

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

GOVERNMENT EMPLOYEES HEALTH
ASSOCIATION, on behalf of itself and all
others similarly situated,

Plaintiffs,

v.

ACTELION PHARMACEUTICALS LTD.,
et al.,

Defendants.

Case No. 1:18-cv-3560-GLR

**JOINT DECLARATION OF SHARON K. ROBERTSON AND THOMAS M. SOBOL IN
SUPPORT OF PLAINTIFF'S MOTION FOR FINAL APPROVAL OF SETTLEMENT
AND CO-LEAD COUNSEL'S MOTION FOR AN AWARD OF ATTORNEYS' FEES,
EXPENSES, AND SERVICES AWARD**

We, Sharon K. Robertson and Thomas M. Sobol, respectfully submit this Declaration and declare as follows:

1. I, Sharon K. Robertson, am a member of Cohen Milstein Sellers & Toll PLLC, and I am a member of the New York and New Jersey state bars. I am one of the Court-appointed Co-Lead Counsel in this matter. *See* ECF Nos. 349, 350. I make this Declaration based on my own personal knowledge. If called upon to testify, I could and would testify competently to the truth of the matters stated herein.

2. I, Thomas M. Sobol, am a member of Hagens Berman Sobol Shapiro LLP, and I am a member of the Massachusetts and Rhode Island state bars. I am one of the Court-appointed Co-Lead Counsel in this matter. *See* ECF Nos. 349, 350. I make this Declaration based on my own personal knowledge. If called upon to testify, I could and would testify competently to the truth of the matters stated herein.

3. We respectfully submit this Declaration in support of Plaintiff's Motion for Final Approval and Class Counsel's Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and a Service Award for the Class Representative. This Declaration describes: (1) the work performed by Class Counsel¹, from filing of the Complaint to the Settlement Agreement signed a few weeks before trial; (2) the efforts undertaken by the Named Plaintiff that support the proposed service award; and (3) a comprehensive explanation of the expenses and time spent litigating this highly complex action.

¹ Co-Lead Counsel consists of Cohen Milstein Sellers & Toll PLLC and Hagens Berman Sobol Shapiro LLP. Class Counsel consists of Cohen Milstein Sellers & Toll PLLC, Hagens Berman Sobol Shapiro LLP, Radice Law Firm PC, and Taus, Cebulash & Landau, LLP.

I. WORK PERFORMED BY CLASS COUNSEL

A. The Consolidated Class Action Complaint and Motion to Dismiss

4. On January 25, 2019, Plaintiff Government Employees Health Association (“Plaintiff” or “GEHA”) filed its Consolidated Class Action Complaint (“CCAC”) against Defendants alleging violations of forty-six federal and state antitrust and consumer protection laws. ECF No. 34.

5. On February 25, 2019, Defendants filed a Rule 12(b)(6) motion to dismiss, arguing that the complaint was filed outside the statute of limitations, challenging Plaintiff’s ability to bring a class action on behalf of entities whose purchases were in states where Plaintiff did not make purchases, and raising numerous challenges to the particular state laws under which Plaintiff brought its claims. ECF No. 39. The parties fully briefed the motion. ECF Nos. 44, 45. On September 30, 2019, the Court granted Defendants’ motion to dismiss. ECF No. 50, 51. Plaintiff timely appealed the Court’s order. ECF No. 52. The parties fully briefed the appeal before the United States Court of Appeals for the Fourth Circuit. On April 13, 2021, the Fourth Circuit issued an Opinion and subsequent Order vacating this Court’s September 30, 2019 order and remanding the case to this Court for discovery. ECF No. 55.

B. Fact Discovery

6. After returning from the Fourth Circuit, this case entered an extensive period of discovery. Discovery in this case spanned 19 months. *See* ECF Nos. 61, 196. The parties negotiated an ESI Protocol and Privilege Order (ECF Nos. 109, 110), as well as a Deposition Protocol (ECF Nos. 147, 148) to govern discovery procedures. Fact discovery included the production and review of over 375,000 documents comprising over 1.6 million pages. These documents resulted from dozens of separate document productions exchanged between the parties.

C. Discovery of Defendants

7. Class Counsel served a first set of requests for production of documents on Actelion on June 21, 2021 (with 17 total requests). Actelion responded on July 21, 2021. Class Counsel negotiated the scope of production with Actelion, including exchanging search terms proposals, negotiating custodian proposals, and identifying servers that could hold relevant non-custodial information. Over the course of discovery, Plaintiff served 28 requests for production on Defendants.

8. Class Counsel also served extensive written discovery on defendants, including 10 interrogatories, and 21 requests for admission. The interrogatories covered critical issues in the case, the bases for defendants' affirmative defenses, and defendants' contentions as to central issues in the litigation. The parties resolved most of their disputes through the meet and confer process, which resulted in Defendants producing supplemental responses to Plaintiff's requests for admission.

9. Class Counsel also spent significant time pursuing discovery of Defendants' data related to Tracleer sales. The parties met and conferred multiple times concerning Actelion's data systems, the type of data maintained, how that data was stored, and the burdens that Defendants claimed were associated with production. Once the data was produced, Class Counsel worked with their economic experts to review the data and submit follow-up questions to Defendants.

D. Discovery of Class Plaintiffs

10. Defendants served their first set of requests for production on Plaintiffs on June 21, 2021, including 21 requests. Co-Lead Counsel responded on July 21, 2021. At this stage of the litigation, Plaintiffs included GEHA as well as the Mayor and City Council of Baltimore, who later voluntarily dismissed its claims against Defendants. ECF No. 102. The parties negotiated

custodians, search terms, and go-get sources for both Plaintiffs' collection of documents. Over the course of the litigation, Defendants served 26 requests for production on Plaintiffs. Class Counsel, in coordination with GEHA, dedicated significant time to searching for, identifying, and producing responsive documents.

11. The written discovery served on Plaintiff in this case was also extensive. On March 9, 2022, Defendants served their first set of interrogatories on Plaintiff, including 18 interrogatories. Plaintiff responded on April 8, 2022. Overall, Defendants served 18 interrogatories and 11 requests for admission on Plaintiff.

E. Depositions

12. The parties collectively took seventeen fact party and nonparty depositions. Of those, Class Counsel served as lead examiner on 12 depositions and defended two Plaintiff witness depositions. The seventeen depositions included: Aitan Goelman (October 3, 2022), William Fairey (October 12, 2022), Charles Klein (October 6, 2022), Plaintiff Government Employees Health Association, through its corporate representatives Angela Johnson and Shelby Kirk (October 19, 2022), Eugenia Rutenberg (September 23, 2022), Karen Walker (September 9, 2022), Kevin Holman (October 28, 2022), Kevin Plamondon (October 7, 2022), Rahsaan Thompson (October 25, 2022), Shalom Jacobovitz (September 20, 2022), nonparty Syneos Health (October 18, 2022), nonparty Actavis, Inc. and Actavis Elizabeth LLC (October 24, 2022), nonparty Par Pharmaceuticals (September 21, 2022), nonparty witness Ryan Harris (September 27, 2022), nonparty Hikma Labs (November 17, 2022), and nonparty Zydus Pharmaceuticals USA (December 15, 2022).

13. The preparations for the depositions were extensive. Over 375,000 documents were produced in this case. The documents potentially relevant to the witness's examination were

reviewed and filtered for relevance and whether they would be appropriate deposition exhibits. Detailed outlines were then drafted, which were shared with co-counsel. In many instances, counsel had to prepare to take the depositions as “trial depositions” because it was far from assured that the witness would appear at trial. Indeed, Plaintiff was prepared to play several of the deposition videos at trial. Also critical to deposition preparation was strategic theme development across depositions and ensuring that key documents would be admissible for trial purposes.

14. These depositions also included two Rule 30(b)(6) depositions of Plaintiff GEHA, through Angela Johnson and Shelby Kirk, and of Defendants, through a number of witnesses. Co-Lead Counsel negotiated with Defendants regarding the scope of testimony for each Rule 30(b)(6) deposition and worked closely with GEHA to prepare. The preparation efforts for the Plaintiff witness depositions included a review of all of the documents produced by GEHA and in-person and video preparation sessions with each witness.

F. Nonparty Discovery

15. Nonparty discovery in this case was also critical and required substantial effort. Plaintiff served at least 21 Rule 45 subpoenas on nonparties. Thousands of documents and several structured data productions were produced in response to those subpoenas.

