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June 2, 2006

VIA EMAIL: comments@amc.gov
Antitrust Modernization Commission
1120 G Street N.W., Suite 810
Washington D.C. 20005
Attn: Public Comments

Dear Sir or Madam:

I am sending with this letter a list of information about indirect purchaser class action settlements. I respectfully request that the list be treated as a public comment on the subject of indirect purchaser actions.

I compiled the list last summer with the assistance from Bernard Persky and Daniel Gustafson. The list includes: (1) cases in which one or more of our firms participated; (2) cases that we have discerned from public sources (such as the Internet and legal research databases); and (3) information received from other practitioners. Where possible, we have sorted state court cases according to common underlying facts. While the information on the list is accurate to the best of our knowledge, information and belief, we are sure that we have not captured many cases, especially in California which has a long-standing history of indirect purchaser antitrust class actions. *See, e.g., B.W.I. Custom Kitchen v. Owens-Illinois, Inc.*, 191 Cal. App. 3d 1341 (Cal. Ct. App. 1987).

Thank you for your attention. Please contact me if you have any questions.

Very truly yours,
MILLER FAUCHER and CAFFERTY LLP

A handwritten signature in black ink, appearing to read 'P. E. Cafferty', is written over the typed name.

Patrick E. Cafferty

PEC/ml
encl.

cc: Bernard Persky (via email)
Daniel Gustafson (via email)
Andrew J. Heimert (via email)
William Adkinson (via email)
Albert A. Foer (via email)
Robert H. Lande (via email)

**SETTLEMENTS OF INDIRECT PURCHASER
ANTITRUST CLASS ACTIONS UNDER STATE LAW**

A. NATIONAL AND MULTISTATE CLASSES IN FEDERAL COURT.

| Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| <i>In re Lorazepam & Clorazepate Antitrust Litig.</i> , 205 F.R.D. 369 (D.D.C. 2002) | Defendant Mylan secured exclusive contract from supplier of active ingredient and drastically increased price after competitors were frozen out of the market | Civil actions by FTC and state AGs; direct purchaser class action | nationwide class of consumers and third-party payors of prescription drugs Lorazepam and Clorazepate | \$135,285,600 (\$72,000,000 for consumers and \$28,000,000 for state agencies; \$25,285,600 for third-party payors in <i>Illinois Brick</i> repealer states; and \$10,000,000 for TPPs in non- <i>Illinois Brick</i> repealer states) | Direct distribution of cash proceeds through claims process | 7.4% (15% of \$25 million; 22.5% of \$10 million and 4% of \$100 million [although these fees were paid separately by defendants]) |
| <i>In re Cardizem CD Antitrust Litig.</i> , 218 F.R.D. 508 (E.D. Mich. 2003), <i>app. dismissed</i> , 391 F.3d 812 (6th Cir. 2004) (http://www.cardizemsettlement.com) | Brand manufacturer (Aventis) paid generic manufacturer (Andrx) to withhold marketing of generic version of Cardizem CD | competitor action; FTC civil action; actions by state AGs (following grant of partial summary judgment in favor of civil plaintiffs); direct purchaser class action | nationwide consumers and third-party payors of prescription drug Cardizem CD | \$80,000,000 (\$7,000,000 state agencies; \$40,150,000 third party payors; and \$32,850,000 consumers) | Direct distribution of cash proceeds through claims process | 17% |

| Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|--------------------------|
| <i>In re Warfarin Sodium Antitrust Litig.</i> , 212 F.R.D. 231 (D. Del. 2002), <i>aff'd</i> , 391 F.3d 516 (3d Cir. 2004) (http://www.coumadinsettlement.com) | Brand manufacturer took steps to deter substitution of generic versions of Coumadin | competitor action | nationwide class of consumers and third-party payors of prescription drug Coumadin | \$44,500,000 | Direct distribution of cash proceeds through claims process | 22.5% |
| <i>In re Buspirone Patent Litig.</i> , MDL No. 1410 (S.D.N.Y.) | Brand manufacturer (Bristol Myers Squibb) paid generic manufacturer (Schein) to withdraw efforts to market generic version of BuSpar; listing of phony patents to unlawfully extend monopoly | Direct purchaser class action; civil actions by several state attorneys general | nationwide class of third-party payors and multistate class of consumers of prescription drug BuSpar | \$100,000,000 (for consumers in most states and state agencies by attorneys general); \$90,000,000 (\$74,000,000 for third-party payors; and \$16,000,000 for consumers in remaining states) | Direct distribution of cash proceeds through claims process | 20% (of \$90 million) |
| <i>Vista Healthplan, Inc. v. Bristol-Myers Squibb Co.</i> , 287 F. Supp.2d 65 (D.D.C. 2003) | Bristol Myers Squibb listed phony patents to unlawfully extend monopoly for Taxol | Direct purchaser action, state attorneys general civil action | nationwide class of consumers of prescription drug Taxol | \$55,000,000 (consumers by attorneys general); \$15,185,000 (third-party payors) | Direct distribution of cash proceeds through claims process | 33.33% (of \$15,185,000) |
| <i>In re Lupron Marketing and Sales Practices Litig.</i> , 228 F.R.D. 75 (D. Mass. 2005) (http://www.luproncliams.com) | Drug manufacturers engaged in unlawful tactics to induce physicians to administer Lupron Depot at inflated prices. | Federal criminal charges and penalty | nationwide class of consumers and third-party payors of prescription drug Lupron Depot | \$150,000,000 | Direct distribution of cash proceeds through claims process | 25% |

| Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|----------------------|-------------------------------------------------------------|-----------------|
| <i>Ryan-House v. GlaxoSmithKline plc</i> , (“ <i>Augmentin Litigation</i> ”) No. 2:02cv442m (E.D. Va. Jan. 10, 2005) (http://www.augmentinlitigation.com) | GlaxoSmithKline misled the Patent Office into issuing patents to protect Augmentin® from competition from generic drug substitutes. | Direct purchaser class actions; competitor actions | nationwide class of consumers and third-party payors of prescription drug Augmentin | \$29,000,000 | Direct distribution of cash proceeds through claims process | 25% |
| <i>Nichols v. SmithKline Beecham Corp.</i> , No. 00-6222, 2005 WL 950616 (E.D. Pa. April 22, 2005) (http://www.paxilclaims.com) | SmithKline Beecham stockpiled, time-released, and caused patents to be listed in the Orange Book in a manner that has enabled them to indefinitely extend their market monopoly of Paxil®. | Direct purchaser class action; competitor actions | nationwide class of consumers and third-party payors of prescription drug Paxil | \$65,000,000 | Direct distribution of cash proceeds through claims process | 30% |
| <i>In re Terazosin Antitrust Litig.</i> , No. 99-D:-1317 (S.D. Fla. July 8, 2005) (http://www.terazosinlitigation.com) | Abbott entered into agreements to pay generic manufacturers (Zenith Goldline and Geneva) to keep lower priced generics off the market | FTC civil action, Direct purchaser action, state attorneys general civil action | multistate class of consumers and third-party payors of prescription drug Hytrin | \$30,700,000 | Direct distribution of cash proceeds through claims process | 30% |

| Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------|----------------------|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| <i>In re Remeron End-Payor Antitrust Litig.</i> , No. 02-2007, 2005 WL 2230314 (D.N.J. Sept. 13, 2005) http://www.remeronsettlement.com | Organon USA Inc. and Akzo Nobel N.V. improperly monopolized the U.S. market for Remeron® | Direct purchaser action, state attorneys general civil action | nationwide class of consumers and third-party payors of prescription drug Remeron | \$33,000,000 | Direct distribution of cash proceeds through claims process | 23.6% |
| <i>In re Relafen Antitrust Litig.</i> , 231 F.R.D. 52 (D. Mass. 2005) http://www.relafensettlement.com | GlaxoSmithKline listed fraudulently procured patent and used it to foreclose generic competition in the market for Relafen (nabumetone) | Direct purchaser class action; competitor actions | consumers and third-party payors of prescription drug Relafen | \$75,000,000 | Direct distribution of cash proceeds through claims process & subpoena of transaction data from retailers and PBMs | 33.3% of \$67 million (though aggregate figure will be reduced by opt-out reduction of settlement fund) |
| Total of amount of settlements in indirect purchaser pharmaceutical class actions as listed above: | | | | \$902,670,600.00 | | |

B. STATE COURT CLASS ACTION SETTLEMENTS (ORGANIZED BY RELATEDNESS OF CASES)

1. INFANT FORMULA

| Infant Formula Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|--------------------------------------------------------------------------------|-----------------------------------------------------------------|-----------------------------------------------|--------------------------------------------------------------------------------------------------|------------------------|
| <i>Durrett v. Abbott Laboratories, et. al</i> , No. 93-663 (Cir. Ct. Calhoun County) and <i>Lauderdale v. Abbott Laboratories, et al.</i> , No. 95-652 (Cir. Ct. Calhoun County, Ala.) | Horizontal price-fixing conspiracy among infant formula manufacturers | Direct purchaser class actions | Alabama state-wide class of retail purchasers infant formula | product valued at \$500,000 | product distributed free of charge through food bank | none |
| <i>In re California Indirect-Purchaser Infant Formula Antitrust Class Action Litig.</i> J.C .C.P. No. 2557 (L.A.Sup.Ct.1993) | Horizontal price-fixing conspiracy among infant formula manufacturers | Direct purchaser class actions | California state-wide class of retail purchasers infant formula | \$20,000,000 | Claims procedure for distribution of funds | [not available] |
| <i>Stifflear v. Bristol-Myers Squibb et al.</i> , No. 94-CV-360 (Dist. Ct. Boulder County, Col.) | Horizontal price-fixing conspiracy among infant formula manufacturers | Direct purchaser class actions | Colorado state-wide class of retail purchasers infant formula | product valued at \$600,000 | product distributed free of charge through food bank | none |
| <i>Mack v. Bristol-Myers Squibb Co. et al.</i> , 94-581-CA (Cir. Ct. Okaloosa County, Fla.) | Horizontal price-fixing conspiracy among infant formula manufacturers | Direct purchaser class actions | Florida state-wide class of retail purchasers infant formula | \$5,000,000 and product valued at \$2,300,000 | claims procedure for distribution of funds; product distributed free of charge through food bank | 33% of \$5 million |
| <i>Vogt v. Abbott Laboratories, et al.</i> , No. 94-L-404 (Cir. Ct. St. Clair County, Ill.) | Horizontal price-fixing conspiracy among infant formula manufacturers | Direct purchaser class actions | Illinois state-wide class of retail purchasers infant formula | \$12,940,000 | claims procedure for distribution of funds | 33.33% |

