

**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**

**MEMORANDUM IN SUPPORT OF END-PAYOR PLAINTIFFS' MOTION TO  
AUTHORIZE DISTRIBUTION OF THE NET SETTLEMENT FUND TO THE CLASS**

Following the Court's August 21, 2023 Preliminary Approval Order<sup>1</sup>, Settlement Administrator A.B. Data implemented the approved notice plan and disseminated notice to the Class. *See* Declaration of Eric J. Miller ("Miller Decl." or "Miller Declaration") at ¶2. Final Approval of the Settlement was later granted on December 4, 2023<sup>2</sup>, and the deadline to file a claim was February 17, 2024.<sup>3</sup> As set forth in the accompanying Miller Declaration, A.B. Data has completed processing all Claim Forms received in accordance with the terms of the Settlement Agreement, Preliminary Approval Order, Final Approval Order and the Court-approved Plan of Allocation (ECF No. 958-2<sup>4</sup>) and has submitted its administrative determinations in accepting and rejecting the Claim Forms.<sup>5</sup>

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<sup>1</sup> ECF No. 932 and, as amended ECF No. 935.

<sup>2</sup> ECF No. 991.

<sup>3</sup> Miller Decl. ¶4.

<sup>4</sup> On September 26, 2023, End Payor Plaintiffs filed a Corrected Plan of Allocation to conform to Settlement, Preliminary Approval Order, Class Notice, and Claim Forms to add inadvertently omitted Alabama to the list of Illinois Brick Repealer States referenced in the Plan. *See* ECF Nos. 973 & 973-1. The corrected September 26, 2023 Plan of Allocation was posted on the Settlement website. Miller Decl. ¶3 n.1.

<sup>5</sup> Miller Decl. ¶3.

As indicated in the September 8, 2025 End Payor Plaintiffs' Status Report Regarding Claims Process, the Settlement Administrator flagged what it administratively determined to be a large number of fraudulent claims.<sup>6</sup> In consultation with Co-Lead Counsel, A.B. Data has throughout the notice and administration process implemented fraud detection techniques to eliminate these claims.<sup>7</sup> A.B. Data notified claimants of deficiencies, offered multiple opportunities to cure them, and sent final determination letters advising that if still dissatisfied, claimants could request Court review of their claim. Miller Decl. ¶¶15-19. Because of the large volume of claims submitted that were flagged as potentially fraudulent, the claims vetting process took an unusually long time and required the considerable resources of A.B. Data, as well as Co-Lead Counsel.

Throughout the notice and claims process, both A.B. Data and Co-Lead Counsel have communicated with, and responded to inquiries by, many claimants about their respective claims and nearly all issues and disputes have been resolved. However, as of the date of this filing, four consumers ("Consumer Claimants") have requested Court review of the Settlement Administrator's determinations denying their claims in whole or part.<sup>8</sup> Three of the Consumer Claimants have publicly filed requests for review with this Court: Mr. Christopher Lopez, Claim No. 451641694 (ECF No. 1007); Mr. Larry Garcia, Claim No. 451406918 (ECF No. 1006); and Mr. Brandon Donohue, Claim No. 275519453 (ECF Nos. 1008 and 1010).<sup>9</sup> The fourth Consumer

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<sup>6</sup> See Declaration of Eric J. Miller Regarding Status of Claims Processing (ECF No. 1005-1, "Status Update Declaration") ¶¶ 9-14. See also Miller Decl. ¶11.

<sup>7</sup> See Miller Decl. ¶¶ 11-23.

<sup>8</sup> See Miller Decl. ¶20, **Exhibit E** ("Court Review Request Summary").

<sup>9</sup> Although these Consumer Claimants were advised in the Long Form Notice to the Class and in communications with the Settlement Administrator that they could keep their identifying information private (ECF No. 943-4 (Long Form Notice) at pp. 2, 3, and 7; Miller Decl. Exhibit D (Final Determination Letter)), three of the four Consumer Claimants publicly filed documents with the Court. See ECF Nos. 1006, 1007, 1008 and 1010. Co-Lead Counsel have nevertheless filed

Claimant – Claim No. 450655188 – communicated a request for Court review to A.B. Data. No Third-Party Payor (“TPP”) has requested Court review. Miller Decl. ¶40. Bases for A.B. Data’s administrative conclusions are contained in the Court Review Request Summary attached as Exhibit E to the Miller Declaration.<sup>10</sup> Co-Lead Counsel reached out to the claimants seeking Court review but were unable to resolve their issues. *See* Declaration of Melinda J. Morales (“Morales Decl.”) at ¶¶ 5-23.

