Honorable Michael A. Hammer

DECLARATION OF ERIC J. MILLER
ON IMPLEMENTATION OF NOTICE PLAN

I, Eric J. Miller, declare as follows:

1. I am the Senior Vice President of Case Management at A.B. Data, Ltd.’s Class Action Administration Company (“A.B. Data”), whose corporate office is located in Milwaukee, Wisconsin. My business address is 5080 PGA Boulevard, Suite 209, Palm Beach Gardens, FL 33418.

2. I submit this Declaration in connection with the above-referenced action (the “Action”). This Declaration is based upon my personal knowledge and upon information provided by my associates and A.B. Data staff members. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

3. Pursuant to the Court’s May 5, 2026 Order Granting Preliminary Approval of Class Action Settlements (the “Preliminary Approval Order”), as modified by the Court’s June 26, 2026 Order Extending Settlement Deadlines, A.B. Data implemented the Court-approved Notice Plan and was responsible for effectuating notice pursuant to the Notice Plan approved by the Court. Unless otherwise defined, capitalized terms used in this Declaration have the same meaning as defined in the Stipulations and used in the Preliminary Approval Order.

4. This Declaration details the steps taken by A.B. Data, which consisted of the following: (i) direct notice to potential third-party payor (“TPP”) Settlement Class Members using A.B. Data’s proprietary database; (ii) paid media notice (including digital advertising) to consumer and TPP Settlement Class Members; (iii) a news release distributed through PR Newswire; and (iv) a toll-free telephone number and case-specific Settlement website to address potential Settlement Class Member inquiries.

CAFA NOTICE

5. On May 5, 2026, in compliance with the Class Action Fairness Act of 2005, 28 U.S.C. § 1715 (“CAFA”), A.B. Data caused the CAFA Notice and required documents to be served on the appropriate officials in all U.S. States, the District of Columbia, and U.S. Territories, and the Attorney General of the United States. A true and accurate copy of the CAFA Notice letters are attached as **Exhibit A**.

NOTICE PLAN OVERVIEW

6. The Notice Plan was designed to reach two different types of Class Members: (a) consumers and (b) TPPs, such as health and welfare funds and insurance companies. A.B. Data’s approach to reach these two groups is discussed below.

CONSUMER TARGET AUDIENCE

7. A.B. Data uses industry-standard methodology and measurement tools to design and measure the adequacy of a paid media plan to reach a defined audience.

8. A.B. Data reviewed how drugs containing metformin (and Glucophage and Glucophage XR) are used and the circumstances under which this medication is prescribed to

patients. Our research included reviewing the Glucophage and Glucophage XR¹ labels and prescribing information. This prescribed medication is primarily used to treat type 2 diabetes.

9. To design the consumer paid media portion of the Notice Plan, A.B. Data used syndicated, accredited research from MRI-Simmons² and Comscore³ to select a target audience that best represents potential consumer Settlement Class Members, analyze media consumption, select media vehicles best suited for the target audience, and measure media delivery. MRI-Simmons is a nationally accredited media and marketing research firm that provides syndicated data on audience size, composition, and other relevant factors pertaining to major media, including broadcast, magazines, newspapers, and outdoor advertising. Comscore is a global internet information provider on which leading companies and advertising agencies rely for consumer behavior insight and internet data usage.

10. MRI-Simmons and Comscore do not offer a standard audience category of “adults who use metformin-containing drugs.” However, these industry standard tools do contain other audience categories that closely align with consumer Settlement Class Members’ characteristics. A.B. Data selected adults who have Diabetes Type 2 and used a Generic Prescription Brand

¹Food and Drug Administration, *GLUCOPHAGE® (metformin hydrochloride) Tablets* and *GLUCOPHAGE® XR (metformin hydrochloride) Extended-Release Tablets* label, https://www.accessdata.fda.gov/drugsatfda_docs/label/2017/020357s037s039,021202s021s0231bl.pdf (last visited June 9, 2026).

² MRI Simmons Survey of the American Consumer is the country’s largest, most comprehensive, and most reliable consumer and media and product/service usage database. Data from the Survey of the American Consumer, conducted continuously since 1979, is used in the majority of media and marketing plans written in the United States. The firm’s multidimensional database is the largest and most reliable source for integrated media planning. About 450 U.S. advertising agencies, including 90 of the top 100, subscribe to MRI Simmons Research, along with A.B. Data and more than 200 national marketers. MRI Simmons offers the most detailed and representative picture of U.S. demographics and lifestyles, including information on usage of nearly 6,000 product and service brands across 550 categories, the magazines and newspapers audiences read, the websites they look at, the television programs they watch, and the radio stations they listen to.

³ Comscore maintains a proprietary database of more than 2 million consumers who have given Comscore permission to monitor their browsing and transaction behavior, including online and offline purchasing.

(“Diabetes Generic Drug Users”) as the target audience. This target audience was selected as a broadly inclusive population to ensure the paid media reaches potential consumer Settlement Class Members and they had an opportunity to see the notice.

CONSUMER PAID MEDIA

11. A.B. Data implemented a paid media program, including digital and social media advertising, to reach potential Settlement Class Members.