16. Plaintiff was able to resolve the majority of disputes regarding the nonparty subpoenas without court intervention through extensive meet and confers. One dispute with a nonparty was brought to a court of compliance for resolution: on October 3, 2022, in the District Court for the Southern District of Ohio, Plaintiff filed their Motion to Compel Hikma Labs Inc. Pursuant to Fed. R. Civ. P. 37 & 45. *See Mot. to Compel, Gov’t Emps. Health Ass’n v. Actelion Pharms. Ltd., et al.*, No. 2:22-mc-0037 (S.D. Ohio Oct. 3, 2022), ECF No. 1. On October 20, 2022, the parties notified the Court of their resolution of the discovery dispute. ECF No. 180.

G. Expert Discovery

17. This case involved an array of complex issues concerning regulatory and antitrust law. The various subjects implicated by the case required extensive expert discovery. Co-Lead Counsel retained six experts and Defendants retained five rebuttal experts. Plaintiff's experts included: Dr. Meredith Rosenthal, who offered opinions regarding damages and injury sustained by the Class; Laura Craft, who offered opinions related to ascertainability of Class members; Dr. Keith Webber, an expert in FDA regulatory policies; Todd Clark, who offered opinion pertaining to causation and the timing for launch of the generic drug; Daisy Rivera-Muzzio, an expert in the pharmaceutical industry and generic drug formulation; and Dr. Martha Starr, who opined on Actelion's market power and market definition. Defendants' experts included: Dr. James W. Hughes, who offered opinions regarding damages and injury; Dr. Sean Nicholson, who offered opinions regarding Actelion's economic incentives as well as Dr. Rosenthal's damages analysis; Martin Shimer, who offered opinions regarding the FDA's REMS program; Dr. Rachel Damico, who offered opinions regarding the drug market; and Dr. Eric Gaier, who opined on market power and market definition.

18. Plaintiff's experts served opening reports on December 12, 2022, including: Laura Craft, Todd Clark, Daisy Rivera-Muzzio, Meredith Rosenthal, Martha Starr, and Keith Webber. Co-Lead Counsel worked closely with the experts over the course of many months. This involved responding to requests from the experts for materials, strategizing about the scope of their reports, and reviewing and providing feedback on draft reports.

19. Class Counsel prepared to defend expert depositions. Those depositions included: Laura Craft, Todd Clark, Daisy Rivera-Muzzio, Meredith Rosenthal, Martha Starr, and Keith Webber. The preparation efforts included review of both Plaintiff's and Defendants' expert

reports, documents cited within, and in-person and remote preparation sessions with Plaintiff's experts.

20. Defendants served rebuttal reports on April 17, 2023 from five experts, which in turn necessitated four reply reports from Plaintiff. Class Counsel again worked to support the expert teams in developing the reports.

21. Plaintiff deposed five of defendants' experts. Co-Lead Counsel predominantly led these depositions and acted as lead examiner. Those depositions included the following: Rachel Damico, Eric Gaier, James Hughes, Sean Nicholson, and Martin Shimer. The preparation involved review of both Plaintiff's and Defendants' expert reports, documents cited within, and coordination with Plaintiff's expert teams.

22. On September 25, 2023 Defendants filed a Motion for Leave to File a Sur-Rebuttal Expert Report of James Hughes. ECF No. 229. Plaintiff filed a Cross Motion to Strike the Sur-Rebuttal Expert Report of James Hughes. ECF No. 244. The Court granted Defendants' motion and denied Plaintiff's motion on October 27, 2023. ECF No. 255. Pursuant to the Court's order, Plaintiff took a second deposition of Dr. Hughes on November 14, 2023, and Plaintiff's expert Dr. Rosenthal provided an additional reply report related to Dr. Hughes' sur-rebuttal on November 28, 2023.

H. Spoliation-Related Sanctions

23. In the course of discovery, Plaintiff moved for spoliation-related sanctions against Defendants. Plaintiff filed its motion for sanctions on November 21, 2022. The motion was supported by a memorandum and 28 exhibits. ECF No 194. Defendants filed an opposition and Plaintiff replied. ECF Nos. 200, 203. Magistrate Judge Coulson then heard oral argument on the motion on January 17, 2023. ECF No. 215. On January 19, 2023, Magistrate Judge Coulson issued

an opinion and order granting the motion in part and recommending that Judge Russell issue a jury instruction at trial regarding spoliation. ECF Nos. 216, 217. Plaintiff appealed that order to the limited extent that Plaintiff sought confirmation that the precise language of the jury instruction would be determined by Judge Russell in the usual course. ECF Nos. 220, 221, 224. The Court subsequently granted Plaintiff's limited appeal and otherwise affirmed Magistrate Judge Coulson's rulings. ECF No. 343.

24. The Court awarded Plaintiff one half of the fees and costs for drafting the sanctions motion. *See* ECF No. 216 at 23. Accordingly, Co-Lead Counsel has deducted one half of those fees and costs from the fees reported and expenses requested in Section III below.

I. Class Certification

25. After extensive discovery was conducted, on September 26, 2023, Plaintiff moved for certification of a proposed class of third-party payors. ECF No. 232. In the same motion, Plaintiff also sought appointment of the Named Plaintiff as Class Representative and the appointment of Class Counsel pursuant to Federal Rules of Civil Procedure 23. ECF No. 232. In support of their motion, Plaintiff submitted expert reports from Dr. Meredith Rosenthal, Laura Craft, Daisy Rivera-Muzzio, Todd Clark, Dr. Keith Webber, and Dr. Martha Starr, as well as a declaration from Eric Miller of the class action administration firm A.B. Data, Ltd. Over the course of months, Class Counsel developed a careful plan for class certification, researching the applicable law, including conducting a detailed survey of class certification decisions in pharmaceutical antitrust cases, Fourth Circuit decisions concerning classwide injury and ascertainability, and other antitrust decisions within the Fourth Circuit. Defendants filed their opposition to Plaintiff's Motion to Certify the Class on December 7, 2023, which included 18 exhibits and relied on expert testimony from three experts. ECF No. 267. Plaintiff filed their reply

brief on January 23, 2024. ECF No. 275. Subsequently, Plaintiff filed a Notice of Supplemental Authority related to their Motion to Certify the Class on August 16, 2024, to which Defendants responded on August 29, 2024. ECF Nos. 347, 348.

26. Class Counsel also completed extensive briefing for *Daubert* motions pertaining to the parties' class-related expert opinions. On September 26, 2023 Defendants moved to exclude the opinions and testimony of Dr. Meredith Rosenthal (ECF No. 234) and Laura Craft (ECF No. 237). Plaintiff moved to exclude the opinions and testimony of Dr. James Hughes and Sean Nicholson. ECF No. 238. The parties fully briefed the disputes. ECF Nos. 260, 262, 263, 265, 277, 279, 281. The briefing included Plaintiff's supplemental briefing in support of its motion to exclude the opinions of Dr. Hughes to address Dr. Hughes' sur-rebuttal report. ECF No. 260.

27. On September 6, 2024, the Court granted in part and denied in part Plaintiff's motion to exclude the opinions and testimony of Dr. James Hughes and Sean Nicholson, excluding Dr. Hughes' opinions and testimony opining that rebates and Medicare part D payments negate antitrust injury. The Court denied Defendants' motions to exclude the opinions of Laura Craft and Dr. Meredith Rosenthal. *See* ECF No. 350.

28. On September 6, 2024, the Court issued a Memorandum Opinion and Order certifying the Class. ECF Nos. 349, 350. The Court also appointed a Class Representative and Co-Lead Class Counsel. ECF No. 350. Thereafter, Plaintiff filed a Motion to Approve the Form and Manner of Notice and Appoint a Notice Administrator. ECF No. 367. Class Counsel worked closely with A.B. Data, the Court-appointed claims administrator, to develop a robust notice plan, including proposed long and short form notices. On November 14, 2024, the Court issued an Order granting Plaintiff's motion seeking approval of the form and manner of Notice to the Class and to appointed A.B. Data as the notice administrator. ECF No. 369. Plaintiff then implemented and

effectuated the Court-approved Notice Plan concerning class certification, (ECF No. 369), giving members of the Class the ability to exclude themselves. No Class Members properly requested exclusion.²

J. Summary Judgment and Merits-Related *Daubert* Motions

29. On February 6, 2024, Defendants moved for summary judgment on all claims; Plaintiff opposed and Defendants filed a reply. *See* ECF Nos. 291, 303, 325. The briefing was a significant endeavor, and a substantial record was presented to the Court, including over 100 total exhibits. The parties' briefing addressed issues pertaining to injury, causation, and whether the alleged conduct is anticompetitive. Thus, the briefing required Class Counsel to review and marshal the key pieces of evidence and expert testimony throughout the litigation and to conduct legal research spanning a wide range of issues that arise both inside and outside of the pharmaceutical context.

