

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

<b>IN RE SUBOXONE (BUPRENORPHINE HYDROCHLORIDE AND NALOXONE) ANTITRUST LITIGATION</b>  <b>THIS DOCUMENT RELATES TO:</b>  <i>End Payor Plaintiff Actions</i>	<b>MDL No. 2445</b>  <b>Master File No. 2:13-MD-2445-MSG</b>
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**DECLARATION OF ERIC J. MILLER IN SUPPORT OF  
END-PAYOR PLAINTIFFS' MOTION TO AUTHORIZE  
DISTRIBUTION OF THE SETTLEMENT FUND TO THE CLASS**

I, Eric J. Miller, hereby declares as follows:

1. I am a Senior Vice President at A.B. Data, Ltd.'s Class Action Administration Division ("A.B. Data"), whose corporate office is located in Milwaukee, Wisconsin. I make this Declaration based upon my personal knowledge, and if called as a witness, I could and would testify competently thereto.

2. Pursuant to the Court's Order Granting End-Payor Plaintiffs' Unopposed Motion for Preliminary Approval of End Payor Settlement and for Other Relief dated August 21, 2023 (ECF No. 932 and as amended ECF No. 935) (the "Preliminary Approval Order"), A.B. Data was appointed by the Court to act as the Settlement Administrator in connection with the Settlement Agreement. As the Settlement Administrator, A.B. Data has, among other things: (i) disseminated notice to potential End Payor Class members ("Class Members"), (ii) created and maintained a toll-free helpline for inquiries during the course of the administration, (iii) created and maintained

a website for the Settlement (the “Settlement Website”) and posted case-specific documents on it, and (iv) received and processed each Claim Form received by the Settlement Administrator from potential Class Members.

3. 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>1</sup>) and hereby submits its administrative determinations in accepting and rejecting the Claim Forms.

### **PROCEDURES FOLLOWED IN PROCESSING CLAIMS**

4. Following the Preliminary Approval Order, on August 28, 2023, A.B. Data implemented the approved notice plan and disseminated notice to the Class. The deadline to file a claim was February 17, 2024.

5. 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. ECF No. 991.

6. 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. *Id. See e.g.*, ECF No. 934-3 (Long Form Notice).

7. Throughout the notice and claim process, both A.B. Data and Co-Lead Counsel have communicated with and responded to inquiries by many claimants about their respective claims.

### **CONSUMER CLAIMS - PROCESSING ACTIVITIES**

8. Potential Class Members had the opportunity to file their claims either through the

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<sup>1</sup> On September 26, 2023, End Payor Plaintiffs filed a Corrected Plan of Allocation, which was posted on the Settlement website.

mail (“paper”) or online.

9. As of October 16, 2025, A.B. Data received and fully processed 2,379,670 Consumer Claim Forms, of which 2,897 are paper Claim Forms and 2,376,773 are Claim Forms submitted online through the Settlement Website.

10. The information from each Claim Form, including the Consumer Claimant’s contact information, and the Consumer Claimant’s purchase information listed on the Claim Form, was entered into a case-specific database. Then, A.B. Data reviewed the Claim Form to verify that all required information had been provided.

11. All claims were subject to review and/or audit by the Settlement Administrator. After an initial review of the claims data, it was determined that a large number of the Consumer claims submitted in this matter were suspected to be fraudulently filed, including with the use of automated computer programs or bots.

12. After consulting with Class Counsel, A.B. Data validated the email addresses provided with the submitted Consumer claims. This process sends a communication to the Email Service Provider (“ESP”) to request information about each individual email address hosted on the ESP. The ESP then responds, categorizing each email address as valid or invalid. Invalid categorization includes, but is not limited to, SPAM Trap, Catch All, Closed, and No Longer Active.

13. Beginning on September 13, 2024, A.B. Data sent a verification email to Consumer Claimants with a valid email address. The verification email 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. Once in the verification portal, Consumer Claimants were required to answer a simple question to prove they were not a bot. These

claimants were provided 14 days from the date of the email to complete their verification. A true and correct copy of the verification email is attached as **Exhibit A**.

14. A.B. Data received 184,071 responses to the verification emails.

15. Although the Consumer Claim Form 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 these claimants that such documentation may be required to further determine their eligibility. In consultation with Class Counsel, it was determined A.B. Data should request proof of at least one purchase of Suboxone or its AB-rated generic equivalents, from all Consumer Claimants that responded to the email verification to further eliminate any additional fraudulent filings. A true and correct copy of the documentation request is attached as **Exhibit B**.

16. 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”). An example of the Ineligibility Letters is attached as **Exhibit C**.

17. The documentation request and Ineligibility Letters referenced in paragraphs 15 and 16 above were sent between December 2024 and January 2025.