Digital and Social Media

12. Between May 15, 2026 and June 14, 2026, digital banner and social media ads appeared on various websites via Google Display Network and YouTube. Google Display Network places digital ads on websites, blogs, and other properties within its own network and over 2 million other websites across the Internet. YouTube is an online video sharing and social media platform that has over 254 million users in the United States. This advertising delivered 189,031,301 gross impressions⁴ across desktop, tablet, and mobile devices.

13. Targeted digital advertising was used to reach digital users (and potential Settlement Class Members) who expressed an interest in information relevant to the subject of this case. Tactics included:

- Demographic – Targeting older adults (who are more likely to purchase this medication).
- Mobile – In-App – Targeting individuals while they used relevant mobile applications (such as health and medical apps, game apps, weather apps, exercise apps, entertainment apps, and sports apps).
- Mobile – Websites – Targeting phones and tablets whose users visited

⁴ Gross (targeted) impressions are the duplicated sum of audiences of all media vehicles containing the notice.

websites that were contextually relevant and websites visited by relevant users.

- Channel/Contextual Targeting – Targeting individuals who visited premium websites with relevant content and context, such as those that provide health, medical, and lifestyle information.
- Behavioral Targeting – Targeting users based on their previous online browsing activity (*e.g.*, if a user viewed or searched content related to metformin or diabetes on WebMD.com, a data profile with that information was created and targeted ads were served to them).
- Predictive (Look-Alike) Modeling – Targeting user IDs whose owners had strong similarities to users who previously “clicked through” to the Settlement website.
- Retargeting – Targeting users who previously visited the Settlement website.
- Third-Party – Used third-party data providers to target users who had type 2 diabetes treated with drugs containing metformin.⁵

14. Between May 15, 2026, and June 14, 2026, A.B. Data purchased sponsored search listings on Google and/or its other search partners. When a person searched for a specific target phrase and/or keyword in a search engine, the link to the case-specific website may have appeared on the search result pages.

15. A.B. Data employs a fully staffed digital buying team to manage all digital and social media plans in-house for the greatest control and oversight. This team optimized the digital campaign to adjust for audiences and demographic groups that were most responsive and engaged

⁵ The third-party data providers provided anonymized data in unique, condition-based healthcare segments that cannot be tied to personally identifiable records. Therefore, this targeting complies with Health Insurance Portability and Accountability Act guidelines.

and maximized exposure across websites that were best driving potential Settlement Class Members to the Settlement website.

16. All digital and social media ads included images appropriate for this case and target audience. When clicked, the digital banner and social media ads directed potential Settlement Class Members to the case website (www.InReMetforminSettlement.com). Samples of the consumer and TPP digital banner ads as they appeared on several websites are attached as **Exhibit B**.

Due Process & Delivery

17. A.B. Data calculated the estimated reach⁶ and frequency⁷ of the consumer paid media against the target audience. The notice program successfully achieved its planned delivery goal, reaching more than 76.3% of the target audience at an average frequency of 1.6 opportunities and exceeding 80.0% reach among Settlement Class Members. This reach is similar to those that courts have approved previously and is within the range recommended and considered reasonable by The Federal Judicial Center's *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide*.⁸

TPP DIRECT NOTICE

18. A.B. Data maintains and updates annually a proprietary database of approximately 43,000 entities that include: (i) insurance companies; (ii) health maintenance organizations; (iii) self-insured entities such as large corporations, labor unions, and employee benefit and pension plans; and (iv) certain record keepers and other entities that have relationships with or may

⁶ Reach is the estimated percentage of a target audience reached through a specific media vehicle or combination of media vehicles.

⁷ Frequency is the estimated average number of opportunities an audience member has to see the notice.

⁸ The *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide* states: "The lynchpin in an objective determination of the adequacy of a proposed notice effort is whether all the notice efforts together will reach a high percentage of the class. It is reasonable to reach between 70-95%."

represent TPPs, such as pharmacy benefit managers and third-party administrators (the “TPP Database”).

19. A.B. Data compiled this proprietary database by accessing membership listings and existing databases from publicly-available sources, including U.S. Department of Labor Form 5500 filings (health and welfare plans covering more than 100 participants are required to file a Form 5500 that includes information such as the plan name, sponsor and number of participants) and the Pharmacy Benefits Management Institute, as well as prior pharmaceutical litigations that A.B. Data has administered. The TPP Database is regularly used by A.B. Data to successfully notify TPP Settlement Class Members in pharmaceutical class actions.

20. On May 8, 2026, A.B. Data mailed the short form notice, formatted as a postcard (“Postcard Notice”), via United States Postal Service (“USPS”) First-Class Mail to 42,168 entities in A.B. Data’s TPP Database. A copy of the Postcard Notice is attached as **Exhibit C**.

21. In addition, A.B. Data sent 1,502 emails to entities in the TPP Database with available email addresses. The email Notice included a link that allowed recipients to visit the case-specific website for additional information. A copy of the email Notice is attached as **Exhibit D**.

TPP SUPPLEMENTAL PAID MEDIA

22. The TPP direct notice described above was supplemented through paid media to reach potential TPP Settlement Class Members.