30. On March 28, 2024, a group of amici law professors filed a motion for leave to file a brief in support of Plaintiff, which the Court subsequently granted. ECF Nos. 314, 352.

31. The parties also filed *Daubert* motions regarding merits issues on February 6, 2024. ECF Nos. 287, 289, 293. These included Defendants' motion to exclude the opinions of Dr. Meredith Rosenthal, Defendants' motion to exclude the opinions of Todd Clark and Daisy Rivera-Muzzio, and Plaintiff's motion to exclude opinions of Martin Shimer and Sean Nicholson. The Court held a hearing and heard oral argument pertaining to these *Daubert* motions on January 12, 2026. ECF No. 404. The Court denied the *Daubert* motions on January 12, 2026. ECF No. 405.

² An attorney for two class members submitted an opt-out request, but never submitted the required documentation to actually opt the class members out of the class. The Court ultimately denied the unsupported opt-out request. ECF No. 388.

32. On September 6, 2024, the Court denied Defendants' Motion for Summary Judgment, paving the way for the case to proceed to trial. *See* ECF Nos. 351, 352.

K. Trial Preparations

33. After the denial of summary judgment, the Court set the case for trial. Co-Lead Counsel began to hold periodic calls to assign tasks and prepare for trial efficiently. A team of paralegals and staff was tasked with grappling with the logistics of preparing for a multi-week trial with several experts. The parties were preparing for a 25-day jury trial set to begin on March 3, 2026 when settlement negotiations began in earnest. *See* ECF Nos. 366, 406.

34. In the months leading up to the settlement, Plaintiff disclosed 735 and Actelion disclosed 1,705 potential trial exhibits. The parties also provided written objections to the other side's designated exhibits. The parties created and disclosed anticipated Federal Rule of Evidence 1006 Exhibits. The parties also exchanged many thousands of deposition designations, along with written objections to each, rebuttal designations, objections to the rebuttal designations, reply designations to the rebuttal designations, and objections to the reply designations. The parties also prepared and exchanged trial witness lists and negotiated a lengthy stipulation regarding trial procedures.

35. The parties filed the Proposed Pretrial Order on January 12, 2026 which included the parties' stipulated facts, exhibit lists, witness lists, and deposition designations and counter designations. ECF No. 407. Class Counsel dedicated significant time designating the deposition testimony of all fact witnesses and marshaling a broad range of topics to be presented at trial. At the time the Pretrial Order was filed, Plaintiff's proposed deposition designations included 6,331 designations and Plaintiff's proposed exhibit list included 735 potential exhibits.

36. The parties' preparation also included drafting joint voir dire which was set to be filed with the Court on January 19, 2026, as well as drafting motions *in limine*, which were set to be filed on January 27, 2026. ECF Nos. 375, 376. In addition, Plaintiff was drafting proposed jury instructions, which were set to be filed with the Court on January 19, 2026. *See* ECF Nos. 375, 376.

37. On November 24, 2025, Plaintiff filed a pretrial motion to allocate time at trial. ECF No. 394. On January 12, 2026, the Court held a Pretrial Motions Hearing and heard oral argument regarding all pending pretrial motions, including the reasserted *Daubert* motions and Plaintiff's Motion to Allocate Trial Time. ECF No. 404. Chief District Judge Russell issued an Order denying all pretrial motions. ECF No. 405.

38. Class Counsel also conducted a mock trial to help assess the strengths and weaknesses of the case and focus and clarify the issues for trial. Class Counsel prepared presentations concerning the key issues from both Plaintiff's and Defendants' perspectives. Preparing for the mock trial took weeks of planning, as it is critical that the materials and arguments presented in the focus groups are consistent with evidence that a jury would likely receive at trial. The takeaways from the exercises provided invaluable insights to the attorney team. Moreover, the preparing of opening statements, closing arguments, and evidentiary presentations for the jury exercises substantially advanced trial preparations.

L. Settlements and Mediation

39. After litigating this case for more than seven years against well-resourced defendants represented by highly qualified counsel from prestigious law firms, including Dechert, Cravath, and Patterson Belknap, beginning in December of 2025, Plaintiff and Defendants began negotiating a potential resolution of this case. Throughout those negotiations, the parties were

assisted by Chief Magistrate Judge Timothy J. Sullivan. Formal mediation sessions occurred on January 6, 2026 and January 12, 2026 in addition to other informal mediation sessions. The mediation sessions were conducted at arms' length with the assistance of Magistrate Judge Timothy J. Sullivan and his staff. ECF Nos. 402, 403. The parties exchanged numerous proposals and counter-proposals during this process. The parties discussed the strengths and weaknesses of Plaintiff's claims and the defenses asserted by Defendants, and Co-Lead Counsel were well-positioned to evaluate the risks and rewards of proceeding to trial. With trial set to commence on or about March 3, 2026, Plaintiff reached a settlement agreement with Defendants on February 18, 2026. The parties informed the Court of the executed agreement on February 19, 2026. ECF No. 419. The material terms of the Settlement provided for a release of Plaintiff's claims (on their own behalf and on behalf of the Class) in exchange for a \$65 million cash payment from Defendants.

40. Plaintiff moved for preliminary approval of the settlement on March 4, 2026. ECF No. 421.³ The motion also included a proposed form and manner of notice to the Class, as well as a proposed schedule for a notice, final approval, and a fairness hearing. ECF Nos. 421-4, 421-5. On March 13, 2026, the Court granted preliminary approval of the Settlement, approving the proposed notice plan, and scheduling a fairness hearing for July 1, 2026. ECF No. 423. Co-Lead Counsel then worked with A.B. Data to finalize the notice documents and implement the notice plan per the Court's order. Per the Court-ordered deadlines, notice of the Settlement was provided to the Class on April 3, 2026. Class Counsel filed an affidavit affirming compliance with the notice plan on April 13, 2026. ECF No. 424. The deadline for Class Members to file objections to the Settlement, Plan of Allocation, or requests for attorneys' fees and expenses was June 2. As of the

³ The lodestar calculations in paragraph 42 below use an end date of February 28, 2026.

date of this declaration, no Class Members have objected to the Settlement, Plan of Allocation, or requests for attorneys' fees and expenses.

II. WORK PERFORMED BY THE CLASS REPRESENTATIVES

41. GEHA filed its original complaint on November 19, 2018.⁴ During discovery, GEHA responded to 26 requests for production of documents and 18 interrogatories, produced thousands of pages of documents, and designated two of its employees to sit for Rule 30(b)(6) depositions. On September 6, 2024, the Court appointed GEHA as representative of the certified class of third-party payors. ECF Nos. 349, 350. GEHA had also begun to prepare for trial, including meeting with counsel to discuss likely testimony. Finally, GEHA attended and participated in both remote and in person settlement conferences and attended the hearing on the *Daubert* motions on January 12, 2026.

III. CLASS COUNSEL'S LODESTAR AND EXPENSES

1. Class Counsel spent more than 31,000 hours prosecuting this litigation on a contingent-fee basis.

42. In total, from inception through February 28, 2026, Class Counsel expended 31,278.7 hours prosecuting this case, totaling \$20,021,139.75 in historic lodestar and \$25,188,967.25 in current lodestar. The cumulative hours and lodestar for each Class Counsel firm are as follows:

| Firm | Hours | Lodestar at Historic Rates | Lodestar at Current Rates |
|------------------------------------|---------|-------------------------------|------------------------------|
| Cohen Milstein Sellers & Toll PLLC | 14,201 | \$8,973,416.75 | \$11,970,377.75 |
| Hagens Berman Sobol Shapiro LLP | 9,009.9 | \$5,574,357.00 | \$6,620,921.50 |

⁴ ECF No. 1.

| Firm | Hours | Lodestar at Historic Rates | Lodestar at Current Rates |
|------------------------------|-----------------|-----------------------------------|----------------------------------|
| Taus, Cebulash & Landau, LLP | 2,641.7 | \$1,980,339.00 | \$2,282,504.00 |
| The Radice Law Firm, PC | 5,426.1 | \$3,493,027.00 | \$4,315,164.00 |
| TOTAL | 31,278.7 | \$20,021,139.75 | \$25,188,967.25 |

43. The above totals are based on contemporaneously prepared time records maintained by the Class Counsel firms, which were submitted monthly to an online timekeeping portal maintained by Co-Lead Counsel Hagens Berman.⁵ The hourly rates for each firm’s attorneys and professional support staff are the same as the usual and customary hourly rates charged for their services on a contingent basis in similar complex class action litigation and have been approved by courts in comparable cases.⁶

44. Following the settlement, each Class Counsel firm carefully reviewed its time records to identify and eliminate errors, duplication, excess, and inefficiency. Specifically, Co-Lead Counsel directed the Class Counsel firms to do the following:

- Ensure that the descriptions for all time records adequately supported the hours billed, giving the reader a clear sense of what work was performed and the purpose of that work.