| Infant Formula Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|--------------------------------------------------------------------------------|------------------------------------------------------------------|-------------------------------|------------------------------------------------------|------------------------|
| <i>Donelan v. Abbott Laboratories</i> , No. 94 C 709 (Dist. Ct. Sedgwick County, Kan.) | Horizontal price-fixing conspiracy among infant formula manufacturers | Direct purchaser class actions | Kansas state-wide class of retail purchasers infant formula | product valued at \$1,000,000 | product distributed free of charge through food bank | none |
| <i>Lambert v. Abbott Laboratories, et al.</i> , No. 94-CI-05684 (Cir. Ct. Jefferson County, Ken.) | Horizontal price-fixing conspiracy among infant formula manufacturers | Direct purchaser class actions | Kentucky state-wide class of retail purchasers infant formula | product valued at \$700,000 | product distributed free of charge through food bank | none |
| <i>Holmes v. Abbott Laboratories</i> , No. 94-774-CP (Cir. Ct. Calhoun County, Mich.) | Horizontal price-fixing conspiracy among infant formula manufacturers | Direct purchaser class actions | Michigan state-wide class of retail purchasers infant formula | product valued at \$2,700,000 | product distributed free of charge through food bank | none |
| <i>Humphrey ex. rel. State of Minnesota v. Abbott Laboratories, et al.</i> , No. C8-95-6810 (Dist. Ct. Ramsey County, Minn.) | Horizontal price-fixing conspiracy among infant formula manufacturers | Direct purchaser class actions | Minnesota state-wide class of retail purchasers infant formula | \$9,700,000 | claims procedure for distribution of funds | 33.33% |
| <i>Moore ex rel. State of Mississippi v. Abbott Laboratories, et al.</i> , No. 251-96-159 (Cir. Ct. Hinds County, Miss.) | Horizontal price-fixing conspiracy among infant formula manufacturers | Direct purchaser class actions | Mississippi state-wide class of retail purchasers infant formula | \$4,400,000 | claims procedure for distribution of funds | 33.33% |
| <i>DeVincenzi v. Abbott Laboratories, et al.</i> , CV-94-02528 (Dist. Ct. Washoe County, Nev.) | Horizontal price-fixing conspiracy among infant formula manufacturers | Direct purchaser class actions | Nevada state-wide class of retail purchasers infant formula | product valued at \$254,000 | product distributed free of charge through food bank | none |

| Infant Formula Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------|-----------------------------------------------|--------------------------------------------------------------------------------------------------|------------------------|
| <i>Hyde v. Abbott Laboratories, et al.</i> , No. 94 CVS 500 (Sup. Ct. Jackson County, N.C.) | Horizontal price-fixing conspiracy among infant formula manufacturers | Direct purchaser class actions | North Carolina state-wide class of retail purchasers infant formula | product valued at \$1,410,000 | product distributed free of charge through food bank | none |
| <i>Heilman and Leintz v. Abbott Laboratories, et al.</i> , No. 94-C-2716 (Dist. Ct. Burleigh County, N.D) | Horizontal price-fixing conspiracy among infant formula manufacturers | Direct purchaser class actions | North Dakota state-wide class of retail purchasers infant formula | \$740,000 | claims procedure for distribution of funds | 33.33% |
| <i>Hagemann v. Abbott Laboratories</i> , No. 94-221 (Cir. Ct. Hughes County, S.D.) | Horizontal price-fixing conspiracy among infant formula manufacturers | Direct purchaser class actions | South Dakota state-wide class of retail purchasers infant formula | \$1,500,000 | claims procedure for distribution of funds | 33.33% |
| <i>Blake v. Abbott Laboratories, et al.</i> , No. L-8950 (Cir. Ct. Blount County, Tenn.) | Horizontal price-fixing conspiracy among infant formula manufacturers | Direct purchaser class actions | Tennessee state-wide class of retail purchasers infant formula | \$2,000,000 and product valued at \$1,000,000 | claims procedure for distribution of funds; product distributed free of charge through food bank | 33% of \$2 million |
| <i>Buscher v. Abbott Laboratories, et al.</i> , No. 94-C-221 (Cir. Ct. Kanawha County, W.Va.) | Horizontal price-fixing conspiracy among infant formula manufacturers | Direct purchaser class actions | West Virginia state-wide class of retail purchasers infant formula | \$1,740,000 | claims procedure for distribution of funds | 33.33% |

| Infant Formula Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|-------------------------------------------------------------------------|----------------------------------------------------------------|----------------------|--------------------------------------------|-----------------|
| <i>Carlson v. Abbott Laboratories</i> , No. 94-CV-002608 (Cir. Ct. Milwaukee County) and <i>French v. Abbott Laboratories, et al.</i> , No. 94-CV-009007 (Cir. Ct. Milwaukee County, Wisc.) | Horizontal price-fixing conspiracy among infant formula manufacturers | Direct purchaser class actions | Wisconsin state-wide class of retail purchasers infant formula | \$10,100,000 | claims procedure for distribution of funds | 33.33% |
| Total of Indirect Purchaser Infant Formula Settlements listed above: | | | Product: \$10,464,000.00; Cash: \$68,120,000.00 | | | |