To bring this matter to a close and allow the process of distributing funds to eligible claimants to begin, Co-Lead Counsel respectfully request that the Court enter an order providing for the following relief. First, Co-Lead Counsel request that the Court enter an order approving A.B. Data’s administrative determination that the claims subject to Court review should be rejected. The claims unfortunately exhibit multiple, significant indicia of ineligibility. None of these claimants has provided satisfactory documentation or other evidence to substantiate their claims as set forth in the class notice and in response to A.B. Data or Co-Lead Counsel’s requests.

Second, as Co-Lead Counsel advised the Court at the preliminary approval hearing (ECF No. 987 at 16:23-17:3) and consistent with question 17 in the Long Form Notice, Co-Lead Counsel request the payment of \$379,546.66 to A.B. Data to cover additional fees and costs since final approval. Miller Decl. ¶43. No additional fees and costs will be sought absent unforeseen and extenuating circumstances. *Id.*

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under seal the Court Review Request Summary (Miller Decl. Exhibit E) discussing the details of their claims to avoid potential disclosure of their medical histories (to the extent the Consumer Claimants were actually prescribed Suboxone or its generic equivalent). The fourth claimant, who requested Court review through the Settlement Administrator, is identified by their claim number and/or their identifying information is redacted.

<sup>10</sup> Should the Court require more detail, AB Data will submit additional information for *in camera* review.

Third, regardless of how the Court decides the remaining four disputed claims, Co-Lead Counsel request that the Court authorize the distribution of the Net Settlement Fund to Eligible Claimants pursuant to the Court approved allocation plan that was described in the class notice and posted on the settlement website. ECF. No. 571-3. As always, Co-Lead Counsel appreciate the Court's attention to this matter and will make themselves available at the Court's convenience for a hearing or conference concerning this motion and the requested relief.

## **I. PROCEDURES FOLLOWED IN PROCESSING CLAIMS**

Following the Preliminary Approval Order, on August 28, 2023, A.B. Data implemented the approved notice plan and disseminated notice to the Class. Miller Decl. ¶4. On December 4, 2023, the Court finally approved the Settlement and Plaintiffs' allocation plan that was described in the class notice and posted on the settlement website. Miller Decl. ¶ 5, *citing* ECF No. 991.

The notice plan provided Class Members with direct notice, as well as reasonable publication notice, and included information on: (i) how to make a claim; (ii) how to get more information; and (iii) the relevant deadlines. Miller Decl. ¶ 6. *See e.g.*, ECF No. 934-3 (Long Form Notice). Potential Class Members had the opportunity to file their claims either through the mail ("paper") or online. Miller Decl. ¶ 8. Throughout the notice and claims process, both A.B. Data and Co-Lead Counsel have communicated with and responded to inquiries by many claimants about their respective claims. Miller Decl. ¶ 7.

## **II. CONSUMER CLAIMS - PROCESSING ACTIVITIES**

*Overview.* As of October 16, 2025, A.B. Data received and fully processed 2,379,670 Consumer Claim Forms, of which 2,897 were paper Claim Forms and 2,376,773 were claim forms submitted online through the Settlement website. Miller Decl. ¶ 9. All claims were subject to review and/or audit by the Settlement Administrator. *Id.* ¶11. After an initial review, A.B. Data

suspected that a large number of the consumer claims were fraudulent, filed with the use of automated computer programs or bots. *Id.* After A.B. Data's claims administration and auditing processes, including several discussions with Class Counsel (*Id.* ¶¶9-23), A.B. Data determined that 2,369,146 claims are ineligible. *Id.* ¶23. The remaining 10,524 *eligible* Consumer Claimants are comprised of Repealer States Qualifying Claims totaling \$44,763,755.71 and Non-Repealer States Qualifying Claims totaling \$6,591,094.32. *Id.*

*Fraud Prevention.* A.B. Data engaged in significant work in its efforts to ensure only eligible claims will be paid. As End Payor Plaintiffs advised in their September 8, 2025 Status Report Regarding Claims Process, close to half of the 2.3 million consumer claims were early on identified as potential "bot" activity, administratively deemed fraudulent, and denied. ECF No. 1005-1 (Status Declaration) at ¶9.