⁵ Upon the Court’s request, Class Counsel can provide these detailed time records for *in camera* review.

⁶ *See, e.g., In re Xyrem (Sodium Oxybate) Antitrust Litig.*, 2025 WL 3006647, at *2 (N.D. Cal. Oct. 27, 2025) (finding class counsel’s billing rates, which ranged from \$525–1500 for partners, \$240–\$950 for associates, \$240–\$1100 for senior counsel and of counsel, and \$150–\$650 for litigation support staff, were “reasonable” and “consistent with other rates approved in recent class actions” in the district); *In re Glumetza Antitrust Litig.*, 2022 WL 327707, at *8–9 (N.D. Cal. Feb. 3, 2022) (court would “not reduce the billing rate for any of” the 79 timekeepers from class counsel firms that participated in the case, finding that \$300–\$1,105 rates for attorneys “correspond with the going rate for counsel in our geographic region with the same levels of skill and experience”).

- Eliminate (1) time that was unnecessary, duplicative, or excessive for the particular task, (2) time spent by attorneys or professional support staff who joined mid-case familiarizing themselves with the background; (3) time spent recording, reviewing, or submitting time or expenses or performing other internal firm administration tasks, and (4) time spent on CLEs or other professional development activities with no specific relevance to the case; and
- Confirm that tasks billed by timekeepers were appropriate to their position and billing rate (i.e., that administrative tasks like filing documents on ECF, preparing exhibits and cover sheets, drafting pro hac vice applications and notices of appearance, updating calendars, etc. were performed by paralegals and other support staff, with attorneys handling strategy and substantive discovery and motion practice).

As a result of this review process, the Class Counsel firms collectively reduced or eliminated 116.35 hours totaling \$58,134.00 in historic lodestar and \$70,167.75 in current lodestar. Class Counsel also deducted half the time incurred from drafting Plaintiff's Letter Request for Conference Pursuant to Discovery Guideline 1.4, which was already compensated pursuant to the Court's order granting in part Plaintiff's Motion for Spoliation-Related Sanctions.⁷ The table above and the individual firm declarations provided herewith reflect these changes. They also exclude the time Class Counsel have expended since the Settlement Agreement was finalized, including the time spent preparing the preliminary approval motion, working with the settlement administrator to disseminate notice to the class, and preparing this motion.

45. Attached as **Exhibits 1–4** are declarations from all Class Counsel firms summarizing their individual contributions to the litigation, the cumulative hours and lodestars for which they seek compensation, the hours eliminated as a result of their review of their detailed time records, the total unreimbursed expenses they incurred in the prosecution of this action, and the total amounts they contributed to the litigation fund.

⁷ ECF No. 217.

| Ex. | Firm Declaration |
|------------|------------------------------------|
| 1 | Cohen Milstein Sellers & Toll PLLC |
| 2 | Hagens Berman Sobol Shapiro LLP |
| 3 | Taus, Cebulash & Landau, LLP |
| 4 | The Radice Law Firm, PC |

2. Class Counsel incurred nearly \$3.9 million in unreimbursed, out-of-pocket litigation expenses.

46. Class Counsel have advanced \$3,875,181.16 for litigation expenses in this case. Litigation expenses were incurred by Class Counsel in two ways. First, all Class Counsel firms contributed to a litigation fund from which common expenses, such as expert fees, charges for document databases, and deposition costs, were paid. The total unreimbursed expenditures from the litigation fund by expense category are as follows:

| EXPENSES PAID FROM LITIGATION FUND | |
|---|-----------------------|
| Printing/copying | - |
| Service of subpoenas | \$10,054.99 |
| Document database vendor | \$139,193.36 |
| Court transcripts | \$356.33 |
| Depositions (court reporting, videography, transcripts) | \$107,836.63 |
| Experts/consultants | \$3,303,499.79 |
| Class notice/administration | \$55,975.31 |
| Miscellaneous case costs | \$62,650.76 |
| TOTAL | \$3,679,567.17 |

47. Second, each Class Counsel firm recorded, and submitted monthly to an online portal maintained by Co-Lead Counsel Hagens Berman, its individual expenditures for non-common litigation expenses, such as expenses related to travel and legal research.⁸ The total unreimbursed firm expenditures by category are as follows:

| EXPENSES PAID BY CLASS COUNSEL FIRMS | |
|---|---------------------|
| Printing/copying | \$20,152.73 |
| Postage/FedEx/messenger | \$10,688.00 |
| Travel (airfare, train, car rental/mileage, taxi) | \$34,615.85 |
| Hotel | \$19,134.79 |
| Meals | \$7,801.24 |
| Telephone/teleconference/fax | \$43.56 |
| Service of Subpoenas | \$15,577.23 |
| Computerized research | \$56,981.96 |
| Filing fees and other court costs | \$3,778.00 |
| Document database vendor | \$400.00- |
| Court transcripts | \$1,345.00 |
| Depositions (court reporting, videography, transcripts) | \$835.46 |
| Experts/consultants | \$1,203.70- |
| Class notice/administration | \$6,238.79- |
| Miscellaneous case costs | \$24,660.17 |
| TOTAL | \$195,613.99 |

⁸ Expenses to maintain the online portal are included in the miscellaneous case costs.

48. The above expense totals were prepared from the Class Counsel firms' books and records and the supporting receipts, invoices, check and bank records, and other source materials and represent a complete and accurate recordation of the unreimbursed expenses paid from the litigation fund and by all Class Counsel firms in the prosecution of this litigation.⁹ Class Counsel reviewed all litigation fund and individual firm expenses to ensure each of the charges was reasonable and supported by an invoice, receipt, or other acceptable form of documentation and eliminated or made downward adjustments to expenses that were unnecessary or excessive or lacked sufficient documentation. As a result of this review process, the Class Counsel firms collectively reduced or eliminated expenses totaling \$2,803.96. The tables above and the itemized expense reports reflect these adjustments. In addition, Class Counsel deducted half of the costs incurred from drafting Plaintiff's Letter Request for Conference Pursuant to Discovery Guideline 1.4, which were already compensated pursuant to the Court's order granting in part Plaintiff's Motion for Spoliation-Related Sanctions.¹⁰

49. Class Counsel respectfully request reimbursement for all approved, unreimbursed expenses incurred in the prosecution of this litigation, totaling \$3,875,181.16.

50. In addition to the litigation fund and firm expenses summarized above, Class Counsel have incurred and will continue to incur expenses for the costs of settlement administration. A.B. Data, the Court-appointed settlement administrator, has unpaid invoices totaling \$69,931.74 for settlement-related work performed to date and estimates that it will accrue \$116,540.37 in additional charges to complete administration of the settlement. Class Counsel

⁹ Upon the Court's request, Class Counsel can provide itemized expense reports and/or the supporting invoices and documentation for *in camera* review.

¹⁰ ECF No. 217.

have not included incurred or estimated future settlement administration costs in the total expenses for which they seek reimbursement here, but will instead ask the Court to approve payment of these costs from net settlement fund in their motion to distribute.

We declare under penalty of perjury that the foregoing is true and correct. Executed this 17 day of June 2026 in Ridgewood, NJ and Boston, MA, respectively.

/s/ Sharon K. Robertson

Sharon K. Robertson

/s/ Thomas M. Sobol

Thomas M. Sobol

EXHIBIT 1

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

GOVERNMENT EMPLOYEES HEALTH
ASSOCIATION, on behalf of itself and all
others similarly situated,

Plaintiff,

v.

ACTELION PHARMACEUTICALS LTD. et
al.,

Defendants.

Case No. 1:18-cv-3560-GLR

**DECLARATION OF SHARON K. ROBERTSON IN SUPPORT OF THIRD-PARTY
PAYOR CLASS COUNSEL’S MOTION FOR AN AWARD OF ATTORNEYS’ FEES,
REIMBURSEMENT OF EXPENSES, AND A SERVICE AWARD FOR THE CLASS
REPRESENTATIVE**

I, Sharon K. Robertson, hereby declare as follows:

1. I am a member of the bars of New Jersey and New York. I am a partner in the law firm of Cohen Milstein Sellers & Toll PLLC (“Cohen Milstein”), Co-Lead counsel for the third-party payor class plaintiffs in this matter. I provide this declaration in support of Third-Party Payor Class Counsel’s Motion for an Award of Attorneys’ Fees, Reimbursement of Expenses, and a Service Award for the Class Representative and to describe the time invested and litigation expenses incurred by Cohen Milstein in the prosecution of this action.