2. Brand-Name Prescription Drugs

| BNPD Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|------------------------|
| <i>McLaughlin v. Abbott Laboratories, et al.</i> , No. CV 95-0628 (Super. Ct., Yavapai County, Az) | Horizontal conspiracy among brand manufacturers to refuse discounts to "retail class of trade" | Pharmacies brought direct purchaser actions and Robinson-Patman Act actions | state-wide class of retail purchasers of brand-name prescription drugs | \$8,409,900 | distribution through community health centers to subsidize cost of patient prescriptions | 25% |
| <i>Preciado v. Abbott Laboratories, et al.</i> , Case No. 962294 (San Francisco Sup. Ct., Cal.) | Horizontal conspiracy among brand manufacturers to refuse discounts to "retail class of trade" | Pharmacies brought direct purchaser actions and Robinson-Patman Act actions | state-wide class of retail purchasers of brand-name prescription drugs | Product valued at approximately \$150,000,000 and approximately \$25,000,000 in cash | | |
| <i>Goda v. Abbott Laboratories, et al.</i> , No. 01445-96 (Super. Ct., D.C.) | Horizontal conspiracy among brand manufacturers to refuse discounts to "retail class of trade" | Pharmacies brought direct purchaser actions and Robinson-Patman Act actions | District of Columbia class of retail purchasers of brand-name prescription drugs | \$6,925,800 | distribution through community health centers to subsidize cost of patient prescriptions | 25% |
| <i>Yasbin v. Abbott Laboratories, et al.</i> , No. 97-01141 CA 03 (Cir. Ct., Dade County, Fla.) | Horizontal conspiracy among brand manufacturers to refuse discounts to "retail class of trade" | Pharmacies brought direct purchaser actions and Robinson-Patman Act actions | state-wide class of retail purchasers of brand-name prescription drugs | \$8,904,600 | distribution through community health centers to subsidize cost of patient prescriptions | 25% |

| BNPD Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|------------------------------------------------------------------------|-----------------------------|------------------------------------------------------------------------------------------|------------------------|
| <i>Holdren v. Abbott Laboratories, et al.</i> , No. 96C15994 (Dist. Ct., Johnson County, Kan.) | Horizontal conspiracy among brand manufacturers to refuse discounts to "retail class of trade" | Pharmacies brought direct purchaser actions and Robinson-Patman Act actions | state-wide class of retail purchasers of brand-name prescription drugs | \$5,441,700 | distribution through community health centers to subsidize cost of patient prescriptions | 25% |
| <i>Karofsky v. Abbott Laboratories, et al.</i> , No. CV-95-1009 (Super. Ct., Cumberland County, Maine); | Horizontal conspiracy among brand manufacturers to refuse discounts to "retail class of trade" | Pharmacies brought direct purchaser actions and Robinson-Patman Act actions | state-wide class of retail purchasers of brand-name prescription drugs | \$989,400 | distribution through community health centers to subsidize cost of patient prescriptions | 25% |
| <i>Wood v. Abbott Laboratories, et al.</i> , No. 96-512561-CZ (Cir. Ct., Oakland County, Mich.) | Horizontal conspiracy among brand manufacturers to refuse discounts to "retail class of trade" | Pharmacies brought direct purchaser actions and Robinson-Patman Act actions | state-wide class of retail purchasers of brand-name prescription drugs | \$3,166,080 | distribution through community health centers to subsidize cost of patient prescriptions | 25% |
| <i>Kerr v. Abbott Laboratories, et al.</i> , No. 96-2837 (Dist. Ct., Hennepin County, Minn) and <i>Fontaine v. Abbott Laboratories, et al.</i> , No. 97-012124 (Dist. Ct., Hennepin County, Minn.) | Horizontal conspiracy among brand manufacturers to refuse discounts to "retail class of trade" | Pharmacies brought direct purchaser actions and Robinson-Patman Act actions | state-wide class of retail purchasers of brand-name prescription drugs | \$1,978,800 | distribution through community health centers to subsidize cost of patient prescriptions | 25% |

