

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

IN RE: METFORMIN MARKETING  
AND SALES PRACTICES  
LITIGATION

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

Honorable Madeline C. Arleo

Honorable Michael A. Hammer

**~~PROPOSED~~ ORDER GRANTING PRELIMINARY  
APPROVAL OF CLASS ACTION SETTLEMENTS**

WHEREAS, 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”) filed an Unopposed Motion pursuant to Federal Rules of Civil Procedure 23(e) and (g) to grant preliminary approval of the proposed Settlements between Plaintiffs and defendants Teva Pharmaceuticals USA, Inc., Actavis Pharma, Inc., and Actavis LLC (collectively, “Teva”) and defendants Granules USA, Inc., Granules Pharmaceuticals, Inc. and Heritage Pharmaceuticals, Inc. d/b/a Avet Pharmaceuticals, Inc. (collectively, “Granules and Heritage”; collectively with Teva, “Defendants”); to certify the Settlement Classes; to appoint Plaintiffs as Class Representatives; to appoint James Cecchi, Conlee Whiteley, David Stanoch, Max Roberts, Ruben Honik, Joseph Guglielmo,

Marlene Goldenberg, Charlie Schaffer, Fred Longer, Janpaul Portal, and Michael Fitzgerald (“Interim Co-Lead Counsel”) as Class Counsel for the Settlement Classes; to appoint Huntington National Bank as the Escrow Agent; and to appoint A.B. Data, Ltd. as the Notice and Claims Administrator;

**WHEREAS**, the Court has read and considered the Settlement Agreements and Plaintiffs’ Unopposed Motion for Preliminary Approval;

**NOW, IT IS HEREBY ORDERED THAT:**

1. This Order incorporates by reference the definitions in the Settlement Agreements, and all terms used in this Order shall have the same meanings as stated in the Settlement Agreements. The motion for preliminary approval (ECF No. 641) is **GRANTED**.

2. This Court has subject matter jurisdiction under 28 U.S.C. § 1332(d).

3. Venue is proper in this District.

4. The Court preliminarily approves the Settlement Agreements and finds their terms to be fair, reasonable, and adequate under Rule 23, subject to further consideration at the Final Fairness Hearing.

5. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, the Court preliminarily certifies, for settlement purposes only, two Settlement Classes. The two Settlement Classes (the “Teva Settlement Class” and the “Granules and Heritage Settlement Class” respectively) consist of:

All individuals and entities in the United States and its territories and possessions who paid any amount of money for a metformin-containing drug (intended for personal or household use) that was manufactured, distributed, or sold by Teva from July 20, 2015 through June 2, 2020 (the “Class Period”). For purposes of the TPP Plaintiffs, persons or entities “purchased” a metformin-containing drug if they paid or reimbursed some or all of the purchase price.

Excluded from the Settlement Class are: (1) Teva and its respective subsidiaries and affiliates; (2) federal governmental entities; (3) State and local governmental entities to the extent their claims may be asserted under applicable state law only by the state Attorney General, or are otherwise prohibited by applicable law from being asserted by private counsel on a contingent fee basis; (4) all persons or entities who purchased metformin-containing drugs for purposes of resale or directly from Teva or its affiliates; (5) fully insured health plans (*i.e.*, Plans that purchased insurance from another third-party payer covering 100% of the Plan’s reimbursement obligations to its members); (6) pharmaceutical benefit managers; and (7) the judges in this case and any members of their immediate families (the “Teva Settlement Class”);

And,

All individuals and entities in the United States and its territories and possessions who paid any amount of money for a metformin-containing drug (intended for personal or household use) that was manufactured, distributed, or sold by Granules or Heritage from July 20, 2015 through June 2, 2020 (the “Class Period”). For purposes of the TPP Plaintiffs, persons or entities “purchased” a metformin-containing drug if they paid or reimbursed some or all of the purchase price.