2. Over the course of this litigation, Cohen Milstein was involved in the following activities for this case:

- Filing one of the first complaints in this Action and co-drafting Plaintiffs’ consolidated amended complaint;
- Co-drafting the opposition to Defendants’ motion to dismiss the consolidated amended complaint;

- Leading appeal to the Fourth Circuit of the decision granting Defendants' motion to dismiss, including drafting of the opening brief and reply brief; preparing the joint appendix; preparing to present oral argument in the Fourth Circuit Court of Appeals;
- Drafting the Protective Order, ESI Protocol, Deposition Protocol, and Privilege Protocol and negotiating the same with Defendants;
- Leading negotiations with Defendants regarding numerous discovery-related issues, including ESI search terms, document custodians, and non-custodial search methodology; drafting and responding to correspondence in relation to the same;
- Leading collection, review, and production of documents from former named Plaintiff Mayor and City Council of Baltimore (“Baltimore”);
- Lead drafting of brief opposing Defendants’ motion to compel production of documents by former named Plaintiff Baltimore;
- Conducting extensive document review and coding of Defendants’ productions—including documents related to the authorized generic, Shared REMS, and generics issues—and preparing research summaries to aid in further discovery, class-certification, summary judgment, and trial;
- Preparing and serving third-party subpoenas on non-party witnesses including pharmaceutical companies and research institutions; negotiating scope of subpoenas with third-parties, including via numerous meet-and-confers and written correspondence;
- Leading drafting of and argument on motion to compel 30(b)(6) deposition of non-party Hikma Pharmaceuticals, including coordination with local counsel in Ohio;
- Leading Plaintiffs’ efforts regarding Defendants’ spoliation, including identification of the spoliation, meet-and-confers and drafting detailed written correspondence regarding the same, drafting letter motion to compel; drafting motion for spoliation sanctions and reply brief; presenting oral argument before Magistrate Judge Coulson on the motion for spoliation-related sanctions; and drafting the partial objection to Magistrate Judge Coulson's Report and Recommendation;
- Co-leading negotiations with Defendants regarding the scope of their Rule 30(b)(6) deposition, including conducting meet-and-confers and correspondence regarding same;
- Taking seven fact depositions, including Shalom Jacobovitz, William Fairey, Par Pharmaceuticals, Actavis, Ryan Harris, Charles Klein, and

Hikma Labs; taking two expert depositions of Defendants' expert witness James Hughes; defending three depositions, including Plaintiffs' experts Meredith Rosenthal and Laura Craft, and fact witness Eric Miller; and assisting in preparation and strategy for all other fact and expert depositions;

- Serving as principal handler of Plaintiffs' class-certification expert, Laura Craft, and class-certification fact witness Eric Miller;
- Co-leading Plaintiffs' efforts with respect to expert-related discovery, including researching, identifying, and retaining experts related to REMS, causation, market power, and damages; actively working with each expert to provide feedback on draft opening and rebuttal reports; and co-leading virtual and in-person preparation sessions for their depositions;
- Co-drafting and editing *Daubert* motions and opposition briefs, including the motions to exclude Defendants' experts Hughes, Nicholson, and Shimer; oppositions to Defendants' *Daubert* motions against Plaintiffs' experts Clark, Rivera-Muzzio, and Rosenthal; the motion to strike the sur-rebuttal report of Hughes; reply briefing; and presenting argument at the January 2026 hearing on the *Daubert* motions;
- Leading Plaintiffs' efforts with respect to class certification-related briefing, including co-drafting the class certification motion and reply brief and associated exhibits and declarations;
- Leading the drafting of substantial portions of Plaintiffs' opposition to Defendants' motion for summary judgment;
- Drafting and editing additional motions and briefs, including the opposition to a motion to compel fact witness Eric Miller to produce documents, discovery dispute letters to the Court, and the motion regarding trial time allocation;
- Co-leading trial preparation, including developing trial strategy; engaging jury consultants and conducting mock jury research exercises; drafting scripts and slides for mock presentations; preparing deposition designations, counter-designations, and objections; compiling and deduplicating the exhibit list; drafting the stipulation of facts; preparing witness lists; working on direct examinations of experts; and preparing for the pre-trial conference;
- Performing significant administrative and coordination work throughout the litigation, including organizing and leading regular weekly team calls with co-counsel, assigning work to counsel, budgeting, and maintaining the litigation fund to ensure case-related expenses were paid; and
- Negotiating, reviewing, and editing the settlement agreement with

Defendants; co-drafting the motion for preliminary approval of the settlement and related filings; participating in settlement conferences; and working with the claims administrator to implement notice and address follow-up issues.

3. From inception through February 28, 2026, Cohen Milstein timekeepers expended a total of 14,201 hours on this litigation. Cohen Milstein's total lodestar at historic billing rates is \$8,973,416.75. Cohen Milstein's total lodestar at current billing rates is \$11,970,377.75.

4. Attached as **Exhibit A** is a chart of the names, titles, billing rates, and cumulative hours and lodestars (at both current and historic billing rates) for the attorneys and professional support staff from my firm who contributed to this litigation.¹ Exhibit A is based on contemporaneously prepared time records maintained by my firm. The hourly rates provided for my firm's attorneys and professional support staff are the same as the usual and customary hourly rates charged for their services on a contingent basis in similar complex class action litigations, and comparable rates have been approved by courts in similar cases.²

5. After careful review of my firm's time records, I made the following adjustments to my firm's time:

- Removed time for new team members to get up to speed on the case

¹ Upon the Court's request, I can provide a complete set of my firm's detailed time report for this matter for *in camera* review.

² See, e.g., *In re Seroquel XR (Extended Release Quetiapine Fumarate) Antitrust Litig.*, No. 20-cv-01076 (D. Del. Apr. 25, 2025), ECF No. 891 (approving attorneys' fees), ECF 852-2 (noting rates); see also *In re Xyrem (Sodium Oxybate) Antitrust Litig.*, 2025 WL 3006647, at *2 (N.D. Cal. Oct. 27, 2025) (finding class counsel's billing rates, which ranged from \$525–1500 for partners, \$240–\$950 for associates, \$240–\$1100 for senior counsel and of counsel, and \$150–\$650 for litigation support staff, were "reasonable" and "consistent with other rates approved in recent class actions" in the district); *In re Suboxone (Buprenorphine Hydrochloride & Naloxone) Antitrust Litig.*, 2024 WL 815503 (E.D. Pa. Feb. 27, 2024) (approving attorneys' fees), ECF 992-9 (noting rates); *In re Glumetza Antitrust Litig.*, 2022 WL 327707, at *8–9 (N.D. Cal. Feb. 3, 2022) (court would "not reduce the billing rate for any of" the 79 timekeepers from class counsel firms that participated in the case, finding that \$300–\$1,105 rates for attorneys "correspond with the going rate for counsel in our geographic region with the same levels of skill and experience").

These cuts, which are reflected in the timekeeper hours and lodestars in Exhibit A, totaled 19.75 hours, amounting to \$8,010 in lodestar at historic rates and \$10,863.75 in lodestar at current rates.

6. I also deducted from the fees the amount previously paid to my firm pursuant to the Court's order granting in part Plaintiff's Motion for Spoliation Sanctions.³ This adjustment is shown as an offset to the lodestar subtotals in Exhibit A.

7. From inception through February 28, 2026, Cohen Milstein incurred litigation expenses totaling \$69,592.69.

8. Attached as **Exhibit B** is a chart of the total unreimbursed litigation expenses by category that my firm incurred in the prosecution of this action.⁴ Exhibit B was prepared from Cohen Milstein's books and records and the supporting expense vouchers, receipts, invoices, check and bank records, and other source materials and represent a complete and accurate record of the expenses Cohen Milstein incurred in the prosecution of the litigation.

9. All expenses included in Exhibit B and the itemized expense report were reviewed by me or someone at my firm to ensure that each of the charges was (i) reasonable, necessary, and appropriate and (ii) supported by an invoice, receipt, or other acceptable form of documentation.

10. In addition to the expenses shown in Exhibit B, my firm contributed a total of \$1,375,000 to a common litigation fund to cover common litigation expenses such as expert and consulting fees, charges for document databases, and deposition costs.

I declare under penalty of perjury that the foregoing is true and correct.

³ ECF No. 217. The order required Actelion to pay 50% of any time the plaintiffs incurred from drafting their Letter Request for Conference Pursuant to Discovery Guideline 1.4. ECF No. 139-1.