To further eliminate the possibility of fraudulent claims against the Settlement Fund, A.B. Data validated email addresses provided with the submitted Consumer claims, and, beginning on September 13, 2024, A.B. Data sent verification emails to Consumer Claimants with valid email addresses. Miller Decl. ¶¶12-13. The verification emails requested that these claimants visit the Settlement website, enter their unique claim verification number, and enter another piece of information, not included in the email, to access their verification. *Id.* ¶13. Once in the verification portal, Consumer Claimants were required to answer a simple question to prove they were not a bot. *Id.* These claimants were provided 14 days from the date of the email to complete their verification. *Id.* A.B. Data received 184,071 responses to the verification emails. Miller Decl. ¶14.

Although the Consumer Claim Form initially did not require Consumer Claimants to submit documentation to verify their total number of prescriptions and amounts paid for Suboxone

and its AB-rated generic equivalents, it advised claimants that such documentation may be required to further determine their eligibility. *Id.* ¶15. Due to the extensive indicia of fraudulent activity, and in consultation with Co-Lead Counsel, A.B. Data made an effort to eliminate additional fraudulent filings by requesting proof of at least one purchase of Suboxone or its AB-rated generic equivalent from all Consumer Claimants who responded to the email verification requests. *Id.*

In addition, A.B. Data sent notifications to Consumer Claimants whose claims were deemed to be ineligible because the claim was 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) or the claimant submitted multiple online claims, or the claimant was not a Class Member (the “Ineligibility Letters”). *Id.* ¶ 16. Documentation requests and Ineligibility Letters and were sent between December 2024 and January 2025. *Id.* ¶17.

A.B. Data received over 80,000 responses with documentation that needed to be analyzed for each individual claim to assess eligibility. *Id.* ¶18. A.B. Data also received approximately 80,000 additional fraudulent email inquiries via fraud farm submissions and bot programs, which needed to be identified and weeded out from the valid claim responses. *Id.*

After processing the documentation submissions and status updates, A.B. Data sent Final Determination Letters to those claimants who remained deficient in part or whole. *Id.* ¶19. The letters, sent throughout July and August of 2025, provided another opportunity for these claimants to cure or respond within 20 days consistent with the terms of the Settlement. *Id.* In the letter, claimants were also informed that if they were dissatisfied, they could request Court review of their claim by following procedures specified in the Final Determination Letter. *Id.* ¶19, **Exhibit D.**

As noted above, three (3) ineligible Consumer Claimants have made a request for the Court to review their claim for eligibility, and one (1) Consumer Claimant has requested Court review to increase their eligible claimed amount to receive a greater recovery. *Id.* ¶ 20. An account of A.B. Data's actions and findings in connection with these Consumer Claimants is contained in the Court Review Requests Summary, attached as **Exhibit E** to the Miller Declaration. *See also* Morales Decl. ¶¶ 5-23.

The remaining 2,369,146 ineligible Consumer claims include claimants: who filed duplicative claims; whose claims were deficient (e.g., lacking necessary information to verify Class membership and/or calculate their Qualifying Claim Amount) and who failed to cure the deficiencies despite being contacted by A.B. Data; who were not Class Members; who failed to provide a sufficient response to the documentation request; and/or who submitted apparently fraudulent claims. *Id.* ¶22.

### **III. CONSUMER CLAIMS - REQUESTS FOR COURT REVIEW**

Throughout the claims administration, A.B. Data has actively monitored suspicious claims. Each of the four claimants who have requested Court review was flagged by A.B. Data as exhibiting indicia of fraud and, in response, A.B. Data informed each claimant that their claim would be rejected absent proof of at least one purchase of Suboxone and/or its AB-rated generic equivalent from December 22, 2011 through August 21, 2023 in the relevant states. *See* Miller Decl., **Exhibit E** (Court Review Request Summary). *See also* Miller Decl. ¶15, **Exhibit B** (documentation request letter). None of the claimants provided satisfactory documentation. *See* Miller Decl. ¶20, **Exhibit E** (Court Review Request Summary). When these claimants provided documentation, it either did not show that the claimant paid for Suboxone and/or its AB-rated generic equivalent and/or the documentation itself had indicia of fraud. *Id.* **Exhibit E** (Court

Review Request summary). *See also* Morales Decl. at ¶¶5-23.

As Shown in the Court Review Requests Summary (Miller Decl. Exhibit E) and the Morales Declaration, these claimants were given multiple opportunities to substantiate their claims and have not done so. As such, Co-Lead Counsel respectfully request that the Court affirm the administrative decisions of A.B. Data denying the claims.