23. Between May 15, 2026, and June 14, 2026, digital banner ads appeared on the following industry-related websites:

- a. ThinkAdvisor.com/life-health – This website is affiliated with the former publication *National Underwriter Life & Health*. It is uniquely positioned to provide agents and brokers with timely, insightful information as they navigate the specialty insurance

markets and sort through critical industry developments.

b. BenefitNews.com – This website is affiliated with the publication *Employee Benefit News*. It serves human resource management personnel that specialize in determining and implementing benefits for employees, including health insurance.

c. SHRM.org – This website is the official website of the Society of Human Resource Management. Visitors to this website include human resource (“HR”) managers who specialize in a variety of HR disciplines such as benefits, health insurance, compliance, and many others. It also reaches HR management within large companies that offer private health insurance policies to their employees.

24. The TPP banner ads include an embedded link to the Settlement website so potential TPP class members could click on them and go directly to the website to get information or file a claim.

EARNED MEDIA

25. On May 15, 2026, A.B. Data distributed the short form notice, formatted as a news release, via PR Newswire’s US1 Newswire and shared information about the case with its followers on X. The news release reached traditional media outlets (television, radio, newspapers, magazines), news websites, and journalists nationwide. A copy of the news release as it appeared is attached as **Exhibit E**.

WEBSITE

26. On May 5, 2026, A.B. Data established the case-specific website, www.InReMetforminSettlement.com. The website includes important information about the Settlements, including the exclusion, objection, notice to appear, and claim filing deadlines and the date, time, and location of the Fairness Hearing. Copies of the Notice (in English and Spanish), Claim Forms, Stipulations, Complaint, Preliminary Approval Order, motion for attorneys’ fees,

costs, and Service Awards, and other relevant documents are posted on the website and are available to be downloaded. In addition, the website provides Settlement Class Members with the ability to submit their Claim Form online through the website. On June 24, 2026, A.B. Data updated the website to include additional direct links to the applicable National Drug Code (“NDC”) list under the “Frequently Asked Questions” and “File a Claim” pages. On June 26, 2026, the website was updated to reflect the extended deadlines per the Court’s *Stipulation and Order Extending Settlement Deadlines* (Dkt. 671). The website is accessible 24 hours a day, seven days a week. As of July 24 2026, there have been 351,580 visitors to the website.

TOLL-FREE TELEPHONE NUMBER AND EMAIL

27. On May 8, 2026, A.B. Data established the case-specific toll-free number, 1-866-302-6835, with an automated interactive voice response (“IVR”) system and live operators, to address callers’ questions and provide information about the proposed Settlements. The automated IVR telephone system is available 24 hours per day, seven days per week. This system presents callers with a series of choices to hear prerecorded information about the Settlements. If callers need further help, they have an option to speak with a live operator during business hours. After business hours, callers may leave a voicemail message, and their call will be returned.

28. A.B. Data also maintains a case-dedicated email address, info@InReMetforminSettlement.com, to allow potential Settlement Class Members to email with questions or inquiries. The email address appeared in the postcard Notice and is displayed on the Settlement website.

REPORT ON EXCLUSION REQUESTS

29. The extended deadline for Settlement Class Members to request exclusion is July 24, 2026. As of July 24, 2026, A.B. Data has received one exclusion request. A copy of the exclusion was provided to Co-Lead Counsel and is attached as **Exhibit F**.

REPORT ON OBJECTIONS

30. The extended deadline for Settlement Class Members to object to the Settlements and/or request to speak in person at the Fairness Hearing is July 24, 2026. As of July 24, 2026, A.B. Data had been notified of one objection to the Teva Settlement from Betty J. McCorvey (Dkt. 670-12).

CLAIMS ADMINISTRATION PROCESS

31. When administering the allocation and distribution of class action recoveries, A.B. Data implements a claims process to verify whether those filing claims are class members and ensure class members receive the recovery to which they are entitled under a Court approved plan of allocation and distribution.

32. A.B. Data has extensive experience ensuring that recoveries are distributed to eligible claimants based on the Court-approved plan of allocation, including taking steps to ensure that individuals and entities that are not a part of the class (and/or are not eligible) do not receive a payment from the settlement or judgment. To do so, A.B. Data uses claims administration techniques that it has successfully employed in many pharmaceutical antitrust cases.

33. Settlement Class Members who wish to be potentially eligible to receive a payment from the Settlements are required to complete and submit a claim, either by mail postmarked or online, by August 5, 2026.

34. A.B. Data is reviewing each Claim Form upon receipt to verify that all required information was provided and is accurate. Supporting documents provided with each Claim Form are also being reviewed for authenticity and compared to the information provided to verify the Claimant's identity and the purchasing information. A.B. Data will continue to process each claim in accordance with the Court-approved Settlement Agreements, Plan of Allocation, and/or relevant Court orders. Notably, a number of claims with "proof" consist of photographs of prescription bottles or screenshots indicating that metformin was prescribed, neither of which constitutes adequate proof of out-of-pocket expenditure for metformin manufactured by the Teva and Granules/Heritage Defendants. One consumer even claimed \$9,550,080.00 without credible evidence of out-of-pocket costs.

35. If a claim is determined to be defective, for any reason other than fraud, A.B. Data will send a deficiency notification to the Claimant, via letter or email, that describes why the claim is deficient, including, where applicable, what is necessary to cure the deficiency. A claim may be marked as deficient if it is missing documentation or required information or includes ineligible drugs, among other conditions. The deficiency notification will include information to help consumer Settlement Class Members identify the NDC for their metformin-containing drug and determine if it is included in the Settlements, and how to provide sufficient documentation of out-of-pocket cost using prescription records.. It will also advise Claimants how much time they have to submit the appropriate information and/or documentary evidence to complete/cure their claim. If the Claimant does not cure the deficiency in their claim, the claim will be recommended for rejection (in whole or in part). The deficiency notification will also advise Claimants of their right to contest A.B. Data's administrative determination with respect to their claim.