Excluded from the Settlement Class are: (1) Granules and Heritage and their respective subsidiaries and affiliates; (2) federal governmental entities; (3) State and local governmental entities to the extent their claims may be asserted under applicable state law only by the state Attorney General, or are

otherwise prohibited by applicable law from being asserted by private counsel on a contingent fee basis; (4) all persons or entities who purchased metformin-containing drugs for purposes of resale or directly from Granules or Heritage or their respective subsidiaries affiliates; (5) fully insured health plans (i.e., Plans that purchased insurance from another third-party payer covering 100% of the Plan's reimbursement obligations to its members); (6) pharmaceutical benefit managers; and (7) the judges in this case and any members of their immediate families (the "Granules and Heritage Settlement Class").

6. The Court preliminarily appoints James Cecchi, Conlee Whiteley, David Stanoch, Max Roberts, Ruben Honik, Joseph Guglielmo, Marlene Goldenberg, Charlie Schaffer, Fred Longer, Janpaul Portal, and Michael Fitzgerald ("Interim Co-Lead Counsel") as Class Counsel for the Settlement Classes.

7. The Court preliminarily appoints 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") as the Settlement Classes' Representatives.

8. The Court preliminarily appoints Huntington National Bank as the Escrow Agent.

9. The Court preliminarily finds, solely for purposes of the Settlements, that the Rule 23 criteria for certification of the Settlement Classes exists in that: (a)

the Settlement Classes are so numerous that joinder is impracticable; (b) there are questions of law and fact common to the Settlement Classes that predominate over individual questions; (c) the claims of the Settlement Class Representatives are typical of the claims of the Settlement Classes; (d) the Settlement Classes' Representatives and Settlement Class Counsel have and will continue to fairly and adequately represent and protect the interests of the Settlement Class; and (e) a class action is superior to all other available methods for the fair and efficient adjudication of the controversy.

10. The Court preliminarily finds that certification of the Settlement Classes is appropriate when balanced against the risks and delays of further litigation. The proceedings that occurred before the Parties entered into the Settlement Agreements allowed counsel to adequately assess the claims and defenses in the Action, the relative positions, strengths, weaknesses, risks, and benefits to each Party, and, as such, to negotiate Settlement Agreements that are fair, reasonable, and adequate and reflect those considerations.

11. The Court also preliminarily finds that the Settlement Agreements were reached as a result of arm's-length negotiations of disputed claims and that the proposed Settlements are not the result of any collusion.

12. The Court further finds that setting a schedule for providing notice in the manner set forth in the Settlement Agreements and Memorandum of Law in

Support of Plaintiffs' Unopposed Motion and establishing an escrow account in the interim is the most efficient approach under the circumstances.

13. The Court preliminarily appoints A.B. Data, Ltd. ("AB Data") as the Notice and Claims Administrator.

14. The Court also preliminarily finds that the Notice Plan is reasonably calculated to apprise the Settlement Classes of the pendency of the Action; the certification of the Settlement Classes for settlement purposes only; the terms of the Settlements, their benefits, and the Release of Claims; the Settlement Class Members' rights, including the right to, and the deadlines and procedures for, requesting exclusion from a Settlement or objecting to the Settlements; Class Counsel's application for Fees and Expenses and/or the application for Settlement Classes' Representative Service Awards; the deadline, procedures, and requirements for submitting a Claim for Reimbursement under the Settlements' terms; the time, place, and right to appear at the Final Fairness hearing; and other pertinent information about the Settlements and the Settlement Class Members' rights.

15. Accordingly, the Court approves and directs the implementation of the terms of the Settlement Agreements.

16. A.B. Data is directed to perform all settlement administration duties set forth in, and under the terms and time periods set by this Court, set forth in the Settlement Agreements, and required under the CAFA. A.B. Data will also create

and maintain a Settlement website, implement the Notice Plan approved by the Court, process, review, and determine the validity of timely submitted and proper Claims, and submit any declarations and other materials to counsel and the Court, as well as perform any other duties required under the Settlement Agreements.