| BNPD Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|------------------------------------------------------------------------|-----------------------------|------------------------------------------------------------------------------------------|------------------------|
| <i>Levine v. Abbott Laboratories, et al.</i> , No. 95-117320 (Sup. Ct., New York County, N.Y.) | Horizontal conspiracy among brand manufacturers to refuse discounts to "retail class of trade" | Pharmacies brought direct purchaser actions and Robinson-Patman Act actions | state-wide class of retail purchasers of brand-name prescription drugs | \$1,978,800 | distribution through community health centers to subsidize cost of patient prescriptions | 25% |
| <i>Long v. Abbott Laboratories, et al.</i> , No. 97-CVS-8289 (Super. Ct., Mecklenburg County, N.C.); | Horizontal conspiracy among brand manufacturers to refuse discounts to "retail class of trade" | Pharmacies brought direct purchaser actions and Robinson-Patman Act actions | state-wide class of retail purchasers of brand-name prescription drugs | \$8,904,600 | distribution through community health centers to subsidize cost of patient prescriptions | 10% |
| <i>Meyers v. Abbott Laboratories, et al.</i> , No. 97C612 (Cir. Ct., Davidson County, Tenn.) | Horizontal conspiracy among brand manufacturers to refuse discounts to "retail class of trade" | Pharmacies brought direct purchaser actions and Robinson-Patman Act actions | state-wide class of retail purchasers of brand-name prescription drugs | \$7,420,500 | distribution through community health centers to subsidize cost of patient prescriptions | 25% |
| <i>Scholfield v. Abbott Laboratories, et al.</i> , No. 96 CV 0460 (Cir. Ct., Dane County, Wisc.) | Horizontal conspiracy among brand manufacturers to refuse discounts to "retail class of trade" | Pharmacies brought direct purchaser actions and Robinson-Patman Act actions | state-wide class of retail purchasers of brand-name prescription drugs | \$10,190,820 | distribution through community health centers to subsidize cost of patient prescriptions | 25% |
| Total of Indirect Purchaser BNPD settlements listed above: | | | Product: \$150,000,000.00; Cash: \$89,311,000.00 | | | |

3. VITAMINS

| Vitamins Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| <i>Richardson v. F. Hoffmann-La Roche, et al.</i> , No. CV99-06005 (Super.Ct. Maricopa County, Az) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | state-wide class of indirect purchasers of price-fixed vitamin products | \$8,446,250 (\$3,318,250 for commercial entities; \$4,692,000 for consumers; and \$436,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |
| <i>Vitamin Cases</i> , No. 301803 (Sup. Ct. San Francisco County, California) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | state-wide class of indirect purchasers of price-fixed vitamin products | \$80,000,000 (\$42,000,000 for commercial entities; and \$38,000,000 for consumers) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |
| <i>Giral v. Hoffmann-La Roche, et al.</i> , No. 98 CA 007467 (Sup. Ct. D.C.) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | district-wide class of indirect purchasers of price-fixed vitamin products | \$2,021,450 (\$1,451,450 for commercial entities; \$522,000 for consumers; and \$48,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |

| Vitamins Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| <i>Garofolo et al., v. F. Hoffmann-Laroche, Ltd., et al.</i> , No. 99-010358 (07) (Cir. Ct. Broward County, FL) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | state-wide class of indirect purchasers of price-fixed vitamin products | \$24,772,500 (\$8,391,500 for commercial entities; \$14,988,000 for consumers; and \$1,393,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |
| <i>State of Hawaii v. Hoffman-La Roche, et al.</i> , Civil No. 01-1-001594 (1 st Dist. Cir. Ct. Haw.) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | state-wide class of indirect purchasers of price-fixed vitamin products | \$1,306,000 (\$1,195,000 for consumers; and \$111,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |
| <i>State of Idaho v. Daiichi Pharmaceutical Co., et al.</i> , No. CV 0C 01031630 (4 th Jud. Dist. Idaho, Ada County) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | state-wide class of indirect purchasers of price-fixed vitamin products | \$1,855,050 (\$505,050 for commercial entities; \$1,235,000 for consumers; and \$115,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |

| Vitamins Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| <i>State of Illinois v. Hoffmann-La Roche, et al.</i> , No. 01CH08502 (Cir. Ct. Cook County, Ill.) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | state-wide class of indirect purchasers of price-fixed vitamin products | \$22,989,750 (\$9,759,750 for commercial entities; \$12,105,000 for consumers; and \$1,125,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |
| <i>Todd v. F. Hoffman-La Roche, et al.</i> , Case No. 98 C 4574 (Dist. Ct. Wyandotte County, Kansas) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | state-wide class of indirect purchasers of price-fixed vitamin products | \$6,386,600 (\$3,499,600 for commercial entities; \$2,642,000 for consumers; and \$245,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |
| <i>Headrick v. F. Hoffman-La Roche, et al.</i> , No. CV-99-148 (Super. Ct. Cumberland County, Maine) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | state-wide class of indirect purchasers of price-fixed vitamin products | \$1,697,050 (\$336,050 for commercial entities; \$1,245,000 for consumers; and \$116,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |

| Vitamins Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| <i>Bascomb v. F. Hoffman-La Roche, et al.</i> , Consolidated Case Nos. 99-906364 Cz, 99-917982 NZ (Cir. Ct. Wayne County, Mich) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | state-wide class of indirect purchasers of price-fixed vitamin products | \$15,808,450 (\$5,026,450 for commercial entities; \$9,865,000 for consumers; and \$917,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |
| <i>In re: The Minnesota Vitamin Antitrust Litigation</i> , Court File No. CA-00-1800 (GEJ) (2d Jud. Dist. Ct. Ramsey County, Minn) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | state-wide class of indirect purchasers of price-fixed vitamin products | \$8,796,900 (\$3,604,900 for commercial entities; \$4,751,000 for consumers; and \$441,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |
| <i>State of Nevada v. Hoffmann-La Roche, et al.</i> , Case No. 01-00723A (1 st Jud. Dist. Ct. Carson County, Nevada) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | state-wide class of indirect purchasers of price-fixed vitamin products | \$2,577,500 (\$656,500 for commercial entities; \$1,758,000 for consumers; and \$163,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |

| Vitamins Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| <i>In re: New Mexico Vitamins Indirect Purchasers Antitrust Litigation</i> , Case No. CV 99-12056 (2d Jud. Dist. Ct., Bernalillo County, NM) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | state-wide class of indirect purchasers of price-fixed vitamin products | \$4,035,500 (\$2,125,500 for commercial entities; \$1,748,000 for consumers; and \$162,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |
| <i>Scanlon v. F. Hoffman-La Roche, et al.</i> , Index No. 99/1237 (Sup. Ct. NY, Albany County) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | state-wide class of indirect purchasers of price-fixed vitamin products | \$31,119,550 (\$11,158,550 for commercial entities; \$18,264,000 for consumers; and \$1,697,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |
| <i>Nicholson v. F. Hoffman-La Roche, et al.</i> , Case No. 99-CVS-3592 (Super. Ct. Div. Mecklenburg County, NC) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | state-wide class of indirect purchasers of price-fixed vitamin products | \$12,995,650 (\$4,706,650 for commercial entities; \$7,584,000 for consumers; and \$705,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |

| Vitamins Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| <i>O'Neill v. F. Hoffman-La Roche, et al.</i> , Civil No. 99-C-1673 (Dist. Ct. Burleigh County, ND) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | state-wide class of indirect purchasers of price-fixed vitamin products | \$1,264,500 (\$561,500 for commercial entities; \$643,000 for consumers; and \$60,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |
| <i>Commonwealth of Puerto Rico v. F. Hoffman-La Roche, et al.</i> , Civil No. KAC2000-1881 (Tribunal de Primera Instancia Sala Superior de San Juan) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | territory-wide class of indirect purchasers of price-fixed vitamin products | \$5,945,150 (\$1,762,150 for commercial entities; \$3,827,000 for consumers; and \$356,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |
| <i>State of Rhode Island and Providence Plantations v. Aventis Animal Nutrition S. A., et al.</i> , No. 00-5781 (Super. Ct. Providence, R.I.) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | state-wide class of indirect purchasers of price-fixed vitamin products | \$1,583,900 (\$497,900 for commercial entities; \$994,000 for consumers; and \$92,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |

| Vitamins Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| <i>Chaffee v. F. Hoffman-La Roche, et al.</i> , No. 99-221 (Cir. Court Meade County, S.D.) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | state-wide class of indirect purchasers of price-fixed vitamin products | \$1,471,100 (\$659,100 for commercial entities; \$743,000 for consumers; and \$69,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |
| <i>McCampbell v. F. Hoffman La-Roche et al.</i> , Case No. 16,628 (Cir. Ct. Jefferson County, Tenn) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | state-wide class of indirect purchasers of price-fixed vitamin products | \$8,951,350 (\$2,989,350 for commercial entities; \$5,455,000 for consumers; and \$507,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |
| <i>State of Vermont v. Daiichi Pharmaceutical Co., et al.</i> , No. 292-6-01 W (Super. Ct. Washington County, VT) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | state-wide class of indirect purchasers of price-fixed vitamin products | \$916,100 (\$269,100 for commercial entities; \$592,000 for consumers; and \$55,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |

| Vitamins Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|-------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| <i>State of Washington v. Hoffmann-La Roche, et al.</i> , No. 01-2-13960-6 SEA (Super. Ct. King County, WA) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | state-wide class of indirect purchasers of price-fixed vitamin products | \$8,256,150 (\$2,009,150 for commercial entities; \$5,716,000 for consumers; and \$531,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |
| <i>Archer v. F. Hoffmann-La Roche, et al.</i> , Civil Action No. 99-C-327 (Cir. Ct. Kanawha County, WV) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | state-wide class of indirect purchasers of price-fixed vitamin products | \$4,067,000 (\$2,080,000 for commercial entities; \$1,818,000 for consumers; and \$169,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |
| <i>In re Vitamin Product Antitrust Litigation</i> , Case No. 98-CV-7792 (Cir. Ct. Milwaukee County, WI) | Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers | Federal criminal charges, direct purchaser actions and civil actions by state attorneys general | state-wide class of indirect purchasers of price-fixed vitamin products | \$10,318,700 (\$4,587,700 for commercial entities; \$5,244,000 for consumers; and \$487,000 for State Economic Impact Fund) | Direct distribution through claims process for business entities; cy pres programs for consumer recovery | 16.67% (not out of common fund but paid by defendants) |
| Total of Indirect Purchaser Vitamins Settlements listed above: | | | | \$267,582,150.00 | | |