36. If a claim is determined to be ineligible, A.B. Data will send an ineligibility notification to the Claimant, via letter or email, that describes why the claim is ineligible. A claim may be marked as ineligible because it is duplicative of a previously filed claim (for example, where a claim was submitted online to A.B. Data and the original hard copy was sent by mail and received at a later date), submitted by an excluded person or entity, or withdrawn by the filer.

37. After A.B. Data has fully processed the claims (and responses to deficiency notifications), performed quality assurance reviews, and made final administrative determinations as to which claims are valid, A.B. Data will present its final administrative report on the claims received for the Settlements to the Court, along with a proposed plan for distribution. Thereafter, upon Court approval, A.B. Data will distribute the net Settlement proceeds to eligible Class Members.

REPORT ON CLAIMS

38. As of July 24, 2026, A.B. Data has received 3,454 presumptively valid Claim Forms, of which 3,350 were consumer claims and 104 were TPP claims. Following discussions with Class Counsel, “presumptively valid claims” are those either (i) submitted by a TPP Settlement Class Member for \$250,000 or less in compensation with supporting proof-of-payment, or (ii) submitted by a Consumer Class Member for less than \$1,000 in compensation with supporting proof-of-payment. All other Settlement Class Members will be sent a deficiency notice in line with the above.

39. Of the consumer claims, 3,261 were submitted online and 89 were submitted by mail. As of July 24, 2026, the total amount of presumptively valid consumer Claimants claimed to have paid for metformin-containing drugs is \$1,218,113.75. The actual total will not be determined until the claims process is complete.

40. Of the TPP claims, 102 were submitted online and 2 were submitted by mail. As of July 24, 2026, the total amount of presumptively valid TPP Claimants claimed to have paid for metformin-containing drugs is \$ 2,005,184.65. The actual total will not be determined until the claims process is complete.

41. A.B. Data is currently reviewing and processing claims. A.B. Data will provide the Court an updated report regarding claims administration once the review process is complete.

I declare under penalty of perjury that the foregoing is true and correct.

Date: July 24, 2026


Eric J. Miller

EXHIBIT A



Asher A. Block
565 E. Swedesford Road, Suite 303
Wayne, Pennsylvania 19087
Asher.Block@lewisbrisbois.com
Direct: 215.977.4066

May 1, 2026

VIA USPS and E-MAIL

Attorney General of the United States
c/o Class Action Fairness Act Notices
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Attorney General of the State of New Jersey
Office of the Attorney General
Department of Law and Public Safety
P.O. Box 080
Trenton, NJ 08625-0080

**Re: *In re Metformin Mktg. and Sales Pracs. Litig.*,
Case No. 2:20-CV-02324-MCA-MAH**

Dear Attorneys General:

I represent Granules Pharmaceuticals, Inc., Granules USA, Inc. and Heritage Pharmaceuticals, Inc. d/b/a Avet Pharmaceuticals, Inc. ("Defendants") in the above-referenced action, currently pending in the United States District Court for the District of New Jersey before the Honorable Madeline Cox Arleo, U.S.D.J., and the Honorable Michael A. Hammer, U.S.M.J. Pursuant to the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715, Defendants in the above-referenced matter hereby provides notice that a proposed settlement of class claims between Plaintiffs Joseph Brzozowski, Jacqueline Harris, Kristen Wineinger, Michael Hann, and Masao Hendrix ("Consumer Plaintiffs") and MSP Recovery Claims, Series LLC, County of Monmouth, and Central Midwest Regional Council of Carpenters Welfare Fund f/k/a Ohio Carpenters' Health Fund ("TPP Plaintiffs") (collectively, Consumer Plaintiffs and TPP Plaintiffs are "Plaintiffs") and Defendants was filed with the court on February 11, 2026, in the above-referenced action.

On February 11, 2026, Plaintiffs filed an Uncontested Motion for Preliminary Approval of Settlement with United States District Court for the District of New Jersey in the above-referenced action. A hearing on this motion was conducted on April 24, 2026 via video conference, at which the Court indicated its intention to issue an order preliminarily approving the settlement once minor revisions are made to the proposed order and long-form notice. Those revisions were made and

May 1, 2026
Page 2

submitted to the Court on May 1, 2026, and it is expected that an order preliminarily approving the settlement will be issued by the Court. A final fairness hearing is expected to be scheduled by the Court for August 12, 2026.

Please see the below information and find copies of the following documents associated with this Action at <https://adobe.ly/4tSljp8> or by scanning this QR code:



In accordance with 28 U.S.C. § 1715(b), the enclosed documents identified below and states as follows:

1. 28 U.S.C. § 1715(b)(1) – Copy of the complaint, all materials filed with the complaint, and any amended complaints.

The enclosed QR code contains publicly available copies of any and all complaints filed in the above referenced action.

2. 28 U.S.C. § 1715(b)(2) – Notice of any scheduled judicial hearing.

The enclosed QR code contains the publicly available copy of the notice scheduling the preliminary approval hearing. Notice has not yet been issued for the final approval hearing.

3. 28 U.S.C. § 1715(b)(3) – Any proposed or final notification to class members.

