

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

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

Class Counsel submit this Supplemental Memorandum in Support of End-Payor Plaintiffs' Motion to Authorize Distribution of the Net Settlement Fund to the Class to address filings and issues raised by claimants Christopher Lopez (ECF No. 1016),¹ Nancy Martin (ECF No. 1017),² and Jenepher McCormick (ECF No. 1011).

Christopher Lopez and Nancy Martin. Mr. Lopez and Ms. Martin contend (among other things) that they are entitled to recover from the settlement without providing documentation that they paid anything for Suboxone or its generic equivalent Buprenorphine Hydrochloride and Naloxone. Ms. Martin also indicates in correspondence attached to her filing that she would have

¹ Mr. Lopez also previously filed ECF No. 1007, which is addressed in End-Payor Plaintiffs' Motion in Support of Motion to Authorize Distribution of the Net Settlement Fund to the Class and supporting papers (ECF Nos. 1012 to 1012-13 – "Distribution Motion"). *See* ECF No. 1012-1 (Memorandum), ECF No. 1012-7 (Court Review Request Summary - Exhibit E to the Declaration of Eric J. Miller *filed under seal*), and the Declaration of Melinda J. Morales (ECF No. 1012-12).

² ECF Nos. 1016 and 1017 were filed after this Court issued its Order setting the January 13, 2026 hearing on Plaintiffs Motion for Authorization to Distribute Settlement Funds to the Class. ECF No. 1015.

excluded herself from the Class if she had known that purchase documentation would be required.

The arguments these Claimants make are spurious. Proof of purchase documentation was not required *to submit a claim*. However, in the absence of such documentation, the Settlement Administrator could request proof of purchase to determine a claimant's eligibility for payment. *See* Declaration of Kenneth A. Wexler in Support of Supplemental Memorandum in Support of Motion for Authorization to Distribute Settlement Funds to the Class ("Wexler Decl."), **Exhibit B** (Claim Form) at 1. Specifically, the Claim Form, Section D, stated that if a claimant did not submit purchase documentation, "the Settlement Administrator may ask for additional documentation after you submit your Claim Form," and that "Claims may be selected for audit and rejected because of fraud concerns, or potentially inaccurate amounts based on expected average purchases." Wexler Decl., **Exhibit B** (Section D)

Further, the Claim Form specified the type of documentation that would qualify a claim for payment: "1) [r]ecords from your pharmacy showing that you purchased Suboxone and its AB-rated generic equivalents at least once; or 2) [a] note from your doctor (or records) describing the amount of Suboxone and its AB-rated equivalents you were prescribed." Wexler Decl., **Exhibit B** at 3-4 (Section D). Claimants also signed the Claim Form and, by doing so, agreed to "supplement [the] Claim Form by furnishing documentary backup for the information provided herein, upon request of the Settlement Administrator." Wexler Decl., **Exhibit B** at 5.

The Court-approved Claim Form was posted on the Settlement Website during the notice period beginning on August 23, 2023 (Wexler Decl. ¶8), well before the exclusion and objection deadlines of October 12, 2023 and October 5, 2023, respectively. It remained posted on the Settlement Website until December 9, 2025. *Id.* Therefore, Mr. Lopez, Ms. Martin, and the other Court Review Claimants knew that they could be asked to provide evidence of their purchases and

that their claims could be audited and rejected for failure to demonstrate eligibility for payment. Nothing in the Class Notice or Claim Form said that claims without documentation would automatically be deemed valid. The assertions of Mr. Lopez and Ms. Martin to the contrary are just plain wrong.

As previously described to the Court in the Distribution Motion, a substantial number of fraudulent claims were made against the Settlement Fund in this action. ECF Nos. 1012 to 1012-13. Only Class Members—who by definition paid for some or all of the purchase price of Suboxone or its generic equivalent³—are entitled to payment from the Settlement Fund. Due to the high levels of bot activity and other indicia of fraud, A.B. Data validated the email addresses provided with the submitted Consumer claims and requested proof of at least at least a single purchase of Suboxone or its AB-rated generic equivalents from all claimants that responded to the email verification in an attempt to further eliminate any additional fraudulent filings. *See* Declaration of Eric J. Miller (“Miller Decl.”) (ECF No. 1012-2) at ¶¶11-15. The claimants seeking Court review were not singled-out in this regard.

