

# If You Are a Third-Party Payor That Paid or Reimbursed for All or Part of Brand-Name Prescription Drugs

## Class Actions Involving More than 450 of the Most Widely Prescribed Drugs May Affect You

This notice concerns separate events in related class action lawsuits about the pricing of more than 450 brand-name drugs. You should take action to see if drugs you reimbursed for are on the list of those at issue in these cases. To get detailed information and the list of drugs, see the contact information below.

### What Are the Class Actions About?

First Databank (FDB) and Medi-Span publish data sometimes called the Average Wholesale Price (AWP) of drugs. The AWP is often used as a factor in determining drug prices and can be used as a factor in determining some co-payments for the brand-name drugs at issue in the lawsuits. The FDB-McKesson lawsuit claims that FDB and McKesson Corporation (McKesson), a large drug wholesaler, wrongfully inflated the mark-up factor used to determine the AWP of certain drugs. The Medi-Span lawsuit claims that Medi-Span negligently published the AWP price of certain prescription drugs based on information received from FDB. As a result, some consumers and insurers allegedly overpaid for hundreds of drugs. FDB, McKesson, and Medi-Span deny any wrongdoing.

### Proposed FDB/Medi-Span Settlement

FDB and Medi-Span have separately agreed to settle their lawsuits and will pay a total of \$1.5 million into a Settlement Fund to benefit a class of consumers and Third-Party Payors (TPPs). The Settlements also require FDB and Medi-Span to lower the mark-up factor used to determine AWP for the drugs at issue in the lawsuits. As a result, Plaintiffs allege a substantial decrease in drug costs may occur in the future.

### Who is Included in the Proposed FDB/Medi-Span Settlement?

You are included in the proposed settlement if you are a TPP that paid or reimbursed for all or a percentage of the cost of prescription drugs based on the AWP published by FDB from January 2000 to the present, or the AWP published by Medi-Span from December 2001 to the present.

TPPs include insurance companies, union health and welfare plans, and self-insured employers. Some Pharmacy Benefit Managers may not be included in the proposed settlement.

### How do the Proposed FDB and Medi-Span Settlements Affect Me?

Get more information about the proposed class action settlements and read it. Then you can decide on your legal rights and what action to take. You can:

- Remain in the Settlement by doing nothing. You will be bound by the Court's rulings on the Settlement but you can object to or comment on the Settlement.
- Exclude yourself and keep your right to sue FDB and Medi-Span. **If you previously excluded yourself in the FDB/Medi-Span Settlement, you must do so again.**

You must exclude yourself or object in writing or by email by November 15, 2008. The Court will determine whether to approve the Settlements at the Fairness Hearing on December 17, 2008 at

3:00 p.m. The Court has appointed Counsel to represent everyone. You may also hire your own attorney at your own cost.

### McKesson Class Action

The Court has certified part of the FDB-McKesson lawsuit as a class action against McKesson (the McKesson Class Action). Trial is now set for December 1, 2008.

### Who is Included in the McKesson Class Action?

You are included in the McKesson Class Action if you are a TPP that:

- Paid or reimbursed for certain brand-name prescription drugs based on AWP pricing between August 1, 2001 and March 15, 2005, and
- Used the AWP published by FDB or Medi-Span for the drugs.

### How Does the McKesson Class Action Affect Me?

Get more information about the McKesson Class Action and read it. Then you can decide on your legal rights and what action to take. You can:

- Remain in the TPP class by doing nothing. You will not be able to sue McKesson for the claims in this lawsuit and will be bound by the Court's rulings.
- Exclude yourself and keep your right to sue McKesson. You must exclude yourself in writing or by email by November 15, 2008.

The Court has appointed Counsel to represent everyone. You may also hire your own attorney at your own cost.

*Membership in the Classes varies. Depending on which of the Classes you may belong to, you will need to separately decide whether to exclude yourself from the McKesson Action or the FDB/Medi-Span Settlement. A decision not to participate in one does not affect your participation in the other.*

**For more information and a list of the drugs included:**

**Call: 1-800-960-2381 Access: [www.AWPClassActions.com](http://www.AWPClassActions.com)**

**Write: The FDB Settlement Administrator or The McKesson Litigation Administrator  
c/o Complete Claims Solutions, LLC, PO Box 24730, West Palm Beach, FL 33416**

**Email: [info@AWPClassActions.com](mailto:info@AWPClassActions.com)**