

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE SUBOXONE (BUPRENORPHINE
HYDROCHLORIDE AND NALOXONE)
ANTITRUST LITIGATION**

THIS DOCUMENT RELATES TO:

End Payor Plaintiff Actions

MDL No. 2445

Master File No. 2:13-MD-2445-MSG

[REDACTED PUBLICLY FILED]

**DECLARATION OF MELINDA J. MORALES
IN SUPPORT OF END-PAYOR PLAINTIFFS' MOTION FOR AUTHORIZATION TO
DISTRIBUTE THE NET SETTLEMENT FUND TO THE CLASS**

I, Melinda J. Morales, hereby declare under penalty of perjury and pursuant to 28 U.S.C. § 1746, as follows:

1. I am a partner at the law firm of Wexler Boley & Elgersma, LLP, and have worked on this matter with Kenneth A. Wexler, one of four Court appointed Co-Lead Counsel in this matter for an End Payor Class consisting of consumers and Third-Party Payors ("TPPs") ("End Payors" or "EPPs"). I have personal knowledge of the matters described below, and if called to testify, would be competent to do so.

2. In the past several months A.B. Data, Ltd. ("A.B. Data.") and Co-Lead Counsel have undertaken the claims administration and review process.

3. Over the course of the administration, nearly all issues and disputes regarding the validity and eligibility of claims have been resolved, with the exception of four consumers ("Consumer Claimants") who have requested Court review of A.B. Data's determination of their claims. A.B. Data advised Co-Lead Counsel that each of these claims exhibited multiple indicia of fraud and that the information these Consumer Claimants supplied was inadequate.

4. Summaries of A.B. Data's administrative determinations regarding these Consumer Claimants, including the documents they supplied to support their claims, are contained in the Court Review Requests Summary attached as Exhibit E to the Declaration of Eric J. Miller in Support of End-Payor Plaintiffs' Motion to Authorize Distribution of the Net Settlement Fund to the Class ("Miller Decl.").

5. I reached out to these four Consumer Claimants to inquire regarding their requests for Court review and to see if their issues could be resolved.

6. As of the date of this filing, two of the Consumer Claimants have not responded to our attempts to communicate with them about their claims.¹ A paralegal from my firm arranged and was present on calls I had with the other two Consumer Claimants, Brandon Donohue and [REDACTED]. At my request, these claimants provided what they purported to be proof that they purchased Suboxone or its generic equivalent. I provided these documents to A.B. Data for consideration and inclusion in the claimants' respective files. In both cases, A.B. Data advised that the documents were inadequate.

A. Christopher Lopez (Claim No. 451641694)

7. A.B. Data advised that it recommended denying Mr. Lopez's claim because he failed to supply sufficient purchase documentation. Mr. Lopez's court filing (ECF No. 1007) does not address this determination. Rather, he asserts in his filing that A.B. Data threatened "thousands of class members" with public disclosure. *Id.*

8. This assertion is untrue. The Long Form Notice to the Class expressly states in several places that Consumer identities will not be made public during any part of the claim process. *See e.g.*, ECF No.943-4, pp. 2, 3, and 7. In addition, the Final Determination letters sent

¹ Claimants Christopher Lopez and Larry Garcia.

to claimants indicate that, while requests for Court review may involve public filing with the Court, such a filing need *not* include HIPPA-protected/personal information. *See e.g.*, Mr. Lopez’s filing (ECF No. 1007) at 1. *See also*, Miller Decl., Exhibit D. (Final Determination Letter). Nevertheless, Mr. Lopez submitted his request for review directly to the Court without redactions and without requesting that any of it be filed under seal. Nor did he contact A.B. Data or Class Counsel for advice before doing so. Consequently, Mr. Lopez’s filing was placed on the public docket. Mr. Lopez thus disclosed his own personal information; A.B. Data, which did not threaten anyone, had nothing to do with it. *See* ECF No. 1007.

9. To try to resolve his concerns, we attempted to contact Mr. Lopez at the telephone numbers and email address provided by A.B. Data, leaving voicemail messages and sending an email offering to set up a call with me to discuss his request for Court review. As of the date of this filing, Mr. Lopez has not responded.

B. Larry Garcia (Claim No. 451406918)

10. Mr. Garcia filed with this Court a “Statement of Reasons Contesting Rejection” (ECF No. 1006), disputing A.B. Data’s determination denying his claim due to insufficient purchase documentation.

11. On October 29, 2025, we called Mr. Garcia at the telephone number provided by A.B. Data. The gentleman who answered the phone, who identified himself as Mr. Garcia, stated that he never submitted anything for a Suboxone settlement. He also denied that the email address appearing in his request for Court review (ECF No. 1006) was his email address. Yet we later received an email from that same address stating: “If it’s ok I can call your office tomorrow Monday November 3, 2025?” We responded yes, but he did not call. As of the date of this filing, we have received no further communications regarding a claim by Mr. Garcia.

C. Brandon Donohue (Claim No. 275519453).

12. Brandon Donohue has apparently submitted two requests for Court review directly with this Court. The first was docketed on September 26, 2025 (ECF Nos. 1008, 1008-1, and 1008-2), and the second was docketed on November 3, 2025 (ECF Nos. 1010 and 1010-1).² In his filings, Mr. Donohue disputes A.B. Data's determination denying his claim based on insufficient purchase documentation.