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

19. After processing the documentation submissions and status updates, A.B. Data sent final determination letters (the “Final Determination Letters”) to those claimants who remained deficient in part or whole. 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. In the letter, Claimants were also informed that if they were dissatisfied, they could request Court review of their claim by following the procedures specified in the Final Determination Letter. An example of the Final Determination Letters is attached as **Exhibit D**.

20. 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 the Court review their eligible claim to increase their eligible claimed amount to receive a greater payout. Three of the Claimants publicly filed requests for Court review. The fourth Claimant requested court review in communications with A.B. Data. An account of A.B. Data’s actions and findings with respect to these individuals is contained in the Court Review Request Summary, attached as **Exhibit E**, which will be filed under seal to protect the Claimants’ privacy.

21. Each Eligible Consumer Claimant is identified on the Eligible Consumer Claims Summary maintained by A.B. Data, and the list is available to the Court for *in camera* review, upon request. This list encompasses 10,524 Eligible Consumer Claimants with Repealer States Qualifying Claims totaling \$44,763,755.71 and Non-Repealer States Qualifying Claims totaling \$6,591,094.32.

22. The remaining 2,369,146 ineligible Consumer Claims are:

- a. Claimants who filed duplicative claims;
- b. Claimants 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;

c. Claimants who were not Class Members;

d. Claimants who failed to provide a sufficient response to the documentation request; and

e. Claimants who submitted fraudulent claims.

23. To summarize, Consumer Claimants filed a total of 2,379,670 claims. After A.B. Data's claims administration and auditing processes, including several discussions with Class Counsel, A.B. Data determined that 2,369,146 claims are ineligible. 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.

### **THIRD-PARTY PAYOR ("TPP") CLAIMS – PROCESSING ACTIVITIES**

24. 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.

25. The information from each Claim Form, including the TPP Claimant's contact information, and the TPP Claimant's purchase information listed on the Claim Form, was entered into a case-specific database. Then, A.B. Data reviewed the Claim Form to verify that all required information had been provided. Any purchase data provided by the TPP Claimant to support their Claim Form was also reviewed to verify that the information comprised eligible drugs that were purchased during the relevant period.

26. A.B. Data utilizes internal codes ("flags") to identify and classify Claim Forms with deficiency or ineligibility conditions.

27. Appropriate flags were assigned to Claim Forms as the claims were processed. For

example, if a TPP Claimant did not properly sign the Claim Form, the applicable flag was applied to denote the deficiency. A.B. Data used flags to document duplicate Claim Forms and Claim Forms with missing documentation and ineligible drugs, among other conditions.

28. TPP Claimants with Claim Forms that were determined to have defects were given the opportunity to cure their claims and have the flags removed. If the claims were not cured, the claim was determined to be ineligible for payment from the settlement fund.

29. The TPP Deficiency Process primarily involved contacting TPP Claimants and responding to communications from these claimants by email and/or telephone. This process was intended to assist TPP Claimants in properly completing their otherwise deficient submissions, so they could be eligible to participate in the Settlements.

30. A.B. Data sent notifications to TPP Claimants whose claims were deemed to be ineligible (the “Ineligibility Letters”) in which the TPP Claimant filed a claim that 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. An example of the Ineligibility Letters is attached as **Exhibit F**.

31. A.B. Data sent letters, and emails (if available), to TPP Claimants with deficient Claim Forms (the “Deficiency Letters”). The Deficiency Letters described the defect(s) in the Claim Forms and what steps, if any, were necessary for the claimant to cure the defect(s). These letters advised TPP Claimants that they needed to submit appropriate information and/or documentary evidence to complete their Claim Form or their claim would be recommended for rejection to the extent that they did not cure the deficiency condition. The Deficiency Letters also advised TPP Claimants that they had a right to contest the administrative determinations. Examples

of the Deficiency Letters are attached as **Exhibit G**.

32. TPP Claimants' responses to Deficiency Letters were scanned into a case-specific database and associated with the corresponding claims. A.B. Data then carefully reviewed and evaluated these responses. If a TPP Claimant's response corrected the defect(s) in a claim, A.B. Data updated a case-specific database to reflect the changes in claim status.

33. All claims were subject to review and/or audit by the Settlement Administrator.

34. A.B. Data audited all claims listing purchases over a certain limit by reviewing the purchase information included with each claim to verify the amount claimed was made for the applicable drugs, during the relevant period, and in the applicable states. A.B. Data also reviewed documentation for claims under the specified limit that provided purchase information (although such documentation was not required).

35. As a result of the audits and based on the submitted documentation, A.B. Data adjusted some claim amounts upward or downward. (Reasons for such adjustments could include drug codes not included in the settlement, purchases made outside of the relevant period, and/or failure to provide complete documentation to support the claimed amount.) A.B. Data notified the TPP Claimants, in writing, of any adjustment to their claim and provided them with an opportunity to dispute the findings by responding with any additional documentation to support their position. A sample of the Notice of Claim Adjustment is attached as **Exhibit H**.