17. Following dissemination of notice, any Settlement Class Member who wishes to be excluded from the Settlement Class(es) must send, by first-class mail postmarked no later than July 10, 2026 or by e-mail send no later than July 10, 2026, a written request for exclusion (“Request for Exclusion”) to AB Data at the mailing address or e-mail address specified in the Class Notice. AB Data shall then contemporaneously inform the following counsel of the same: (a) Donald A. Ecklund, Esq., Carella, Byrne, Cecchi, Brody & Agnello, P.C., 5 Becker Farm Road, 3rd Floor, Roseland, New Jersey 07068 on behalf of Class Counsel; (b) Christine I. Gannon, Esq., Walsh, Pizzi, O’Reilly, Falanaga LLP, Three Gateway Center, 100 Mulberry Street, 15<sup>th</sup> Floor, Newark, NJ 07102 on behalf of Teva; and (c) Asher Block, Esq., Lewis Brisbois, 565 E. Swedesford Road, Suite 303, Wayne, PA 19087 on behalf of Granules and Heritage

18. To be effective, the Request for Exclusion must be timely and must:

- a. Include the Settlement Class Member’s full name, address, and telephone number;
- b. identify his/her/their/its purchasers or reimbursements of

metformin-containing drug (intended for personal or household use) that was manufactured, distributed, or sold by Teva and/or Granules and Heritage from July 20, 2015 through June 2, 2020; and

- c. Specifically and unambiguously state his/her/their/its desire to be excluded from the Settlement Class(es).

19. Any Settlement Class Member who fails to submit a timely and complete Request for Exclusion sent to the proper addresses shall remain in the Settlement Classes and shall be subject to and bound by all determinations, orders, and judgments in the Action concerning the Settlements, including, but not limited to, the Released Claims set forth in the Settlement Agreements.

20. Any Settlement Class Member who has not submitted a Request for Exclusion may object to the fairness of the Settlement Agreements and/or the requested amount of Class Counsel Fees and Expenses and/or Settlement Class Representative service awards.

21. To object, a Settlement Class Member must send the objection, together with any supporting briefs and/or documents, to AB Data, via e-mail no later than July 10, 2026, or via first-class mail postmarked no later than July 10, 2026. Contemporaneously with receipt, AB Data shall provide an unredacted copy of the objection to the following counsel: (a) Donald A. Ecklund, Esq., Carella, Byrne,

Cecchi, Brody & Agnello, P.C., 5 Becker Farm Road, 3rd Floor, Roseland, New Jersey 07068 on behalf of Class Counsel; (b) Christine I. Gannon, Esq., Walsh, Pizzi, O'Reilly, Falanaga LLP, Three Gateway Center, 100 Mulberry Street, 15<sup>th</sup> Floor, Newark, NJ 07102 on behalf of Teva; and (c) Asher Block, Esq., Lewis Brisbois, 565 E. Swedesford Road, Suite 303, Wayne, PA 19087 on behalf of Granules and Heritage. AB Data shall then, within two (2) business days of receipt of the objection, file a copy of the objection with the Court with the objector's personally identifiable information redacted.

22. Any objecting Settlement Class Member must include the following with his/her/their/its objection:

- a. the objector's full name, address, and telephone number;
- b. must identify his/her/their/its purchases and/or reimbursements of Defendants' metformin-containing drug (intended for personal or household use) that was manufactured, distributed, or sold by Teva and/or Granules and Heritage from July 20, 2015 through June 2, 2020;
- c. a written statement of all grounds for the objection accompanied by any legal support for such objection;
- d. copies of any papers, briefs, or other documents upon

which the objection is based and are pertinent to the objection;

- e. the name, address and telephone number of any counsel representing said objector;
- f. a statement of whether the objecting Settlement Class Member intends to appear at the Final Approval Hearing either with or without counsel, and the identity(ies) of any counsel who will appear on behalf of the Settlement Class Member's objection at the Final Approval Hearing; and
- g. a list of all other objections submitted by the objector, or the objector's counsel, to any class action settlements submitted in any court in the United States in the previous five years, including the full case name, the jurisdiction in which it was filed and the docket number. If the Settlement Class Member or his/her/their/its counsel has not objected to any other class action settlement in the United States in the previous five years, he/she/they/it shall affirmatively so state in the objection

23. Subject to the approval of the Court, any Settlement Class Member who has properly filed a timely objection may appear, in person or by counsel, at the

