

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

**DECLARATION OF KENNETH A. WEXLER
IN SUPPORT OF END-PAYOR PLAINTIFFS' MOTION FOR AUTHORIZATION
TO DISTRIBUTE THE NET SETTLEMENT FUND TO THE CLASS**

I, Kenneth A. Wexler, 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 am 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”).
2. I submit this Declaration in Support of End-Payor Plaintiffs’ Motion in Support of Authorization to Distribute the Net Settlement Fund to the Class (ECF Nos. 1012 to 1012-13 (“Distribution Motion”)) and the Supplemental Memorandum in Support of Motion for Authorization to Distribute the Net Settlement Fund to the Class, which addresses filings and issues raised by claimants Jenepher McCormick (ECF No. 1011), Christopher Lopez (ECF No. 1016),¹ and Nancy Martin (ECF No. 1017).

¹ Mr. Lopez also previously filed ECF No. 1007, which is addressed in the 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).

3. I have personal knowledge of the matters described below, and if called to testify, would be competent to do so.

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

5. As discussed in the Distribution Motion, A.B. Data recommended denying Mr. Christopher Lopez's claim due to inadequate purchase documentation. ECF No. 1012-7 (Court Review Request Summary - Exhibit E to the Declaration of Eric J. Miller *filed under seal*). In response, Mr. Lopez filed ECF No. 1017 on December 26, 2025, contending (among other things) that he is entitled to recover from the settlement without providing documentation that he paid for Suboxone or its generic equivalent. As of the date of this filing, my understanding is that Mr. Lopez has not provided to A.B. Data the requested purchase documentation.

6. On December 29, 2025, Ms. Nancy Martin filed a "Request for Court Review of My Claim" (ECF No. 1017), contending (among other things) that she is entitled to recover from the settlement without providing documentation that she paid for Suboxone or its generic equivalent.

7. My office contacted A.B. Data requesting information regarding Ms. Martin's claim. In response, A.B. Data advised in a December 31, 2025, email that it recommended denying Ms. Martin's claim due to insufficient purchase documentation and other irregularities in her claim submission. According to A.B. Data, Ms. Martin was given several opportunities to provide the

required documents, but did not do so. *Id.* A true and correct copy of the December 31, 2025 email and attachments my office received from A.B. Data regarding Ms. Martin's claim is attached as **Exhibit A**.² As of the date of this filing, my understanding is that Ms. Martin has not provided to A.B. Data the requested purchase documentation.

8. The Court approved Claim Form in this case was initially uploaded to the Settlement Website (<https://www.suboxantitrust.com/>) on August 23, 2023, and remained on the website until December 9, 2025. Certain formatting and other updates (unrelated to issues raised in the court review claimants' filings) were made to the Claim Form in September 2023 and on October 24, 2025. Attached as **Exhibit B** is a true and correct copy of the final October 24, 2024 version of the Claim Form posted on the Settlement Website.

9. Attached as **Exhibit C** is a true and correct copy of the Long Form Notice that was posted on the Settlement Website (<https://www.suboxantitrust.com/>) on August 28, 2023, which remains posted on the Settlement Website as of the date of this declaration.

10. Attached as **Exhibit D** is an Amended Proposed Order Granting End-Payor Plaintiff's Motion for Authorization to Distribute the Net Settlement Fund to the Class, which adds Ms. Martin to the list of court review claimants whose claims are ineligible for payment from the Net Settlement Fund.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 8, 2026, in Chicago, Illinois.

/s/ Kenneth A. Wexler
Kenneth A. Wexler

² **Exhibit A**, which discusses the details of Ms. Martin's claim, is filed under seal to avoid potential disclosure of her medical history (to the extent she was actually prescribed Suboxone or its generic equivalent).