The enclosed QR code contains a copy of Plaintiffs' uncontested motion for preliminary approval, which includes the proposed claim forms and the proposed forms of notice to be provided to the settlement class members that details the settlement class members' rights to request exclusion from the settlement class and the related procedure and deadlines.

4. 28 U.S.C. § 1715(b)(4) – Any proposed or final class action settlement.

The enclosed QR code contains the publicly available copy of the proposed settlement between Plaintiffs and Granules.

5. 28 U.S.C. § 1715(b)(5) – Any settlement or other agreement contemporaneously made between class counsel and counsel for the defendants.

The enclosed QR code includes a copy of the Settlement Agreement. As of the date of this correspondence, no other settlement or other agreement has been contemporaneously made between counsel for Plaintiffs and counsel for Granules.

May 1, 2026
Page 3

6. 28 U.S.C. § 1715(b)(6) – Any final judgment or notice of dismissal.

Final judgment has not yet been entered as to the proposed settlement.

7. 28 U.S.C. § 1715(b)(7) – Class members who reside in each State or the number of class members residing in each State, and the estimate proportionate share of the claims of such members to the entire settlement.

Defendants advise that it is not feasible at the present time to provide the names (or number) of class members of the proposed settlement class who reside in each State or the estimated proportionate share of the claims of such members to the entire settlement. That information will not be known until after notice of the settlement is given and eligible class members submit claim forms. Pursuant to the terms of the settlement agreement, monetary relief will be available to eligible class members who properly submit claims and supporting documentation. And the amount of each class member's recovery will be determined by a plan of allocation that has not yet been submitted to the Court for approval. As a result, Defendant is unable at this time, and absent completion of the contemplated claims processes, to provide a reasonable estimate of the number of settlement class members residing in each State or the estimated proportionate share of the claims of such members. Upon the conclusion of the claims processes, the names (or number) of the class members per State and the estimated proportionate share of their claims will be available, if requested by you, from the claims administrator.

8. 28 U.S.C. § 1715(b)(8) – Any written judicial opinion relating to the materials described in item numbers 3–6.

The Court has not issued any written opinion relating to the materials described in item numbers 3-6.

Defendants submit this notice in a good faith effort to comply with any obligations it may have pursuant to 28 U.S.C. § 1715. In accordance with 28 U.S.C. § 1715(d), the Court will not finally approve the proposed class action settlements until at least 90 days after service of this notice. Further information regarding this matter, including any further scheduled judicial hearings, may be obtained by visiting the "PACER" online docket for the above-referenced case at <https://www.pacer.gov>.

If you have any questions about this notice, the lawsuit, or the enclosed materials, or if you did not receive any of the above-listed materials, please contact the counsel listed below.

Sincerely,

/s/ Asher A. Block

Asher A. Block of
LEWIS BRISBOIS BISGAARD & SMITH LLP

WALSH
PIZZI
O'REILLY
FALANGA

THREE GATEWAY CENTER

100 Mulberry Street, 15th Floor
Newark, NJ 07102

T: 973.757.1100

F: 973.757.1090

WALSH.LAW

Christine I. Gannon
Direct Dial: (973) 757-1017
cgannon@walsh.law

May 1, 2026

Via Certified Mail and E-mail

Attorney General of the United States
c/o Class Action Fairness Act Notices
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Attorney General of the State of New Jersey
Office of the Attorney General
Department of Law and Public Safety
P.O. Box 080
Trenton, NJ 08625-0080

**Re: *In re Metformin Mktg. and Sales Pracs. Litig.*,
Case No. 2:20-CV-02324-MCA-MAH**

Dear Attorneys General:

I represent defendants Teva Pharmaceuticals USA, Inc., Actavis Pharma, Inc., and Actavis LLC (“Teva”) in the above-referenced action, currently pending in the United States District Court for the District of New Jersey before the Honorable Madeline Cox Arleo, U.S.D.J. and the Honorable Michael A. Hammer, U.S.M.J. Pursuant to the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, Teva hereby provides notice that a proposed settlement of class claims between Plaintiffs Joseph Brzozowski, Jacqueline Harris, Kristen Wineinger, Michael Hann, and Masao Hendrix (“Consumer Plaintiffs”) and MSP Recovery Claims, Series LLC, County of Monmouth, and Central Midwest Regional Council of Carpenters Welfare Fund f/k/a Ohio Carpenters’ Health Fund (“TPP Plaintiffs”) (collectively, Consumer Plaintiffs and TPP Plaintiffs are “Plaintiffs”) and Teva was filed with the Court on February 11, 2026, in the above-referenced action.

The above-reference action is a putative class action in which Plaintiffs allege that from July 20, 2015 through June 2, 2020, the settlement class period, Teva violated federal and state consumer protection laws, common law warranty and fraud laws, and other state statutory provisions through the sale of adulterated, misbranded, and unapproved specified pharmaceutical drug products that were designed, manufactured, marketed, distributed, packaged, and/or sold by Teva. Plaintiffs allege that, as a result, they and other putative class members paid for or reimbursed purchases of the specified pharmaceutical drug products that were neither of the quality warranted by Teva nor legally salable under the Food, Drug, and Cosmetic Act. Teva denies all allegations of wrongdoing and liability.