13. In his Court filings, Mr. Donohue alleges that A.B. Data wrongly inflated his claim amount to \$541,870.00, processed his claim under the wrong claim number, and denied his claim for this incorrect amount. *See* ECF Nos. 1008 and 1010. However, according to A.B. Data, Mr. Donohue submitted a claim for \$541,870.00, that claim was assigned the claim number Mr. Donohue indicates in his filings is correct (275519453), and that claim was denied because Mr. Donohue failed to submit proof of a single purchase of Suboxone despite being offered several opportunities to do so.

14. Mr. Donohue claims he "provided all requested documentation, including receipts, expense records, and responses to audit letters, showing the validity of his expenses and the proper claim amount of \$73,382.18." *See e.g.*, ECF No. 1010 at 3. *See also* ECF No. 1008 (stating his "actual documented purchases are \$73,382.18"). However, according to A.B. Data, the single digital prescription Mr. Donohue provided to support his claim exhibited multiple irregularities and, in any event, did not show that Mr. Donohue paid for Suboxone.

15. I spoke with Mr. Donohue regarding his claim via telephone on October 30, 2025.

² In his November 3, 2025 filing, Mr. Donohue mentions that he also filed an appeal directly with the Court on August 8, 2025. *See* in ECF No. 1010 at 1. However, there does not appear to be such a filing on the docket.

16. On our call, we discussed the need for Mr. Donohue to provide proof of payment for Suboxone and Mr. Donohue indicated he would email copies of pharmacy receipts to our office. I indicated that any documents he provided would be considered and that we would follow-up with him. Mr. Donohue alleges that I “confirmed” receipts were all that was needed. ECF No. 1010 at 3. However, while I encouraged Mr. Donohue to supply receipts if he had them, I did not at any time state that the documents Mr. Donohue supplied would automatically be deemed adequate.

17. Later in the day on October 30, 2025, Mr. Donohue emailed to our office copies of documents purporting to be pharmacy receipts for purchases of Suboxone. I provided Mr. Donohue’s email and attached documents to A.B. Data for consideration and inclusion in his file, and A.B. Data later advised that the documents were inadequate and exhibited multiple irregularities.³

18. On Friday October 31, 2025, after attempting to reach him by phone, I sent to Mr. Donohue an email letting him know that Co-Lead Counsel agreed with A.B. Data’s recommended denial of his claim and that we would raise Mr. Donohue’s request for Court review with the Court, as Mr. Donohue requested in his court filing, ECF No. 1008. Mr. Donohue subsequently sent to me a series of demanding emails and he sent to this Court the filing docketed on November 3, 2025 at ECF No. 1010.

19. In sum, A.B. Data administratively determined that the documents Mr. Donohue supplied were insufficient to show a single Suboxone purchase to substantiate his claim for any amount, whether it be \$541,870.00 or \$73,382.18. *See* Miller Decl. Exhibit E.

³ Copies of the receipts Mr. Donohue provided are included in the Court Review Request Summary. *See* Miller Decl. Exhibit E.

D. [REDACTED]

20. A.B. Data informed me that [REDACTED] original claim for \$183.91 was eligible for payment but that, after that amount was approved, [REDACTED] had increased [REDACTED] claim to \$54,900. The increased claim was denied due to insufficient purchase documentation. According to A.B. Data, the prescription record [REDACTED] provided was inadequate and exhibited multiple irregularities.

21. I spoke with [REDACTED] by telephone on October 29 and 30, 2025 in an attempt to address [REDACTED] issues. We discussed the need for [REDACTED] to provide documentation showing that [REDACTED] paid for Suboxone or its generic equivalent, such as an explanation of benefits from [REDACTED] insurance company, pharmacy receipts, or other payment records that would show [REDACTED] paid for Suboxone. [REDACTED] said [REDACTED] would try to obtain records showing payment for a purchase.

22. On November 1, 2025, [REDACTED] sent an email attaching what appeared to be a bank statement that had been redacted, and a “Medications” document that appeared to be part of a physician medical record. I provided the bank statement and Medications document to A.B. Data for consideration and inclusion in [REDACTED] file, and A.B. Data later advised that the bank statement itself exhibited multiple irregularities.⁴ A.B. Data also informed me that, in any event, bank statements are not allowable purchase documentation as they do not correlate the transaction to an actual purchase of the specific medication that is part of the Settlement.

23. I sent to [REDACTED] an email on November 5, 2025 letting [REDACTED] know that A.B. Data had considered the document [REDACTED] provided and added it to [REDACTED] file but, unfortunately, bank statements are not proof of purchase as they do not establish a payment for the drug. I let [REDACTED] know that A.B. Data had also mentioned irregularities with the bank statement document itself. *Id.* However, I also

⁴ Copies of the bank statement and Medications document [REDACTED] provided are included in the Court Review Request Summary. *See* Miller Decl., Exhibit E. A.B. Data also notes that there are irregularities in the Medications document. *See id.*

let [REDACTED] know that [REDACTED] original approved claim for \$183.91 is still eligible. *Id.* [REDACTED] responded that [REDACTED] would still like the Court to review [REDACTED] increased claim of \$54,900, and I confirmed that we would raise [REDACTED] request with the Court. *Id.*

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 10, 2025, in Chicago, Illinois.

/s/ Melinda J. Morales

Melinda J. Morales