

**If You Paid for or Provided Reimbursement for Branded Xyrem or Xywav,  
A Class Action Lawsuit May Affect Your Rights**

A class action lawsuit is pending in the United States District Court for the Northern District of California (the “Court”). Plaintiffs in the lawsuit asserting class action claims allege that Defendants Jazz Pharmaceuticals, Inc., Jazz Pharmaceuticals Ireland Limited, Jazz Pharmaceuticals Public Limited Company, Hikma Pharmaceuticals plc, Hikma Pharmaceuticals USA Inc., Hikma Labs, Inc., Eurohealth (USA), Inc., Amneal Pharmaceuticals LLC, Par Pharmaceuticals, Inc., Lupin Ltd., Lupin Pharmaceuticals Inc., and Lupin Inc. (the “Defendants”) harmed competition and violated certain federal and state antitrust and consumer protection laws. Plaintiffs allege that Defendants unlawfully delayed the availability of allegedly less-expensive generic versions of Xyrem and that Defendants’ alleged conduct caused the Damages Class Members (defined below) and Injunctive Relief Class Members (defined below) to pay more than they otherwise would have for Xyrem, and Settlement Class Members (defined below) to pay more than they otherwise would have for Xyrem and/or Xywav. Defendants deny any wrongdoing.

**Why am I Receiving This Notice?**

This notice provides notice of the preliminary approval of a Settlement and that the Court has certified the Classes listed below. The litigation and the Settlement may affect your rights.

**Your Rights and Options**

**DO NOTHING:** By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or a settlement with respect to the Damages Class and are bound by such trial outcome or settlement. You are also bound by the Settlement with Amneal and Lupin. But you give up any rights to sue the Defendants separately about the same legal claims in this lawsuit.

**ASK TO BE EXCLUDED:** You have the right to exclude yourself (to opt out) from the Damages and/or Settlement Classes no later than **November 27, 2023**. If you ask to be excluded and money or benefits are later awarded in this class action lawsuit, you will not share in those. You would keep any rights to sue the Defendants separately about the claims in this lawsuit.

**OBJECT TO THE SETTLEMENT:** If you are a member of the Settlement Class and do not exclude yourself from that Class, you have the right to object to the Settlement but must do so no later than **November 27, 2023**.

Details on how to request exclusion or object are at [www.InReXyremAntitrustLitigation.com](http://www.InReXyremAntitrustLitigation.com).

These dates may be amended by Court Order. Please check the website for updated information.

**What are the Classes?**

The Classes are listed below. You may be a member of some, all, or none of the Classes.

The Amneal/Lupin Settlement Class

All persons and entities in the United States that, for consumption by themselves, their families, their members, employees, insureds, participants, or beneficiaries, and other than for resale, paid

and/or provided reimbursement for some or all of the purchase price for Xyrem and/or Xywav during the time from January 1, 2015 through February 28, 2023 (“Settlement Class”).

Excluded from the Settlement Class are (1) Defendants and their counsel, officers, directors, management, employees, parents, subsidiaries, and affiliates; (2) Express Scripts Specialty Distribution Services, Inc. and any of its counsel, officers, directors, management, employees, parents, subsidiaries, and affiliates; (3) federal and state governmental entities, not including cities, towns, municipalities, counties or carriers for Federal Employee Health Benefit plans; (4) any “single flat co-pay” consumers whose benefit plan requires a copayment that does not vary based on the drug’s status as a brand or generic; and (5) all judges assigned to this case and any members of their immediate families.

#### Certified Health Benefit Plan Payor Damages Class

All entities in Arizona, California, Connecticut, District of Columbia, Florida, Hawaii, Iowa, Kansas, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Puerto Rico, Rhode Island, South Dakota, Tennessee, Utah, Vermont, West Virginia, and Wisconsin that, for consumption by their members, employees, insureds, participants, or beneficiaries, and other than for resale, paid and/or provided reimbursement for some or all of the purchase price for Xyrem during the time from January 17, 2017, through and until May 12, 2023 (“Damages Class”).

Excluded from the Damages Class are: (1) Defendants and their counsel, parents, subsidiaries, and affiliates; (2) Express Scripts Specialty Distribution Services, Inc. and any of its counsel, parents, subsidiaries, and affiliates; and (3) federal and state governmental entities. This exclusion does not include cities, towns, municipalities, or counties or carriers for Federal Employee Health Benefit plans.

#### Certified Health Benefit Plan Payor and Consumer Injunctive Relief Class

All individuals and entities in the United States and its territories that, for consumption by themselves, their families, or their members, employees, insureds, participants, or beneficiaries purchased, other than for resale, paid for and/or provided reimbursement for some or all of the purchase price for Xyrem during the time period from January 17, 2017, through and until May 12, 2023 (“Injunctive Relief Class”).

Excluded from the Injunctive Relief Class are: (1) Defendants and their counsel, parents, subsidiaries, and affiliates; (2) Express Scripts Specialty Distribution Services, Inc. and any of its counsel, parents, subsidiaries, and affiliates; and (3) federal and state governmental entities. This exclusion does not include cities, towns, municipalities, or counties or carriers for Federal Employee Health Benefit plans; (4) any “single-flat co-pay” consumer whose benefit plan requires a co-payment that does not vary based on the drug’s status as a brand or generic; and (5) all judges assigned to this case and any members of their immediate families.

#### **FOR MORE INFORMATION**

**Visit [www.InReXyremAntitrustLitigation.com](http://www.InReXyremAntitrustLitigation.com)**

**Call 1-877-495-0891**