On February 11, 2026, Plaintiffs filed an Uncontested Motion for Preliminary Approval of Settlement with the United States District Court for the District of New Jersey in the above-referenced action. A hearing on this motion was conducted on April 24, 2026, at which the Court indicated its intention to issue an order preliminarily approving the settlement once minor revisions are made to the proposed order and long-form notice. Those revisions were made

May 1, 2026

Page 2

and submitted to the Court on May 1, 2026, and it is expected that an order preliminarily approving the settlement will be issued by the Court. A final fairness hearing is expected to be scheduled by the Court for August 12, 2026.

Please see the below information and find copies of the following documents associated with this Action at <https://adobe.ly/49q0mJJ> or by scanning this QR code:



In accordance with 28 U.S.C. § 1715(b), Teva identifies the enclosed documents below and states as follows:

1. 28 U.S.C. § 1715(b)(1) – Copy of the complaint, all materials filed with the complaint, and any amended complaints.

The enclosed QR code contains publicly available copies of all complaints filed in the above-referenced action.

2. 28 U.S.C. § 1715(b)(2) – Notice of any scheduled judicial hearing.

The enclosed QR code contains the publicly available copy of the notice scheduling the preliminary approval hearing. Notice has not yet been issued for the final approval hearing.

3. 28 U.S.C. § 1715(b)(3) – Any proposed or final notification to class members.

The enclosed QR code contains a copy of Plaintiffs' uncontested motion for preliminary approval, which includes the proposed claim forms and the proposed forms of notice to be provided to the settlement class members that details the settlement class members' rights to request exclusion from the settlement class and the related procedure and deadlines. It also contains a copy of Plaintiffs' May 1, 2026 submission of a revised proposed preliminary approval order and revised notices and claim forms.

4. 28 U.S.C. § 1715(b)(4) – Any proposed or final class action settlement.

The enclosed QR code contains the publicly available copy of the proposed settlement between Plaintiffs and Teva.

5. 28 U.S.C. § 1715(b)(5) – Any settlement or other agreement contemporaneously made between class counsel and counsel for the defendants.

The enclosed QR code includes a copy of the Settlement Agreement. As of the date of this correspondence, no other settlement or other agreement has been contemporaneously made between counsel for Plaintiffs and counsel for Teva.

Counsel for Teva understand that Plaintiffs in the above-reference action have entered into a proposed settlement with three additional defendants, Granules USA, Inc., Granules Pharmaceuticals, Inc. and Heritage

May 1, 2026

Page 3

Pharmaceuticals, Inc. d/b/a Avet Pharmaceuticals, Inc., and that proposed settlement is also pending before the United States District Court for the District of New Jersey for approval.

6. 28 U.S.C. § 1715(b)(6) – Any final judgment or notice of dismissal.

Neither final judgment nor dismissal has yet to be entered as to the proposed settlement.

7. 28 U.S.C. § 1715(b)(7) – Class members who reside in each State or the number of class members residing in each State, and the estimate proportionate share of the claims of such members to the entire settlement.

Teva advises that it is not feasible at the present time to provide the names or number of class members of the proposed settlement class who reside in each State or the estimated proportionate share of the claims of such members to the entire settlement. That information will not be known until after notice of the settlement is given and eligible class members submit claim forms. Pursuant to the terms of the settlement agreement, monetary relief will be available to eligible class members who properly submit claims and supporting documentation. And the amount of each class member's recovery will be determined by a plan of allocation that has not yet been submitted to the Court for approval. As a result, Teva is unable at this time, and absent completion of the contemplated claims processes, to provide a reasonable estimate of the number of settlement class members residing in each State or the estimated proportionate share of the claims of such members. Upon the conclusion of the claims processes, the names or number of the class members per State and the estimated proportionate share of their claims will be available, if requested by you, from the claims administrator.

8. 28 U.S.C. § 1715(b)(8) – Any written judicial opinion relating to the materials described in item numbers 3–6.

The Court has not issued any written opinion relating to the materials described in item numbers 3-6.

Teva submits this notice in a good faith effort to comply with any obligations it may have pursuant to 28 U.S.C. § 1715. In accordance with 28 U.S.C. § 1715(d), the Court will not finally approve the proposed class action settlements until at least 90 days after service of this notice. Further information regarding this matter, including any further scheduled judicial hearings, may be obtained by visiting the “PACER” online docket for the above-referenced case at <https://www.pacer.gov>.

If you have any questions about this notice, the lawsuit, or the enclosed materials, or if you did not receive any of the above-listed materials, please contact the counsel listed below.

Very truly yours,

/s/ Christine I. Gannon

Christine I. Gannon

Counsel for Defendants

Teva Pharmaceuticals USA, Inc.,

Actavis Pharma, Inc., and Actavis LLC

EXHIBIT B

Did You Purchase, Pay for, or Provide Reimbursement for a Drug that Contained **Metformin?**

You Could Get Money from \$5.55 Million in Settlements.

[Learn more](#)

InReMetforminSettlement.com



Did You Purchase, Pay for, or Provide Reimbursement for a Drug that Contained **Metformin?**

You Could Get Money from \$5.55 Million in Settlements.

[Learn more](#)

InReMetforminSettlement.com



Did You Purchase, Pay for, or Provide Reimbursement for a Drug that Contained **Metformin?**

You Could Get Money from \$5.55 Million in Settlements.