36. A.B. Data selected claims for additional audit, in consultation with Class Counsel, where a) the TPP Claimant submitted a claim just below the above specified limit, b) the claimed amount appeared high compared to similar-sized entities, c) third-party filing entities filed multiple claims lacking sufficient supporting documents, and/or d) A.B. Data identified a claim that was potentially inaccurate or fraudulent.



37. A.B. Data sent letters by email, and mail (if email was unavailable), to each of these TPP Claimants requesting that they provide additional documentation to further support their claimed purchase or reimbursement amount (“Documentation Request Letters”). These letters notified the TPP Claimant that if they did not provide the required information, their claim would be disallowed. A sample of the Documentation Request Letter is attached as **Exhibit I**.

38. TPP Claimants’ responses to Documentation Request Letters and additional documentation were scanned into the case-specific database and associated with the corresponding claims. A.B. Data then carefully reviewed and evaluated these responses. If the TPP Claimant provided sufficient documentation, A.B. Data updated the case-specific database.

39. Each Eligible TPP Claimant is identified on the Eligible TPP Claims Summary maintained by A.B. Data and is available for the Court to review *in camera*, upon requests. There are 2,312 Eligible TPP Claimants with Repealer States Qualifying Claims totaling \$5,387,895,435.90 and Non-Repealer States Qualifying Claims totaling \$1,633,525,573.78.

40. A total of 2,327 claims were rejected for insufficient responses to A.B. Data’s request for additional information during the audit process. No TPP has requested Court review. The 2,327 ineligible TPP Claims are:

- a. Claimants who filed duplicative claims;
- b. Claimants whose claims were deficient (e.g., lacking necessary information to verify Class membership and/or calculate their Qualifying Claim Amounts) and who failed to cure the deficiencies despite being contacted by A.B. Data;
- c. Claimants who were not TPPs<sup>2</sup>;

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<sup>2</sup> These are consumers who mistakenly completed the TPP Claim Form instead of the Consumer Claim Form. We moved such claims over to the consumer database, issued a new claim number, and the claim was processed properly as a consumer claim.

d. Claimants who failed to provide a sufficient response to the documentation request; and

e. Claimants whose Claims were withdrawn<sup>3</sup>.

41. To summarize, TPP Claimants filed a total of 4,639 claims. After A.B. Data's claims administration and auditing processes, including several discussions with Class Counsel, A.B. Data determined that 2,327 claims are ineligible. 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.

### **FEES AND DISBURSEMENTS**

42. A.B. Data agreed to be the Settlement Administrator in exchange for payment of its fees and out-of-pocket expenses. Class Counsel received reports on and invoices for the work A.B. Data performed with respect to the Settlement notice and administration.

43. 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. Since the Court granted final approval to the settlement, A.B. Data has incurred additional fees and costs. 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. In addition, A.B. Data is requesting reimbursement of \$106,365.00 in out-of-pocket expenses. In all, A.B. Data

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<sup>3</sup> These claims were withdrawn by the filer. For example, third-party filers will file placeholder claims for their clients until they can acquire confirmation of purchases and transactional data from their clients. Should they not be able to validate any purchase for the client, they withdraw the claim.

seeks from the settlement fund fees and expenses totaling \$379,546.66. Absent unforeseen and extenuating circumstances, A.B. Data will not be seeking the recovery of additional fees and expenses.

**DISTRIBUTION PLAN FOR THE NET SETTLEMENT FUND**

44. A.B. Data recommends taking the following steps to implement the Plan of Allocation approved by the Court:

a. Establish a reserve of 5% of the Net Settlement Fund<sup>4</sup> 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. *See* paragraph 47 below.

b. The remaining Net Settlement Fund will be allocated on a pro rata basis to Eligible Claimants in accordance with the Plan of Allocation approved by the Court.

45. Pursuant to the Plan of Allocation:

a. 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.” Plan of Allocation ¶II.B.

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. Plan of Allocation ¶II.C.

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<sup>4</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.

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”). Plan of Allocation ¶II.D.

d. Claimants will be paid only out of the State Allocation Pool for which they are eligible. Plan of Allocation ¶II.E.

46. In effectuating the Plan of Allocation, A.B. Data will promptly mail Eligible Claimants their appropriate share of the Net Settlement Fund (as applicable). 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. 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. 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 settlement fund.

47. 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. Plan of Allocation ¶II.F.

**CONCLUSION**

48. A.B. Data respectfully requests that the Court enter an Order approving its administrative determinations accepting and rejecting the claims submitted herein and approving the proposed distribution plan.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge. Executed this 9th day of December, 2025 in Palm Beach Gardens, Florida.

  
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Eric J. Miller