

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HARTIG DRUG COMPANY INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 14-719-JFB-SRF
)	
SENJU PHARMACEUTICAL CO. LTD.,)	
KYORIN PHARMACEUTICAL CO., LTD.,)	
AND ALLERGAN, INC.,)	
)	
Defendants.)	

**DECLARATION OF ERIC KIERKEGAARD
CONCERNING NOTICE PROGRAM AND SETTLEMENT ADMINISTRATION**

I, ERIC KIERKEGAARD, hereby declare and state as follows:

INTRODUCTION

1. I am a Project Director in Client Services for Epiq Class Action & Claims Solutions, Inc.¹. The following statements are based on my personal knowledge and information provided by other experienced GCG employees working under my supervision. If called on to do so, I could and would be competent to testify thereto.

2. GCG was appointed as the Settlement Administrator pursuant to the Court’s Order Granting Preliminary Approval of Class Settlement (the “Preliminary Approval Order”) dated February 27, 2018, and in accordance with the Settlement Agreement Between Plaintiff Hartig Drug Co. Inc. and Defendants Senju Pharmaceutical Co., Ltd., Kyorin Pharmaceutical

¹ Garden City Group, LLC was acquired by Epiq Class Action and Claims Solutions, Inc. on June 15, 2018. All references to GCG shall indicate the Settlement Administrator both as Garden City Group, LLC and Epiq Class Action and Claims Solutions.

Co., Ltd., and Allergan, Inc. (the “Agreement”)². I submit this Declaration in order to advise the Parties and the Court regarding the implementation of the Court-approved Class Notice program, Claims Process, and to report on Settlement administration, in accordance with the Preliminary Approval Order, the Agreement, the Court’s May 3, 2018 Order Granting Motion to Distribute Notice to the Class and Approving the Plan of Allocation (the “Notice Order”) and the Court’s May 10, 2018 Stipulation and Order Regarding Notice and Claims Deadlines.

OVERVIEW OF NOTICE PROGRAM

3. As set forth in more detail in the April 30, 2018 Declaration of Brandon Schwartz Concerning Proposed Notice Program and Administration (the “Pre-Notice Declaration”), the elements of the Notice Plan included publishing advertising in trade publications that direct people to the Settlement Website, notice via U.S. Mail, and a dedicated website on which the notice materials have been posted.

4. The Notice Plan was designed and implemented to not only inform Class Members about the Settlement, but also to inform Class Members that they may file claims, exclude themselves from the Settlement, or object to the Settlement.

Direct Mail

5. Pursuant to Paragraph 2 of the Notice Order, GCG formatted the Mail Notice and Claim Form (the “Notice Packet”) to be sent via First Class United States Mail to Class Members (attached hereto as **Exhibit A**). On June 11, 2018, GCG mailed the Notice Packet to 95 Class Members known or ascertainable through transaction data Defendants previously provided to Plaintiff and GCG.

6. Prior to mailing the Notice Packet to Class Members, GCG ran the mailing

² All capitalized terms not otherwise defined in this document shall have the same meaning ascribed to them in the Agreement.

addresses in the Class Data for all Class Members through the U.S. Postal Service NCOA database.³

Publication

7. As described in the Pre-Notice Declaration, GCG arranged for the Publication Notice to run in trade journals that provide notice directly to entities that likely purchased Zymar or Zymaxid directly from Defendants during the Class Period. The Publication Notice was published once in each of the following trade publications: *Pharmacy Purchasing & Products* and *Drug Topics*. A true and correct copy of the Publication Notice as it appeared in each publication is attached hereto as **Exhibit B**.

Settlement Website

8. GCG established and is maintaining an official website dedicated to this Settlement. The website address was included in the Publication Notice and the Notice Packet sent to Class Members. The Mail Notice, along with other relevant documents, is posted on the website, so that potential claimants may review and download them. The website also includes relevant dates and other settlement-related information.

OBJECTIONS AND OPT OUTS

9. Pursuant to Paragraph 7 of the Notice Order, Class Members wishing to be excluded from the Settlement were required to submit written requests for exclusion to the Claims Administrator, postmarked no later than October 5, 2018.

10. As of October 26, 2018, GCG has received no requests to be excluded from the Settlement Agreement.

³ The NCOA database is an official U.S. Postal Service technology product, which makes change of address information available to mailers to help reduce undeliverable mail pieces before mail enters the mailstream. This product is an effective tool to update address changes when a person has completed a change of address form with the Post Office. The U.S. Postal Service maintains address information on the database for 48 months.

11. Pursuant to Paragraph 7 of the Notice Order, Class Members wishing to object to the terms of the Settlement Agreement were required to do so in writing and mail or deliver copies of such objections to Counsel for the Settling Parties and the Clerk of the Court by no later than October 5, 2018.

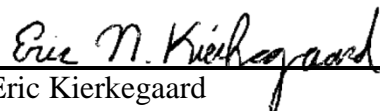
12. As of October 26, 2018, GCG has not received and is not aware of any objections made to the Settlement Agreement.

CONCLUSION

13. Based on my experience, I am of the opinion that the notice program was implemented to achieve the best practicable notice under the circumstances and satisfies due process standards and the applicable rules governing class actions.

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

Executed this 24th day of October, 2018 in Seattle, Washington.


Eric Kierkegaard