[Learn more](#)



EXHIBIT C

LEGAL NOTICE

**Did You Purchase, Pay for, or Provide
Reimbursement for a Drug that Contained
Metformin?**

***You Could Get Money from \$5.55 Million in
Settlements.***

There are Settlements in a class action lawsuit with Teva Pharmaceuticals USA, Inc.; Teva Pharmaceutical Industries Ltd.; Actavis Pharma, Inc.; and Actavis LLC (“Teva”) and Granules USA, Inc., and Granules Pharmaceuticals, Inc. (“Granules”) and Heritage Pharmaceuticals, Inc. (doing business as Avet Pharmaceuticals Inc.) (“Heritage”) (“Settling Defendants”). The lawsuit claims that certain manufacturers, including the Settling Defendants, falsely advertised their generic drugs containing metformin as being the same or equivalent to Glucophage and/or Glucophage XR, but they were actually contaminated with N-nitrosodimethylamine (“NDMA”) and did not meet the U.S. Food and Drug Administration (“FDA”) standards for metformin. It says as a result, people and businesses paid for drugs they would not have. The Settling Defendants deny that they did anything wrong. This lawsuit does not include personal injury or wrongful death claims.

**In Re Metformin Marketing and
Sales Practices Litigation
c/o A.B. Data, Ltd.
P.O. Box 173012
Milwaukee, WI 53217**

Postmaster: Please DO NOT Cover Up Barcode

<<Barcode>>

<<Claim ID>>

<<Mailing Address>>

Who is included in the Settlements? You may be included in the Settlements if you paid any amount of money for a metformin-containing drug (intended for personal or household use) that was manufactured, distributed, or sold by any Settling Defendant from July 20, 2015 through June 2, 2020. If you are a third-party payor, “purchased” means you paid or reimbursed some or all of the purchase price for a metformin-containing drug. A more detailed notice, including the full class definitions and who is not included, is available at www.inremetforminsettlement.com.

What do the Settlements provide? Teva will pay \$3 million and Granules and Heritage will pay \$2.55 million into a Settlement Fund. The Settlement Fund will pay taxes, notice and administration costs, attorneys’ fees and expenses, class representative service awards, other Court-approved fees and expenses, and money to eligible class members.

How can I get a payment? You must submit a claim form online or by mail. If your claim is valid, you will get money from the Settlements. Your payment amount will depend on the amount of metformin-containing drugs you purchased, how much you paid for them, and the number of valid claims. Claim Forms, and information on how to submit them, are available at www.inremetforminsettlement.com. Claim forms must be postmarked (if mailed) or received (if submitted online) on or before **July 10, 2026**.

What are my rights? Even if you do nothing, you will be bound by the Court’s decisions. If you want to keep your right to sue the Settling Defendants yourself, you must exclude yourself by **July 10, 2026**. If you do not exclude yourself, you may object to the Settlements by **July 10, 2026**. Detailed instructions about how to exclude yourself or object are available at www.inremetforminsettlement.com. The Court will hold a hearing on **August 12, 2026 at 10:00 a.m.** to consider whether to approve the Settlements, a request for attorneys’ fees of up to 34% of the Settlement Fund plus interest, payment of reasonable notice and claims administration costs up to \$500,000, and service awards up to \$3,500 for each of the class representatives. You or your own lawyer may appear and speak at the hearing at your own expense. The Court may change these deadlines or the hearing date and time. Check the website below for updates. Please do not call the Court or the Clerk of the Court for information about the Settlement.

For more information: 1-866-302-6835 or www.inremetforminsettlement.com

EXHIBIT D

From:

Sent:

To:

Subject: Legal Notice - In Re Metformin Marketing & Sales Practices Litigation

Did You Purchase, Pay for, or Provide Reimbursement for a Drug that Contained Metformin?

You Could Get Money from a Settlement

This message is an official notice regarding Settlements in a class action lawsuit with Teva Pharmaceuticals USA, Inc.; Teva Pharmaceutical Industries Ltd.; Actavis Pharma, Inc.; and Actavis LLC ("Teva") and Granules USA, Inc., and Granules Pharmaceuticals, Inc. ("Granules") and Heritage Pharmaceuticals, Inc. (doing business as Avet Pharmaceuticals Inc.) ("Heritage") ("Settling Defendants").

The lawsuit claims that certain manufacturers, including the Settling Defendants, falsely advertised their generic drugs containing metformin as being the same or equivalent to Glucophage and/or Glucophage XR, but they were actually contaminated with N-nitrosodimethylamine ("NDMA") and did not meet the U.S. Food and Drug Administration ("FDA") standards for metformin. It says as a result, people and businesses paid for drugs they would not have. The Settling Defendants deny that they did anything wrong. This lawsuit does not include personal injury or wrongful death claims.

Who is included in the Settlement?

You may be included in the Settlements if you paid any amount of money for a metformin-containing drug (intended for personal or household use) that was manufactured, distributed, or sold by any Settling Defendant from July 20, 2015 through June 2, 2020. If you are a third-party payor, "purchased" means you paid or reimbursed some or all of the purchase price for a metformin-containing drug. A more detailed notice, including the full class definitions and who is not included, is available at www.inremetforminsettlement.com.

What does the Settlement provide?

Teva will pay \$3 million and Granules and Heritage will pay \$2.55 million into a Settlement Fund. The Settlement Fund will pay taxes, notice and administration costs, attorneys' fees and expenses, class representative service awards, other Court-approved fees and expenses, and money to eligible class members.