Final Fairness Hearing to explain why the proposed Settlements should not be approved as fair, reasonable and adequate, or to object to any motion for Class Counsel Fees and Expenses or Settlement Class Representative service awards. In order to appear, any Settlement Class Member must file with the Clerk of the Court no later than the objection deadline and serve upon all counsel designated in the Class Notice, a Notice of Intention to Appear at the Final Fairness Hearing. The Notice of Intention to Appear must include copies of any papers, exhibits, or other evidence and the identity of all witnesses that the objecting Settlement Class Member (or the objecting Settlement Class Member's counsel) intends to present to the Court in connection with the Final Fairness Hearing. Any Settlement Class Member who does not provide a Notice of Intention to Appear by the deadline and other requirements set forth in this Order and the Class Notice shall be deemed to have waived any right to appear, in person or by counsel, at the Final Fairness Hearing.

24. Any Settlement Class Member who has not properly filed a timely objection in accordance with the deadline and requirements set forth in this Order and the Class Notice shall be deemed to have waived any objections to the Settlements and any adjudication or review of the Settlement Agreements and/or their approval by appeal or otherwise.

25. In the event the Settlements are not granted final approval by the Court,

or for any reason the Parties fail to obtain a Final Order and Judgment as contemplated in a given Settlement Agreement, or either Settlement is terminated pursuant to its terms for any reason, then the following shall apply:

- a. All orders and findings entered in connection with that Settlement shall become null and void and have no further force and effect, shall not be used or referred to for any purposes whatsoever, and shall not be admissible or discoverable in this or any other proceeding, judicial or otherwise;
- b. All the Parties to that Settlement shall return to their respective pre-Settlement claims, defenses, and positions, their procedural rights will be preserved, and the parties will be restored to their positions status quo ante;
- c. Nothing contained in this Order is, or may be construed as, any admission or concession by or against the Parties or Released Parties on any allegation, claim, defense, or point of fact or law in connection with this Action;
- d. Neither the Settlement terms nor any publicly disseminated information regarding the Settlement, including, without limitation, the Class Notice, court

filings, orders, and public statements, may be used as evidence in this or any other proceeding, judicial or otherwise; and

- e. The preliminary certification of the Settlement Class pursuant to this Order shall be vacated automatically, and the Action shall proceed as though the Settlement Class had never been preliminarily certified.

26. Pending the Final Fairness Hearing and the Court's decision whether to grant final approval of the Settlements, no Settlement Class Member, either directly, representatively, or in any other capacity (including those Settlement Class Members who filed Requests for Exclusion from the Settlement which have not yet been reviewed and approved by the Court at the Final Fairness Hearing), shall commence, prosecute, continue to prosecute, or participate in, against any of the Released Parties, any action or proceeding in any court or tribunal (judicial, administrative or otherwise) asserting any of the matters, claims or causes of action that are to be released in the Settlement Agreement. Pursuant to 28 U.S.C. §§ 1651(a) and 2283, the Court finds that issuing this preliminary injunction is necessary and appropriate in aid of the Court's continuing jurisdiction and authority over the Action.

27. Pending the Final Fairness Hearing and any further determination, this Court shall maintain continuing jurisdiction over these Settlement proceedings.

28. The following chart summarizes the dates and deadlines set by this Preliminary Approval Order:

EVENT	PROPOSED DEADLINE
CAFA Notice Pursuant to 28 U.S.C. § 1715(b)	May 1, 2026
Establishment of Settlement Website	May 8, 2026
Notice Date	May 8, 2026
Motion for Attorneys' Fees, Costs, Expenses, and Service Awards	June 26, 2026
Objection and Opt-Out Deadline	July 10, 2026
Claims Deadline	July 10, 2026
Final Approval Motion and Response to Any Objections	July 24, 2026
Deadline to Submit Notices of Appearance at the Final Approval Hearing	July 24, 2026
Supplement declaration (1) stating the number of claims, requests for exclusion, and objections to date and (2) attesting that Notice was disseminated consistent with the Settlement	August 5, 2026
Final Approval Hearing	August 12, 2026 at 10:00 a.m. The Final Approval Hearing shall be held virtually via Microsoft Teams at a link to be circulated by the Court

**IT IS SO ORDERED.**

Dated: 5/4, 2026

  
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 HON. MICHAEL A. HAMMER  
 UNITED STATES MAGISTRATE JUDGE