

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

STATE OF CALIFORNIA,

Plaintiffs,

v.

TEVA PHARMACEUTICAL
INDUSTRIES, LTD., et al.

Defendants.

CIVIL ACTION

No. 19-3281

**DECLARATION OF ERIC J. MILLER REGARDING
CLAIMS AND DISTRIBUTION**

I, Eric J. Miller, declare as follows:

1. I am the Senior Vice President of A.B. Data, Ltd.'s Class Action Administration Company ("A.B. Data"), whose corporate office is located in Milwaukee, Wisconsin. My business address is 5080 PGA Boulevard, Suite 209, Palm Beach Gardens, FL 33418, and my telephone number is 561-336-1801.

2. I submit this Declaration at the request of the Attorney General of the State of California in connection with the above-referenced action (the "Action" or "CAAG Settlement") in accordance with the timeframes to submit materials in support of final approval set forth in the Court's August 8, 2019 Order (the "Preliminary Approval Order") and the December 2, 2019 Order (granting the amended final approval briefing schedule). This Declaration is based upon my personal knowledge and upon information provided by my associates and staff members. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

3. Pursuant to the Preliminary Approval Order, Claims Forms were to be submitted by mail to the address listed in the Notice Packet or submitted online so that they were received by January 15, 2020. A.B. Data has received 10,412 timely Claim Forms. Review and

processing of these Claim Forms is now complete.

4. In processing Claim Forms, A.B. Data performed the following activities:
 - a. Conferred with the California Attorney General to further define guidelines for the evaluation of claims;
 - b. Sorted, date-stamped, and bar-coded incoming mail, separating it into Claim Forms and administrative mail (such as requests for Claim Forms, change of address notifications, or questions regarding the administration process);
 - c. Imaged all hardcopy Claim Forms and administrative mail into a secure database;
 - d. Entered the information from each Claim Form received by mail or submitted online, including name(s), address(es), and information related to the claimant's purchases of Provigil[®], Nuvigil[®], or generic versions of Provigil[®]; and
 - e. Stored all original Claim Forms and administrative mail in a secure, off-site facility.

5. During processing, A.B. Data identified 4,394 claims for 155,341 prescriptions as valid and will make payments to those claimants out of the settlement funds as permitted by the Court. Applying the formula in the Distribution Plan, A.B. Data will thus pay out at least \$6,629,953.88 directly to claimants without further review of their claims.

6. 1,179 claims are from claimants who, based on A.B. Data's extensive experience in administering class action settlements, are known to A.B. Data as fraudulent filers will be rejected;

7. The remaining 4,839 claims are deficient or contain one or more indicia of invalidity as described in subparagraphs (a) through (g) below and will require further vetting and verification before payments will be made. Claimants covered by subparagraphs (a) through (e) will be sent a letter identifying the deficiency and given an opportunity correct the deficiency

and resubmit the claim. A.B. will respond to claimants covered by subparagraphs (f) and (g) as described therein.

- a. The Claim Form was not signed, which signature is required for validation of the claim asserted.
- b. The figure provided for the number of prescriptions purchased included decimal places (thus indicating that the claimant provided the amount spent on the prescriptions instead of the number of prescriptions purchased as required by the Claim Form). If the claimant does not respond to the deficiency letter and provide the number of prescriptions claimed, the claimant will be treated as having claimed the generally prescribed amount of one prescription per month for these controlled substances.
- c. The claimant failed to provide the number of prescriptions purchased. If the claimant does not respond to the deficiency letter and provide the number of prescriptions claimed, the claimant will be treated as having claimed the generally prescribed amount of one prescription per month for these controlled substances.
- d. The claimant failed to check the Eligible Claimant box to indicate that the claimant meets the requirements for eligibility to make a claim to the CAAG Settlement (i.e., is a member of the CAAG Settlement).
- e. The number of prescriptions claimed exceeded the maximum amount. The claimants will be sent a letter requesting a correction or documentation of the claimed number of prescriptions. If the claim is corrected or documented, it will be granted. If the claimant does not respond or correct the claim, the claimant will be treated as having claimed the generally prescribed amount of one prescription per month for these controlled substances.

- f. Two or more claims were made from claimants with the same name and address. In these cases, only the first filed claim will be granted.
- g. Three or more claims were submitted by claimants with different names from the same IP address or the same or slightly varying physical address. These claimants will be sent a letter requesting proof of purchase or, if claiming for purchases made on someone else's behalf, a power of attorney for that other person and proof of such purchases. If such proof is provided, the claim will be granted. If the claimant does not respond or provide adequate proof, the first filed claim for the first claimant for the amount of prescriptions claimed by that claimant will be granted and the rest rejected.

8. Following this further vetting and verification of claims, and assuming claimants who initially failed to sign the Claim Form or check the Eligible Claimant box correct those deficiencies and resubmit, applying the distribution formula from the Distribution Plan would result in a total direct distribution to at least 6,977 claimants of at least \$10,090,640.34.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 14th day of February 2020, at Palm Beach Gardens, FL.



Eric J. Miller
Senior Vice President of Case Management,
A.B. Data, Ltd.