⁴ Upon the Court's request, I can provide an itemized expense report with details on each individual expense and/or copies of supporting documentation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 17th day of June, 2026

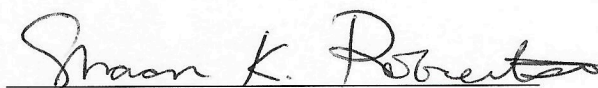

Sharon K. Robertson

EXHIBIT A
COHEN MILSTEIN CUMULATIVE HOURS AND LODESTAR BY TIMEKEEPER

| Timekeeper | Title | Current Billing Rate | Hours | Lodestar at Historic Rate(s) | Lodestar at Current Rate |
|-------------------|--------------|-----------------------------|--------------|-------------------------------------|---------------------------------|
| Aaron Marks | Associate | \$835 | 2,506.45 | \$1,466,750 | \$2,092,885.75 |
| Alexander Noronha | Paralegal | \$310 | 3.75 | \$1,087.50 | \$1,162.50 |
| Alissa Kono | Paralegal | \$435 | 852 | \$298,940 | \$370,620 |
| Anita Alem | Law Clerk | \$335 | 56.60 | \$18,961 | \$18,961 |
| Benjamin Jackson | Partner | \$1,000 | 0.30 | \$279 | \$300 |
| Bianca Juca | Paralegal | \$425 | 3 | \$1,185 | \$1,275 |
| Brent Johnson | Partner | \$1,275 | 0.75 | \$602.50 | \$956.25 |
| Brooke Miller | Paralegal | \$380 | 467.45 | \$156,299.75 | \$177,631 |
| Carol Gilden | Partner | \$1,535 | 4 | \$3,850 | \$6,140 |
| Christina Saler | Partner | \$1,245 | 8.50 | \$5,727.50 | \$10,582.50 |
| Courtney Elgart | Associate | \$420 | 137.45 | \$53,151 | \$57,729 |
| Daniel Silverman | Partner | \$1,085 | 2 | \$1,750 | \$2,170 |
| David Fisher | Associate | \$600 | 1,252.15 | \$705,541.50 | \$751,290 |
| Donna Evans | Of Counsel | \$1,230 | 2,687.90 | \$2,512,678.75 | \$3,306,117 |
| Gabriela Holzer | Paralegal | \$410 | 4.70 | \$1,786 | \$1,927 |
| Grace Ann Brew | Associate | \$725 | 134.40 | \$94,525 | \$97,440 |
| Harrison McBride | Paralegal | \$380 | 97.10 | \$33,451 | \$36,898 |
| Islam Aly | Fellow | \$405 | 16 | \$6,480 | \$6,480 |

| | | | | | |
|-----------------------|----------------|---------|----------|--------------|----------------|
| Jay Clayton | Paralegal | \$300 | 1.50 | \$440 | \$450 |
| Jihoon Lee | Paralegal | \$425 | 15 | \$5,077.50 | \$6,375 |
| Jordan Reynolds | Paralegal | \$310 | 92 | \$27,845 | \$28,520 |
| Joshua Prince | Staff Attorney | \$575 | 0.50 | \$250 | \$287.50 |
| Kashif Azam | Paralegal | \$325 | 268.40 | \$85,956.50 | \$87,230 |
| Krysten Diaz-Silveira | Paralegal | \$425 | 102 | \$40,461 | \$43,350 |
| Louis Katz | Associate | \$500 | 27.10 | \$13,550 | \$13,550 |
| Lucy Child | Paralegal | \$465 | 192 | \$84,510 | \$89,280 |
| Manuel Dominguez | Partner | \$1,390 | 1.15 | \$951 | \$1,598.50 |
| Marit Vike | Paralegal | \$335 | 3.70 | \$1,239.50 | \$1,239.50 |
| Mikaela Pyatt | Associate | \$435 | 22.25 | \$7,231.25 | \$9,678.75 |
| Nada Sulaiman | Staff Attorney | \$770 | 1,679.15 | \$816,570.75 | \$1,292,945.50 |
| Nathaniel Dickstein | Paralegal | \$335 | 17.50 | \$5,265 | \$5,862.50 |
| Rachael Flanagan | Associate | \$810 | 0.50 | \$292 | \$405 |
| Rachel Selzer | Paralegal | \$335 | 471.05 | \$155,850 | \$157,701 |
| Rebecca Coble | Paralegal | \$395 | 43.30 | \$15,335 | \$17,103.50 |
| Richard Burner | Paralegal | \$300 | 1.50 | \$435 | \$450 |
| Richard Koffman | Partner | \$1,440 | 1.25 | \$1,378.75 | \$1,800 |
| Robert Braun | Partner | \$1,055 | 0.30 | \$204 | \$316.50 |
| Royce Zeisler | Associate | \$505 | 44.40 | \$22,422 | \$22,422 |
| Samuel Hainbach | Paralegal | \$300 | 96 | \$28,422.50 | \$28,800 |

| | | | | | |
|----------------------------------|----------------|---------|----------|----------------|-----------------|
| Sarah Markos | Paralegal | \$375 | 5.50 | \$1,842.50 | \$2,062.50 |
| Saul Threadgill | Paralegal | \$350 | 13 | \$4,550 | \$4,550 |
| Segundo Rienhardt | Paralegal | \$380 | 3.30 | \$1,173 | \$1,254 |
| Sharon Robertson | Partner | \$1,170 | 2,465.85 | \$2,109,466.50 | \$2,885,044.50 |
| Srinivas Ayyagari | Staff Attorney | \$420 | 2 | \$770 | \$840 |
| Steven J. Toll | Partner | \$1,610 | 2.25 | \$2,263.75 | \$3,622.50 |
| Suzanne Clarke | Investigator | \$770 | 15.81 | \$9,192.65 | \$12,173.70 |
| Tiba Shlash | Paralegal | \$350 | 1 | \$335 | \$350 |
| Victoria Kehs | Paralegal | \$465 | 17 | \$5,525 | \$7,905 |
| Zachary Glubiak | Associate | \$835 | 68.35 | \$31,299 | \$57,072.25 |
| Zoya Davis | Staff Attorney | \$675 | 292.30 | \$151,996 | \$197,302.50 |
| SUBTOTAL | | | 14,201 | \$8,995,146 | \$11,992,107 |
| FEES PAID PER ECF NO. 217 | | | | \$21,729.25 | \$21,729.25 |
| TOTAL | | | | \$8,973,416.75 | \$11,970,377.75 |

EXHIBIT B
COHEN MILSTEIN LITIGATION EXPENSES BY CATEGORY

| Category | Amount |
|---|--------------------|
| Printing/copying | \$1,203.70 |
| Postage/FedEx/messenger | \$6,238.79 |
| Travel (airfare, train, car rental/mileage, taxi) | \$9,309.80 |
| Hotel | \$3,870.41 |
| Meals | \$4,190.26 |
| Telephone/teleconference/fax | \$43.56 |
| Service of subpoenas | \$15,577.23 |
| Computerized research and document database vendor | \$25,452.92 |
| Filing fees and other court costs | \$2,426 |
| Court transcripts | \$400 |
| Depositions (court reporting, videography, transcripts) | \$1,345 |
| Miscellaneous case costs | \$835.46 |
| SUBTOTAL | \$70,893.13 |
| EXPENSES PAID PER ECF NO. 217 | \$1,300.44 |
| TOTAL | \$69,592.69 |

EXHIBIT 2

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

GOVERNMENT EMPLOYEES HEALTH
ASSOCIATION, on behalf of itself and all
others similarly situated,

Plaintiff,

v.

ACTELION PHARMACEUTICALS LTD. et
al.,

Defendants.

Case No. 1:18-cv-3560-GLR

**DECLARATION OF ERIN C. BURNS IN SUPPORT OF THIRD-PARTY PAYOR
CLASS COUNSEL'S MOTION FOR AN AWARD OF ATTORNEYS' FEES,
REIMBURSEMENT OF EXPENSES, AND A SERVICE AWARD FOR
THE CLASS REPRESENTATIVE**

I, Erin C. Burns, hereby declare as follows:

1. I am a member of the bars of the Commonwealth of Pennsylvania, the U.S. Court of Appeals for the First Circuit, and the U.S. Court of Appeals for the Third Circuit. I am a partner in the law firm of Hagens Berman Sobol Shapiro LLP (HBSS), counsel for the third-party payor class plaintiffs in this matter. I provide this declaration in support of Third-Party Payor Class Counsel's Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and a Service Award for the Class Representative and to describe the time invested and litigation expenses incurred by HBSS in the prosecution of this action.