In requiring documentation, Co-Lead Counsel and A.B. Data were cognizant of their duties to the Class and reasonably balanced the goals of paying valid claims while avoiding paying ineligible claims that would dilute the Class members’ overall recovery. According to A.B. Data, despite multiple requests and opportunities to cure their deficiencies, Mr. Lopez, Ms. Martin, and

³ The Class is defined as:

All persons or entities **who purchased and/or paid for some or all of the purchase price** for Co-Formulated Buprenorphine/Naloxone (Suboxone and/or its AB-rated generic equivalent) in any form, for consumption by themselves, their families or their members, employees, plan participants, beneficiaries or insureds..."

ECF No. 990 at 3 (emphasis added).

the other Court Review Claimants addressed in the Distribution Motion failed to provide such documentation, and thus A.B. Data recommended that their claims be denied. *See* Miller Decl. (ECF No. 1012-2), Exhibit E (filed under seal); Wexler Decl., ¶7, **Exhibit A** (regarding Ms. Martin's claim, filed under seal).

Mr. Lopez also continues to claim settlement communications threatened public disclosure of his personal identifying information. *See* ECF Nos. 1007 & 1016. However, in an effort to avoid chilling participation in the settlement, the settlement documents in this case state repeatedly that consumer identities will not be made public during any part of the claims process. *See* Wexler Decl. **Exhibit C** (Long Form Notice) at 2, 3, 7, 8, & 9; Settlement Website—"File a Claim" ("Consumer identities will not be made public without consent during the claims process").⁴ *See also* ECF No. 1012-12, ¶8. Communications from the Settlement Administrator merely repeated to Mr. Lopez what is stated in the Claim Form regarding a request for Court review, i.e., "The Settlement Administrator and Class Counsel will present the dispute to the Court for review, which may include public filing with the Court of your claim and the supporting documentation." *See e.g.*, Wexler Decl., **Exhibit B**, at 4 (Claim Form, Section D).

Neither Class Counsel nor the Settlement Administrator have made the Court Review Claimants' information public. The claimants who publicly filed their requests for Court review obviously made their own information public. In connection with their Distribution Motion, Class Counsel redacted and filed under seal information regarding the one Court Review Claimant who did not file publicly. *See* Distribution Motion, generally. Class Counsel have also filed under seal information from A.B. Data regarding the details of all the Court Review Claimants' claims. *See*

⁴ *See* <https://www.suboxantitrust.com/Home/FileClaim>

Miller Decl. ECF No. 1012-2, Exhibit E (filed under seal); Wexler Decl., Exhibit A (filed under seal).

Jenepher McCormick. This Request for Court Review is moot. Ms. McCormick, who had previously been informed by A.B. Data that her claim was eligible, filed ECF No. 1011 on December 9, 2025, complaining of delay and asking the Court to authorize distribution of the Settlement Fund. Wexler Decl. ¶4. End-Payor Plaintiffs, who had been preparing their papers, filed their Distribution Motion a day later, on December 10, 2025. *Id.* Ms. McCormick's claim remains eligible for pro-rata payment once the Court authorizes distribution. *Id.*

V. CONCLUSION

For the foregoing reasons, Co-Lead Counsel respectfully request that the Court (1) enter an order accepting A.B. Data's recommendation to reject the disputed claims, including the claims of Mr. Lopez, Ms. Martin, and the other claims as addressed in the Distribution Motion, and (2) authorize Class Counsel and A.B. Data to distribute the Net Settlement Fund to eligible claimants as set forth in the Memorandum in Support of End-Payor Plaintiffs' Motion to Authorize Distribution of the Net Settlement Funds to the Class; the Declaration of Eric J. Miller in Support of End-Payor Plaintiffs' Motion to Authorize Distribution of the Net Settlement Funds to the Class; the Plan of Allocation; and the Settlement Agreement.

An Amended Proposed Order, attached to the Wexler Declaration as **Exhibit D**, adds Ms. Martin to the list of Court Review Claimants whose claims are ineligible for payment from the Net Settlement Fund.

Dated: January 8, 2026

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 8, 2026, 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*