#### **IV. THIRD-PARTY PAYOR (“TPP”) CLAIMS – PROCESSING ACTIVITIES**

As of October 16, 2025, A.B. Data received and fully processed 4,639 TPP Claim Forms, of which 1,568 are paper Claim Forms and 3,071 are Claim Forms submitted online through the Settlement website. Miller Decl. ¶24. All claims were subject to review and/or audit by the Settlement Administrator. *Id.* ¶33. After A.B. Data’s claims administration and auditing processes, including several discussions with Class Counsel (*Id.* ¶¶ 24-41), A.B. Data determined that 2,327 claims are ineligible. *Id.* ¶40. The remaining 2,312 eligible TPP claimants have Repealer States Qualifying Claims totaling \$5,387,895,435.90 and Non-Repealer States Qualifying Claims totaling \$1,633,525,573.78. Miller Decl. ¶41.

#### **V. ADDITIONAL SETTLEMENT ADMINISTRATION COSTS**

The only payments that have been made from the Settlement Fund to date are those previously authorized by the Court. On December 4, 2023, the Court granted the motion for Final Approval of End Payor Settlement and for Related Relief (“Final Approval Order”, ECF No. 991), and approved the payment of attorneys’ fees; litigation expenses; costs of notice and administration; and a payment to Plaintiffs’ economist. In addition, class representatives were paid service awards. *Id.* ¶18.

Per the terms of the approved Settlement Agreement, the initial Settlement Fund Amount was paid by Defendant into an Escrow Account with instructions for the Escrow Agent to invest



and reinvest the escrowed funds in short-term instruments backed by the full faith and credit of the United States government or fully insured in writing by the United States Government. Brokerage statements provided by the Escrow Agent reflect that dividends have been earned and reinvested by the Escrow Agent and are part of the escrowed funds. As of November 7, 2025, after deducting funds withdrawn in accordance with the Settlement and Escrow Agreements, and Orders of this Court, the Escrow Account had a balance of \$17,994,639, which comprises the Net Settlement Fund.<sup>11</sup>

To date, in accordance with the Settlement Agreement and the Court's December 4, 2023 Order granting final approval to the settlement (ECF No. 991), the Court has approved payment out of the settlement fund to A.B. Data in the amount of \$2,335,311.56. *See* Miller Decl. ¶43. Since the Court granted final approval to the settlement, A.B. Data has incurred additional fees and costs. *Id.* Although A.B. Data has incurred \$573,181.65 in the actual time expended addressing the unanticipated volume of suspect claims during the administration process, A.B. Data is seeking to be paid \$273,181.66, representing an approximate 52% discount for the Class. *Id.* In addition, A.B. Data is requesting reimbursement of \$106,365.00 in out-of-pocket expenses. In all, A.B. Data seeks from the settlement fund fees and expenses totaling \$379,546.66. *Id.* Absent unforeseen and extenuating circumstances, A.B. Data will not be seeking the recovery of additional fees and expenses.

## **VI. DISTRIBUTION OF THE NET SETTLEMENT FUND**

Once the Court authorizes distribution of the Settlement Funds to the Class, the escrowed

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<sup>11</sup>“Net Settlement Fund” means the Settlement Fund Amount (\$30,000,000), less Court-approved attorneys' fees, reimbursement of costs and expenses, service awards, and fees and costs associated with issuing notice and claims administration in accordance with the Settlement. *See* Plan of Allocation (9-26-2026), ¶ II.A.

Settlement Funds will be transferred to a non-interest bearing Qualified Settlement Fund account managed by A.B. Data and A.B. Data will distribute to Class members the Net Settlement Fund in accordance with the Plan of Allocation. ECF No. 973-1. This will entail the following steps:

(a) A.B. Data will establish a reserve of 5% of the Net Settlement Fund to allow for any necessary adjustments in payments (upon sufficient proof) and/or to pay additional taxes, costs, and administration fees. Any funds remaining from the reserve after the initial distribution will be included as part of the distribution described in paragraph II.F. of the Plan of Allocation; and

(b) The remaining Net Settlement Fund will be allocated on a *pro rata* basis to Eligible Claimants. *See* Miller Decl. ¶44. *See also* Plan of Allocation (973-1).

