

If You Purchased PROVIGIL[®], NUVIGIL^{®*} Or Generic Provigil[®] (MODAFINIL), A Class Action Settlement And A California Attorney General Settlement* Could Affect You

INFORMATION REGARDING CLASS ACTION SETTLEMENT

A proposed \$65,877,600 settlement has been reached in a Class Action Lawsuit on behalf of consumers and third-party payors regarding the prescription drug Provigil[®] and its generic equivalent modafinil. The Class Action Lawsuit claims that Defendants violated state antitrust and consumer protection laws by delaying the availability of less expensive generic versions of Provigil[®]. Defendants deny any wrongdoing.

No one is claiming that Provigil[®] or its generic equivalent modafinil is unsafe or ineffective.

Who Is Included?

You are a Consumer Class Member if you are:

- In Alabama, Arizona, California, District of Columbia, Florida, Hawaii, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, South Dakota, Tennessee, Utah, Vermont, West Virginia and Wisconsin, and you
- Purchased Provigil[®] or modafinil (e.g., by paying the full purchase price or a co-payment)
- For consumption by yourself or your family
- From June 24, 2006 through August 8, 2019.

You are **NOT** a class member even if you satisfy the above criteria if you were also insured and paid a flat co-pay that was the same dollar amount for generic as for brand drug purchases, or were insured and purchased only generic modafinil pursuant to a fixed co-pay applicable to generic drugs. In addition, employees of the defendants are not class members.

Please note that consumers may file a claim in this case even if the consumer previously participated and recovered money in the earlier State Attorneys General Settlement concerning Provigil[®].

What Does The Class Action Settlement Provide?

The defendants will pay \$65,877,600 into a Settlement Fund to settle all claims in the lawsuit brought on behalf of consumers and health insurers (known as third-party payors). The Settlement Fund will be distributed pursuant to a Plan of Allocation that can be reviewed at www.ProvigilSettlement.com.

Class Counsel will ask the Court to award attorneys' fees in an amount not to exceed one-third of the Settlement Fund, plus interest, litigation expenses and incentive payments to the Class Representatives. After these deductions, the remainder of the Settlement Fund will be distributed

pro rata to Class Members who file a valid claim form. The consumer portion of the settlement fund will equal approximately \$20,000,000, before deductions for fees and expenses. The precise amount that you might receive from the net settlement fund will depend on how much you (and other consumers) paid for Provigil[®] and modafinil.

How Do I Get A Payment?

You must submit a Claim Form by January 15, 2020 to be eligible for a payment. You can obtain a Claim Form by visiting www.ProvigilSettlement.com or calling 1-877-241-7503.

What Are My Other Rights?

If you do not want to be legally bound by the Settlements, you must exclude yourself. The exclusion deadline is December 6, 2019. If you do not exclude yourself, you will not be able to sue the defendants for any claim relating to the lawsuit. If you stay in the Class, you may object to the Settlements by January 15, 2020. Please review the requirements for exclusion and objection by visiting www.ProvigilSettlement.com or calling 1-877-241-7503.

The Court will hold a hearing on February 26, 2020 at 10:00 a.m. Eastern Standard Time to consider whether to approve the Settlements, counsel's request for attorneys' fees, expenses and incentive awards, any objections, and any other issues related to the Settlements. The Court has appointed Kessler Topaz Meltzer & Check, LLP, Spector Roseman & Kodroff, P.C. and Criden & Love, P.A. to represent the Class. Although not required, you or your own lawyer may ask to appear and speak at the hearing at your own expense. All deadlines may be amended by the Court, so please check the website noted below for updates.

INFORMATION REGARDING CALIFORNIA ATTORNEY GENERAL SETTLEMENT

***CALIFORNIA RESIDENTS:** You may also be eligible to claim from the CALIFORNIA ATTORNEY GENERAL'S \$69,000,000 proposed settlement for purchases of Provigil[®], NUVIGIL[®], or modafinil, of which \$25,250,000 will be available to eligible California consumers even if they have already recovered money from other related settlements. See www.ProvigilSettlement.com/CA for more information. You may recover for an eligible claim in both the California Attorney General Settlement and the Class Action Settlement described above.

**FOR MORE INFORMATION AND A CLAIM FORM:
VISIT WWW.PROVIGILSETTLEMENT.COM OR CALL 1-877-241-7503.**