How can I get a payment?

You must submit a claim form online or by mail. If your claim is valid, you will get money from the Settlements. Your payment amount will depend on the amount of metformin-containing drugs you purchased, how much you paid for them, and the number of valid claims. Claim Forms, and information on how to submit them, are available at www.inremetforminsettlement.com. Claim forms must be postmarked (if mailed) or received (if submitted online) on or before July 10, 2026.

What are my rights and options?

Even if you do nothing, you will be bound by the Court's decisions. If you want to keep your right to sue the Settling Defendants yourself, you must exclude yourself by July 10, 2026. If you do not exclude yourself, you may object to the Settlements by July 10, 2026. Detailed instructions about how to exclude yourself or object are available at www.inremetforminsettlement.com. The Court will hold a hearing on August 12, 2026 at 10:00 a.m. to consider whether to approve the Settlements, a request for attorneys' fees of up to 34% of the Settlement Fund plus interest, payment of reasonable notice and claims administration costs up to \$500,000, and service awards up to \$3,500 for each of the class representatives. You or your own lawyer may appear and speak at the hearing at your own expense. The Court may change these deadlines or the hearing date and time. Check the website below for updates. Please do not call the Court or the Clerk of the Court for information about the Settlement.

Want more information?

Visit www.inremetforminsettlement.com

Call: 1-866-302-6835

If you'd like to unsubscribe [click here](#).

EXHIBIT E

Carella Byrne Cecchi Brody Agnello, P.C. Announce a Class Action Settlement If You Paid for, Purchased, or Provided Reimbursement For a Drug Which Contained Metformin From July 20, 2015 through June 2, 2020

NEWS PROVIDED BY

Carella Byrne Cecchi Brody Agnello, P.C.

May 15, 2026, 10:00 ET

ROSELAND, N.J., May 15, 2026 /PRNewswire/ --

Legal Notice

Did You Purchase, Pay for, or Provide Reimbursement for a Drug that Contained Metformin?

You Could Get Money from \$5.55 Million in Settlements.

There are Settlements in a class action lawsuit with Teva Pharmaceuticals USA, Inc.; Teva Pharmaceutical Industries Ltd.; Actavis Pharma, Inc.; and Actavis LLC ("Teva") and Granules USA, Inc., and Granules Pharmaceuticals, Inc. ("Granules") and Heritage Pharmaceuticals, Inc. (doing business as Avet Pharmaceuticals Inc.) ("Heritage") ("Settling Defendants").

The lawsuit claims that certain manufacturers, including the Settling Defendants, falsely advertised their generic drugs containing metformin as being the same or equivalent to Glucophage and/or Glucophage XR, but they were actually contaminated with N-nitrosodimethylamine ("NDMA") and did not meet the U.S. Food and Drug Administration ("FDA") standards for metformin. It says as a result, people and businesses paid for drugs they would not have. The Settling Defendants deny that they did anything wrong. This lawsuit does not include personal injury or wrongful death claims.

Who is included in the Settlements?

You may be included in the Settlements if you paid any amount of money for a metformin-containing drug (intended for personal or household use) that was manufactured, distributed, or sold by any Settling Defendant from July 20, 2015 through June 2, 2020. If you are a third-party payor, "purchased" means you paid or reimbursed some or all of the purchase price for a metformin-containing drug.

A more detailed notice, including the full class definitions and who is not included, is available at www.inremetforminsettlement.com.

What do the Settlements provide?

Teva will pay \$3 million and Granules and Heritage will pay \$2.55 million into a Settlement Fund. The Settlement Fund will pay taxes, notice and administration costs, attorneys' fees and expenses, class representative service awards, other Court-approved fees and expenses, and money to eligible class members.

How can I get a payment?

You must submit a claim form online or by mail. If your claim is valid, you will get money from the Settlements. Your payment amount will depend on the amount of metformin-containing drugs you purchased, how much you paid for them, and the number of valid claims. Claim Forms, and information on how to submit them, are available at www.inremetforminsettlement.com. Claim forms must be postmarked (if mailed) or received (if submitted online) on or before **July 10, 2026**.

What are my rights?

Even if you do nothing, you will be bound by the Court's decisions. If you want to keep your right to sue the Settling Defendants yourself, you must exclude yourself by **July 10, 2026**. If you do not exclude yourself, you may object to the Settlements by **July 10, 2026**. Detailed instructions about how to exclude yourself or object are available at www.inremetforminsettlement.com.

The Court will hold a hearing on **August 12, 2026 at 10:00 a.m.** to consider whether to approve the Settlements, a request for attorneys' fees of up to 34% of the Settlement Fund plus interest, payment of reasonable notice and claims administration costs up to \$500,000, and service awards up to \$3,500 for each of the class representatives. You or your own lawyer may appear and speak at the hearing at your own expense. The Court may change these deadlines or the hearing date and time. Check the website below for updates. Please do not call the Court or the Clerk of the Court for information about the Settlement.

For more information: 1-866-302-6835 or www.inremetforminsettlement.com

EXHIBIT F

In Re Metformin Marketing and Sales Practices Litigation, No. 2:20-cv-2324**Exclusion Report**

	Exclusion Number	Postmark/Email Date
1.	407422	07/22/2026