Pursuant to the Plan of Allocation, the Net Settlement Fund will be allocated to two “State Allocation Pools”: (a) the “Repealer State Allocation Pool,” and (b) the “Non-Repealer State Allocation Pool.” *See* Miller Decl. ¶ 45, *citing* Plan of Allocation ¶II.B. The Net Settlement Fund will be divided among the State Allocation Pools as follows: (a) ninety percent (90%) of the Net Settlement Fund to the Repealer State Allocation Pool, and (b) ten percent (10%) of the Net Settlement Fund to the Non-Repealer State Allocation Pool. *See* Miller Decl. ¶ 45, *citing* Plan of Allocation ¶II.C. Within each State Allocation Pool, the amounts available for distribution to Eligible Claimants will be allocated 45% to consumers (“Consumer Pool”) and 55% to Third Party Payors (“TPP Pool”). *See* Miller Decl. ¶ 45, *citing* Plan of Allocation ¶II.D. Claimants will be paid only out of the State Allocation Pool for which they are eligible. *See* Miller Decl. ¶ 45, *citing* Plan of Allocation ¶II.E.

In effectuating the Plan of Allocation, A.B. Data will mail Eligible Claimants their appropriate share of the Net Settlement Fund (as applicable). Miller Decl. ¶46. These checks will

have a stale date of 90 days to encourage Eligible Claimants to promptly cash their distribution checks and avoid or reduce future expenses related to unpaid distributions. *Id.* For any checks returned as undeliverable or not cashed, A.B. Data will make reasonable and diligent efforts to have Eligible Claimants cash their checks. *Id.* At such time that Class Counsel and A.B. Data have determined that reasonable and diligent efforts have been exhausted, but no earlier than 120 days from the date the checks are issued, payments to Eligible Claimants that have not been cashed will revert back to the Net Settlement Fund. *Id.*

The Plan of Allocation requires that all funds in each State Allocation Pool must be exhausted if possible, subject to the following: (a) to the extent that any money available for the Consumer Pool within a State Allocation Pool remains undistributed, such funds will be used to pay valid claims of TPPs within that State Allocation Pool, and vice versa; and (b) to the extent that any money available for distribution within a State Allocation Pool remains undistributed after the payment of all claims to that State Allocation Pool, such funds will be distributed to End Payor Class members previously submitting claims to and receiving payment from the State Allocation Pool, whether or not that results in such End Payor Class members receiving more than 100% of their damages. *See Miller Decl.*, ¶ 47, *citing* Plan of Allocation ¶II.F.

## **V. CONCLUSION**

For the foregoing reasons, Co-Lead Counsel respectfully requests that the Court enter an order accepting A.B. Data's recommendation to reject the disputed claims and authorizing the distribution of the Net Settlement Fund as set forth herein.

Dated: December 10, 2025

Kenneth A. Wexler  
Wexler Boley & Elgersma LLP  
311 South Wacker Drive, Suite 5450  
Chicago, IL 60606  
(312) 346-2222  
[kaw@wbe-llp.com](mailto:kaw@wbe-llp.com)

Marvin A. Miller  
Miller Law LLC  
145 South Wells Street, Suite 1800  
Chicago, IL 60606  
(312) 332-3400  
[mmiller@millerlawllc.com](mailto:mmiller@millerlawllc.com)

Michael M. Buchman  
Motley Rice LLC  
777 Third Avenue, 27th Floor  
New York, New York 10017  
[mbuchman@motleyrice.com](mailto:mbuchman@motleyrice.com)

Steve D. Shadowen  
Hilliard Shadowen LLP  
1135 W. 6th Street, Suite 125  
Austin, TX 78703  
[steve@hilliardshadowenlaw.com](mailto:steve@hilliardshadowenlaw.com)

*Co-Lead Counsel for the End Payor Class*

Respectfully submitted,

/s/ Diana J. Zinser  
Jeffrey L. Kodroff  
Diana J. Zinser  
Spector Roseman & Kodroff, P.C.  
2001 Market Street, Suite 3420  
Philadelphia, PA 19103  
Tel: (215)-496-0300  
[jkodroff@srkattorneys.com](mailto:jkodroff@srkattorneys.com)  
[dzinser@srkattorneys.com](mailto:dzinser@srkattorneys.com)

*Liaison Counsel for End Payor Class*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 10, 2025, a true and correct copy of the foregoing document was electronically filed, will be available for viewing and downloading from the Court's ECF system and will be served by CM/ECF upon all counsel of record.

s/ *Diana J. Zinser*