2. Over the course of this litigation, HBSS was involved in the following for this case:

- Extensive factual and legal research into the claims made in the case, potential legal theories and underlying facts;

- Drafting the original and amended complaint;
- Drafting plaintiffs' opposition to Actelion's motion to dismiss and related legal research;
- Drafting the appellate briefing and appendix for the appeal of the motion to dismiss decision and related legal research;
- Drafting and negotiating procedural orders for the case, including a protective order, ESI protocol, stipulated privilege order, and expert stipulation;
- Extensive offensive discovery work, including drafting and negotiating search terms and custodians, drafting and negotiating requests for production and interrogatories, drafting and negotiating non-party subpoenas, review of documents produced by Actelion and non-parties, and preparing for and taking of depositions of Actelion and non-parties, (both individual and Rule 30(b)(6));
- Extensive defensive discovery work, including responding and objecting to discovery propounded on class representative GEHA by Actelion, reviewing and producing documents for GEHA, and preparing and defending GEHA witnesses in response to Actelion's 30(b)(6) notice;
- Working with experts to prepare reports related to class certification and the merits of the case and preparing for and defending expert depositions;
- Analyzing Actelion expert reports and preparing for and taking expert depositions;
- Conducting legal and factual research on class certification issues and drafting the class certification motion;
- Conducting legal and factual research on issues related to Actelion's summary judgment motion and drafting plaintiff's opposition to the motion;
- Conducting legal and factual research on affirmative *Daubert* motions and drafting affirmative *Daubert* motions related to Actelion experts;
- Conducting legal and factual research related to Actelion's *Daubert* motions;
- Preparing for and arguing *Daubert* motions;
- Extensive trial preparation work, including selecting trial exhibits and witnesses, designating deposition testimony, objecting to Actelion's trial

exhibits and deposition designations, negotiating a trial protocol stipulation governing trial procedures, drafting and negotiating voir dire questions, researching and drafting jury instructions and a verdict form, researching and drafting motions in limine, preparing experts for trial, preparing for and participating in a mock jury exercise, and drafting the pretrial order and stipulated facts; and

- Attending and participating in settlement conferences.

3. From inception through February 28, 2026, HBSS timekeepers expended a total of 9,009.9 hours on this litigation. HBSS's total lodestar at historic billing rates is \$5,574,357.00. HBSS's total lodestar at current billing rates is \$6,620,921.50.

4. Attached as **Exhibit A** is a chart of the names, titles, billing rates, and cumulative hours and lodestars (at both current and historic billing rates) for the attorneys and professional support staff from my firm who contributed to this litigation.¹ Exhibit A is based on contemporaneously prepared time records maintained by my firm. The hourly rates provided for my firm's attorneys and professional support staff are the same as the usual and customary hourly rates charged for their services on a contingent basis in similar complex class action litigations and have been approved by courts in comparable cases.²

5. After careful review of my firm's time records, I made the following adjustments

¹ Upon the Court's request, I can provide a complete set of my firm's detailed time report for this matter for *in camera* review.

² See, e.g., *In re Xyrem (Sodium Oxybate) Antitrust Litig.*, No. 20-md-2966, 2025 WL 3006647, at *2 (N.D. Cal. Oct. 27, 2025) (finding class counsel's billing rates, which ranged from \$525–1500 for partners, \$240–\$950 for associates, \$240–\$1100 for senior counsel and of counsel, and \$150–\$650 for litigation support staff, were "reasonable" and "consistent with other rates approved in recent class actions" in the district); *In re Glumetza Antitrust Litig.*, No. C 19-05822, 2022 WL 327707, at *8–9 (N.D. Cal. Feb. 3, 2022) (court would "not reduce the billing rate for any of" the 79 timekeepers from class counsel firms that participated in the case, finding that \$300–\$1,105 rates for attorneys "correspond with the going rate for counsel in our geographic region with the same levels of skill and experience"); see also, e.g., *In re Lipitor Antitrust Litig.*, No. 12-cv-2389, slip op. at 10–11 (D.N.J. June 12, 2024); *In re Suboxone (Buprenorphine Hydrochloride & Naloxone) Antitrust Litig.*, No. 13-md-2445, 2024 WL 815503, at *18 (E.D. Pa. Feb. 27, 2024); *In re Ranbaxy Generic Drug Application Antitrust Litig.*, 630 F. Supp. 3d 241, 246–48 (D. Mass. Sept. 19, 2022); *In re Loestrin 24 Fe Antitrust Litig.*, No. 13-md-2472, 2020 WL 5203323, at *5 (D.R.I. Sept. 1, 2020); *In re Solodyn Antitrust Litig.*, No. 14-md-2503, 2018 WL 7075880 (D. Mass. July 18, 2018).

to my firm's time:

- Removed duplicative time;
- Removed time performed by a higher-level employee than necessary, such as attorney time for work that could have been done by a paralegal;
- Removed time spent by new team members getting up to speed on the case;
- Removed time for administrative work;
- Removed time for fee-related work;
- Removed misbilled time; and
- Reduced inefficient time.

These cuts, which are reflected in the timekeeper hours and lodestars in Exhibit A, totaled 79.0 hours, amounting to \$41,825.00 in lodestar at historic rates and \$49,463.00 in lodestar at current rates.

6. I also deducted the amount previously paid to my firm pursuant to the Court's order granting in part Plaintiff's Motion for Spoliation Sanctions.³ This adjustment is shown as an offset to the lodestar subtotals in Exhibit A.

7. From inception through February 28, 2026, HBSS incurred litigation expenses totaling \$93,423.33.

8. Attached as **Exhibit B** is a chart of the total unreimbursed litigation expenses by category that my firm incurred in the prosecution of this action.⁴ Exhibit B was prepared from HBSS's books and records and the supporting expense vouchers, receipts, invoices, check and bank records, and other source materials and represent a complete and accurate recordation of

³ ECF No. 217. The order required Actelion to pay 50% of any time the plaintiffs incurred from drafting their Letter Request for Conference Pursuant to Discovery Guideline 1.4 (ECF No. 139-1).

⁴ Upon the Court's request, I can provide an itemized expense report with details on each individual expense and/or copies of supporting documentation.

the expenses HBSS incurred in the prosecution of the litigation.

9. All expenses included in Exhibit B and the itemized expense report were reviewed by me or someone at my firm to ensure that each of the charges was (i) reasonable, necessary, and appropriate and (ii) supported by an invoice, receipt, or other acceptable form of documentation. As a result of this review, I made the following adjustments to my firm's expenses:

- Removed any costs incurred that could not be properly documented as pertaining to the case; and
- Removed any costs billed to the wrong case.

These adjustments, which are reflected in Exhibit B, resulted in a total reduction of \$2,803.96.

10. In addition to the expenses shown in Exhibit B, my firm contributed a total of \$1,450,000.00 to a common litigation fund to cover common litigation expenses such as expert and consulting fees, charges for document databases, and deposition costs.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 17, 2026

/s/ Erin C. Burns
Erin C. Burns
Hagens Berman Sobol Shapiro LLP
1 Faneuil Hall Square, 5th Floor
Boston, MA 02109
Telephone: (617) 482-3700
erinb@hbsslaw.com

EXHIBIT A
HBSS CUMULATIVE HOURS AND LODESTAR BY TIMEKEEPER

| Timekeeper | Title | Year | Historic Billing Rate | Current Billing Rate | Hours | Lodestar at Historic Rate | Lodestar at Current Rate |
|-------------------|--------------|-------------|------------------------------|-----------------------------|--------------|----------------------------------|---------------------------------|
| Alvarez, Valeria | Paralegal | 2022 | \$325.00 | \$450.00 | 278 | \$90,350.00 | \$125,100.00 |
| Alvarez, Valeria | Paralegal | 2023 | \$350.00 | \$450.00 | 132.1 | \$45,867.50 | \$58,972.50 |
| Alvarez, Valeria | Paralegal | 2024 | \$375.00 | \$450.00 | 23.4 | \$8,775.00 | \$10,530.00 |
| Alvarez, Valeria | Paralegal | 2025 | \$425.00 | \$450.00 | 643.2 | \$273,360.00 | \$289,440.00 |
| Alvarez, Valeria | Paralegal | 2026 | \$450.00 | \$450.00 | 89.9 | \$40,455.00 | \$40,445.00 |
| Arnold, Greg | Of Counsel | 2018 | \$825.00 | \$1050.00 | 14.4 | \$11,880.00 | \$15,120.00 |
| Arnold, Greg | Of Counsel | 2019 | \$825.00 | \$1050.00 | 97.8 | \$80,685.00 | \$102,690.00 |
| Arnold, Greg | Of Counsel | 2020 | \$850.00 | \$1050.00 | 10.2 | \$8,670.00 | \$10,710.00 |
| Arnold, Greg | Partner | 2021 | \$875.00 | \$1050.00 | 73.6 | \$64,400.00 | \$77,280.00 |
| Arnold, Greg | Partner | 2022 | \$875.00 | \$1050.00 | .7 | \$612.50 | \$735.00 |
| Barnes, Lauren | Partner | 2018 | \$825.00 | \$950.00 | 3.3 | \$2,722.50 | \$3,135.00 |
| Barnes, Lauren | Partner | 2019 | \$825.00 | \$950.00 | 8.6 | \$7,095.00 | \$8,170.00 |
| Barnes, Lauren | Partner | 2022 | \$875.00 | \$950.00 | 8.4 | \$7,350.00 | \$7,980.00 |
| Barnes, Lauren | Partner | 2023 | \$935.00 | \$950.00 | .8 | \$748.00 | \$760.00 |
| Binder, Olivia | Intern | 2022 | \$50.00 | \$50.00 | 27.9 | \$1,395.00 | \$1,395.00 |
| Burd, Beatriz | Intern | 2023 | \$50.00 | \$50.00 | 18.6 | \$910.00 | \$910.00 |
| Burgos, Jasmine | Intern | 2021 | \$50.00 | \$50.00 | 6 | \$300.00 | \$300.00 |
| Burns, Erin | Of Counsel | 2021 | \$700.00 | \$1,050.00 | 259.9 | \$181,930.00 | \$207,920.00 |