4. MICROSOFT (<http://www.microsoft.com/mscorp/legal/class/#head1>)

| Microsoft Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| <i>In re Arizona Microsoft Litig.</i> , No. 00-0722. (Super. Ct. Maracopa County, Az) | Abuse of monopoly power and unlawful tie-in of internet browser software | Civil action by federal and state authorities; direct purchaser actions | state-wide class of software purchasers | up to \$104,600,000 in vouchers | vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools | Microsoft to pay fee agreed upon or otherwise awarded by court; notice indicates request not to exceed \$34.8 million |
| <i>Microsoft I-C Cases</i> , J.C.C.P. No. 4106 (Super. Ct. San Francisco County, Ca) | Abuse of monopoly power and unlawful tie-in of internet browser software | Civil action by federal and state authorities; direct purchaser actions | state-wide class of software purchasers | up to \$1,100,000,000 in vouchers | vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; 2/3 the value of unclaimed benefits distributed to disadvantaged schools | Microsoft to pay fee agreed upon or otherwise awarded by court; notice indicates request not to exceed \$275 million |
| <i>Bernard v. Microsoft Corp.</i> , <i>Cummins v. Microsoft Corp.</i> , <i>Knight v. Microsoft Corp.</i> (Superior Court, D.C.) | Abuse of monopoly power and unlawful tie-in of internet browser software | Civil action by federal and state authorities; direct purchaser actions | state-wide class of software purchasers | up to \$6,200,000 in vouchers | vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools | [information not available on website] |
| <i>In re Florida Microsoft Antitrust Litig.</i> , 99-27340 (11 th Jud. Cir. Miami-Dade County, Fla.) | Abuse of monopoly power and unlawful tie-in of internet browser software | Civil action by federal and state authorities; direct purchaser actions | state-wide class of software purchasers | up to \$202,000,000 in vouchers | vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools | Microsoft to pay fee agreed upon or otherwise awarded by court; notice indicates request not to exceed \$48 million |

| Microsoft Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------------|-----------------------------------------|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| <i>In re Kansas Microsoft Antitrust Litig.</i> , 99-CV-17089 (Dist. Ct. Johnson County, Kan.) | Abuse of monopoly power and unlawful tie-in of internet browser software | Civil action by federal and state authorities; direct purchaser actions | state-wide class of software purchasers | up to \$32,000,000 in vouchers | vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools | Microsoft to pay fee agreed upon or otherwise awarded by court; notice indicates request not to exceed \$8 million |
| <i>In re Microsoft Corporation Massachusetts Consumer Protection Litig.</i> , 00-2456 (Mass. Super. Ct. Middlesex) | Abuse of monopoly power and unlawful tie-in of internet browser software | Civil action by federal and state authorities; direct purchaser actions | state-wide class of software purchasers | up to \$34,000,000 in vouchers | vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools | Microsoft to pay fee agreed upon or otherwise awarded by court; notice indicates request not to exceed \$9.75 million |
| <i>Gordon v. Microsoft Corp.</i> , No. MC 00-5994; <i>Uglem v. Microsoft Corp.</i> , No. MC 03-4162 (Dist. Ct. Hennepin County, Minn.) | Abuse of monopoly power and unlawful tie-in of internet browser software | Civil action by federal and state authorities; direct purchaser actions | state-wide class of software purchasers | up to \$174,500,000 in vouchers | vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools | Microsoft to pay fee agreed upon or otherwise awarded by court; notice indicates request not to exceed \$59.4 million |
| <i>Arthur v. Microsoft Corp.</i> , No. CI 01-126 (Dist. Ct. Dodge County, Neb.) | Abuse of monopoly power and unlawful tie-in of internet browser software | Civil action by federal and state authorities; direct purchaser actions | state-wide class of software purchasers | up to \$22,600,000 in vouchers | vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools | Notice says that Microsoft agreed to pay fee not to exceed \$2,712,000 |

| Microsoft Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|---------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------------|-----------------------------------------|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| <i>In re New Mexico Indirect Purchasers Microsoft Corporation Antitrust Litig.</i> , No. D0101CV20001697 (1 st Jud. Dist., N.M.) | Abuse of monopoly power and unlawful tie-in of internet browser software | Civil action by federal and state authorities; direct purchaser actions | state-wide class of software purchasers | up to \$31,500,000 in vouchers | vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools | Microsoft to pay fee agreed upon or otherwise awarded by court; notice indicates request not to exceed 25% of Face Value of Settlement |
| <i>MJM Investigations Inc. v. Microsoft Corp.</i> , Nos. 00 CVS 4073 and 00 CVS 1246 (N.C. Business Court, Raleigh, N.C.) | Abuse of monopoly power and unlawful tie-in of internet browser software | Civil action by federal and state authorities; direct purchaser actions | state-wide class of software purchasers | up to \$89,194,765 in vouchers | vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to N.C. Dept. of Public Institution | Microsoft to pay fee agreed upon or otherwise awarded by court; notice indicates request not to exceed \$22.25 million |
| <i>Howe v. Microsoft Corp.</i> , No. 00-C-00328 (Dist. Ct., Grand Forks County, N.D.) | Abuse of monopoly power and unlawful tie-in of internet browser software | Civil action by federal and state authorities; direct purchaser actions | state-wide class of software purchasers | up to \$9,000,000 in vouchers | vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools | [information not available on website] |
| <i>In re South Dakota Microsoft Antitrust Litig.</i> , (Cir. Ct. 6 th Jud. Cir., Hughes County, S.D.) | Abuse of monopoly power and unlawful tie-in of internet browser software | Civil action by federal and state authorities; direct purchaser actions | state-wide class of software purchasers | up to \$9,330,000 in vouchers | vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools | [information not available on website] |

