

**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.)	
)	

**ORDER GRANTING MOTION TO DISTRIBUTE NOTICE TO THE
CLASS AND APPROVING THE PLAN OF ALLOCATION**

Upon consideration of Plaintiff Hartig Drug Company Inc.’s Unopposed Motion to Distribute Notice to the Settlement Class and Approve the Plan of Allocation (the “Motion”) of Plaintiff’s proposed settlement with Senju Pharmaceutical Co. Ltd. (“Senju”), Kyorin Pharmaceutical Co., Ltd. (“Kyorin”), and Allergan, Inc. (“Allergan,” and with Senju and Kyorin, “Defendants”), it is hereby **ORDERED** as follows:

1. The Motion is hereby **GRANTED**.
2. The Court approves the proposed notice program, including the Mail Notice and the Publication Notice, attached as Exhibits A and B to the Declaration of Brandon Schwartz of Garden City Group in support of Plaintiff’s Unopposed Motion to Distribute Notice to the Settlement Class (“Schwartz Declaration”). The Court further approves the claim form attached as Exhibit C to the Schwartz Declaration. The Court finds that the manner of notice proposed constitutes the best practicable notice under the circumstances as well as valid, due, and sufficient

notice to all persons entitled thereto and complies fully with the requirements of the Federal Rule of Civil Procedure 23.

3. The Court further finds that the proposed Plan of Allocation is fair, reasonable, and adequate under the circumstances and fairly compensates Settlement Class members based upon the scope of the releases Defendants have provided.

4. On or before July 3, 2018, Settlement Class Counsel shall cause the notice, in substantially the same form as Exhibits referenced above, to be sent and published in the manner and in and through the media outlets and other mediums enumerated in the Schwartz Declaration. Settlement Class Counsel shall also provide a copy of the notice to all persons who request it and shall post a copy of the notice on the internet at the address identified in the notice. Settlement Class Counsel shall notify Defendants of all class members who elect to opt out of the settlement or object to the settlement within five (5) business days of the deadline for the same.

5. At least ten (10) days before the date fixed by this Court for the Final Fairness Hearing, Settlement Class Counsel shall cause to be filed with the Clerk of this Court a declaration by the person under whose general direction the publication of notice was made, showing that publication was made in accordance with this Order.

6. A hearing (the “Final Fairness Hearing”) shall be held by this Court on November 9, 2018 at 1:30 p.m. before the Honorable Joseph F. Bataillon at the United States District Court for the District of Delaware, 844 N. King Street., Courtroom 4B, Wilmington, Delaware, 19801 to make a final determination as to whether the proposed settlement is fair, adequate, and reasonable to the Settlement Class members and should be approved by the Court, and whether Defendants should be released from claims as provided in the settlement agreement. The Court may adjourn this Final Fairness Hearing without further notice to members of the Settlement Class.

7. Any member of a Settlement Class may request to be excluded therefrom; such request of exclusion must be made no later than thirty-five days before the date of the Final Fairness Hearing, and must otherwise comply with the requirements set forth in the mail notice sent directly to members of the Settlement Class for which Garden City Group has contact information and provided on the website established by Garden City Group (“Settlement Website”). Any member of the Settlement Class who does not timely seek exclusion from the Settlement Class and who wishes to object to the terms of the proposed settlement must do so in writing, must mail or deliver copies of such objection to Counsel for the Settling Parties and the Clerk of the Court no later than thirty-five days before the Final Fairness Hearing, and must otherwise comply with the requirements set forth in the mail notice.

8. Settlement Class Counsel shall file with the Court their motion for final approval of the proposed settlement at least fourteen (14) days prior to the date of the Final Fairness Hearing. Settlement Class Counsel shall post a copy of any motion and supporting papers on the Settlement Website within twenty-four hours of filing.

9. Settlement Class Counsel shall file any motion concerning the payment of and/or distribution of attorneys’ fees, costs, and/or incentive awards forty-five (45) days prior to the Final Fairness Hearing. Settlement Class Counsel shall post a copy of any motion for attorneys’ fees and supporting papers on the website within twenty-four hours after it is filed with the Court. Comments and/or objections to any motion must be made in writing and comply with the requirements set forth in the mail notice, and must be received by Settlement Class Counsel, and filed with the Court, at least thirty-five (35) days prior to the Final Fairness Hearing.

10. Settlement Class Counsel are authorized to pay out of the Settlement Fund sums actually invoiced by Garden City Group for notice and administration.

IT IS SO ORDERED this 3rd day of May, 2018.



Senior United States District Judge