| Microsoft Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------------|-----------------------------------------|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| <i>Sherwood v. Microsoft Corp.</i> , 99 C 3562 (Cir. Court, Davidson County, Tenn.) | Abuse of monopoly power and unlawful tie-in of internet browser software | Civil action by federal and state authorities; direct purchaser actions | state-wide class of software purchasers | up to \$64,000,000 in vouchers | vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to Tennessee Commissioner of Education | Notice indicates award of \$8 million |
| <i>Elkins v. Microsoft Corp.</i> , No. 165-4-01 (Sup. Ct. Windham County) | Abuse of monopoly power and unlawful tie-in of internet browser software | Civil action by federal and state authorities; direct purchaser actions | state-wide class of software purchasers | up to \$9,700,000 in vouchers | vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools | Microsoft to pay fee agreed upon or otherwise awarded by court; notice indicates request not to exceed \$3.5 million |
| <i>West Virginia ex rel. McCraw v. Microsoft Corp.</i> , No. 01-C-197 | Abuse of monopoly power and unlawful tie-in of internet browser software | Civil action by federal and state authorities; direct purchaser actions | state-wide class of software purchasers | up to \$18,000,000 in vouchers | vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools | [information not available on website] |
| Total of Microsoft indirect purchaser settlements listed above: | | | up to \$1,906,624,765 in vouchers* | | | |

*There is also an indication of a Montana settlement, but the information is no longer available on the website.

5. SORBATES

| Sorbates Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|--------------------------------------------------------------|----------------------|-----------------------------------------------------------------------------------------|-------------------------------------|
| <i>State of Illinois ex rel. Madigan v. Daicel Chemical Industries Ltd.</i> , No. 02CH19575 (Cir. Ct. Cook County, Ill.) | Horizontal price-fixing conspiracy for sorbates, an ingredient in foods, beverages and other household products | Federal criminal charges; Direct purchaser actions | state-wide class of consumer indirect purchasers of sorbates | \$1,610,000 | cy pres to benefit physical education programs in disadvantaged public school districts | \$234,000 to state attorney general |
| <i>Orlando's Bakery v. Nutrinova Nutrition Specialties & Food Ingredients, GmbH</i> , No. 99-560-II, (Chancery Court, Davidson County, Tenn.) | Horizontal price-fixing conspiracy for sorbates, an ingredient in foods, beverages and other household products | Federal criminal charges; Direct purchaser actions | state-wide class of indirect purchasers of sorbates | \$1,450,000 | claims process for business purchasers; cy pres for benefit of consumers | 32% |
| <i>Kelley Supply, Inc. v. Eastman Chemical Co.</i> , No. 99cv001528 (Cir. Ct., Dane County, Wis.) | Horizontal price-fixing conspiracy for sorbates, an ingredient in foods, beverages and other household products | Federal criminal charges; Direct purchaser actions | multistate-class of indirect purchasers of sorbates | \$8,866,750 | claims process for business purchasers; cy pres for benefit of consumers | 23.6% |
| Total of Indirect Purchaser Sorbates Settlements listed above: | | | | \$11,926,750.00 | | |

6. Miscellaneous

| Miscellaneous Case | Nature of Allegations | Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s) | Type of Class | Amount of Settlement | Distribution Method | Attorneys' Fees |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------|---------------------------------------------------------------|-----------------------------------------------|-------------------------------------------------------------|----------------------------------------------------------|
| <i>In re California Indirect Purchaser X-Ray Film Antitrust Litig.</i> , No. 960886 (Sup. Ct. Alameda County) [1998 WL 1031494] | Defendants conspired to raise, fix and stabilize the prices of medical x-ray film | Direct purchaser actions | state-wide class of indirect purchasers of medical x-ray film | \$3,750,000 | Direct distribution of cash proceeds through claims process | 30% |
| <i>Strang v. Sumitomo Corp.</i> , (Sup. Ct. San Diego County) [http://www.gilardi.com/pdf/cps6noc.pdf] | Defendants colluded to fix, stabilize and maintain copper prices | CFTC enforcement action | multistate class of purchasers of copper products | multiple settlements aggregating \$83,350,000 | Direct distribution of cash proceeds through claims process | Notices indicated fee requests of 33.33% of \$77,350,000 |