| | | | | | | | |
|----------------------|---------------------|------|------------|------------|-------|--------------|--------------|
| Burns, Erin | Of Counsel | 2022 | \$800.00 | \$1,050.00 | 504.9 | \$403,720.00 | \$529,987.50 |
| Burns, Erin | Partner | 2023 | \$850.00 | \$1,050.00 | 214.8 | \$177,395.00 | \$219,135.00 |
| Burns, Erin | Partner | 2024 | \$875.00 | \$1,050.00 | 175.4 | \$153,475.00 | \$184,170.00 |
| Burns, Erin | Partner | 2025 | \$975.00 | \$1,050.00 | 567.6 | \$553,410.00 | \$595,980.00 |
| Burns, Erin | Partner | 2026 | \$1,050.00 | \$1,050.00 | 166.1 | \$174,405.00 | \$174,405.00 |
| Cai, Samuel | Intern | 2025 | \$325.00 | \$325.00 | 65.2 | \$21,190.00 | \$21,190.00 |
| Cayer, Annie | Intern | 2025 | \$60.00 | \$60.00 | 42.7 | \$2,562.00 | \$2,562.00 |
| Dathan, Will | Intern | 2023 | \$50.00 | \$50.00 | 35.5 | \$1,775.00 | \$1,775.00 |
| Demir, Paola | Intern | 2025 | \$60.00 | \$60.00 | 15 | \$900.00 | \$900.00 |
| DiPasquale, Nicholas | Intern | 2026 | \$65.00 | \$65.00 | 1.7 | \$110.50 | \$110.50 |
| Downey, Rachel | Paralegal | 2018 | \$320.00 | \$320.00 | 52.3 | \$16,736.00 | \$16,736.00 |
| Downey, Rachel | Paralegal | 2019 | \$320.00 | \$320.00 | 24.2 | \$7,744.00 | \$7,744.00 |
| Downey, Rachel | Staff Attorney | 2021 | \$400.00 | \$775.00 | 165.7 | \$66,280.00 | \$128,417.50 |
| Downey, Rachel | Associate | 2022 | \$425.00 | \$775.00 | 198.4 | \$84,320.00 | \$153,760.00 |
| Downey, Rachel | Associate | 2023 | \$475.00 | \$775.00 | .5 | \$237.50 | \$387.50 |
| Downey, Rachel | Associate | 2025 | \$550.00 | \$775.00 | 196.5 | \$108,075.00 | \$152,287.50 |
| Downey, Rachel | Partner | 2026 | \$775.00 | \$775.00 | 45.1 | \$34,952.50 | \$34,952.50 |
| Dyer, Princess | Intern | 2021 | \$50.00 | \$50.00 | 25.8 | \$1,290.00 | \$1,290.00 |
| Falcon, Linaris | Executive Assistant | 2019 | \$320.00 | \$450.00 | .5 | \$160.00 | \$225.00 |
| Finley, Daniel | Summer Associate | 2025 | \$325.00 | \$325.00 | 108.7 | \$35,327.50 | \$35,327.50 |
| Giannetto, Annetta | Paralegal | 2025 | \$375.00 | \$375.00 | 33.5 | \$12,562.50 | \$12,562.50 |

| | | | | | | | |
|-------------------------|----------------------------|------|------------|------------|-------|--------------|--------------|
| Gwardschaladse, Jessica | Intern | 2023 | \$50.00 | \$50.00 | 23.8 | \$1,190.00 | \$1,190.00 |
| Hayes, Laura | Of Counsel | 2025 | \$625.00 | \$625.00 | .2 | \$125.00 | \$125.00 |
| Herman, Paige | Intern | 2024 | \$55.00 | \$55.00 | 1.2 | \$66.00 | \$66.00 |
| Huerta, Nicolle | Paralegal | 2021 | \$250.00 | \$450.00 | .4 | \$100.00 | \$180.00 |
| Huerta, Nicolle | Paralegal | 2022 | \$350.00 | \$450.00 | .8 | \$280.00 | \$360.00 |
| Jha, Riya | Paralegal | 2025 | \$375.00 | \$400.00 | 37.3 | \$13,987.50 | \$14,920.00 |
| Jha, Riya | Paralegal | 2026 | \$400.00 | \$400.00 | .3 | \$120.00 | \$120.00 |
| Johnson, Kristen | Partner | 2018 | \$825.00 | \$1,050.00 | 140.7 | \$116,077.50 | \$147,735.00 |
| Johnson, Kristen | Partner | 2019 | \$825.00 | \$1,050.00 | .5 | \$412.50 | \$525.00 |
| Johnson, Kristen | Partner | 2025 | \$990.00 | \$1,050.00 | 51.2 | \$50,688.00 | \$53,760.00 |
| Johnson, Kristen | Partner | 2026 | \$1,050.00 | \$1,050.00 | 51.7 | \$54,285.00 | \$54,285.00 |
| Kerzan, Radha | Litigation Tech Specialist | 2021 | \$275.00 | \$400.00 | 42.1 | \$11,577.50 | \$16,840.00 |
| Kerzan, Radha | Litigation Tech Specialist | 2022 | \$300.00 | \$400.00 | 97.9 | \$29,370.00 | \$39,160.00 |
| Kerzan, Radha | Litigation Tech Specialist | 2023 | \$325.00 | \$400.00 | 1.3 | \$422.50 | \$520.00 |
| Kerzan, Radha | Litigation Tech Specialist | 2024 | \$350.00 | \$400.00 | .4 | \$140.00 | \$160.00 |
| Kerzan, Radha | Litigation Tech Specialist | 2025 | \$375.00 | \$400.00 | 1.7 | \$637.50 | \$680.00 |
| Kerzan, Radha | Litigation Tech Specialist | 2026 | \$400.00 | \$400.00 | 2.1 | \$840.00 | \$840.00 |
| Khan, Iman | Paralegal | 2022 | \$50.00 | \$50.00 | 15.3 | \$765.00 | \$765.00 |
| Largmann, Taylor | Paralegal | 2018 | \$320.00 | \$320.00 | 15 | \$4,800.00 | \$4,800.00 |

| | | | | | | | |
|-----------------------|------------|------|----------|----------|-------|--------------|--------------|
| Lavine, Michael | Associate | 2025 | \$425.00 | \$450.00 | .9 | \$382.50 | \$405.00 |
| MacKerron, Jane | Paralegal | 2022 | \$325.00 | \$375.00 | .7 | \$227.50 | \$262.50 |
| MacKerron, Jane | Paralegal | 2023 | \$350.00 | \$375.00 | 1.5 | \$525.00 | \$562.50 |
| MacKerron, Jane | Paralegal | 2024 | \$375.00 | \$375.00 | .7 | \$262.50 | \$262.50 |
| Masen, Michelle | Paralegal | 2021 | \$350.00 | \$350.00 | 128.9 | \$45,115.00 | \$45,115.00 |
| McGovern, Grace | Intern | 2022 | \$50.00 | \$50.00 | 78.6 | \$3,930.00 | \$3,930.00 |
| Morera, Claudia | Associate | 2025 | \$475.00 | \$500.00 | 66.7 | \$31,682.50 | \$33,350.00 |
| Morera, Claudia | Associate | 2026 | \$500.00 | \$500.00 | 44.9 | \$22,450.00 | \$22,450.00 |
| Murphy, Samuel | Intern | 2024 | \$55.00 | \$55.00 | 3.6 | \$198.00 | \$198.00 |
| Nicklaus, James | Of Counsel | 2018 | \$600.00 | \$800.00 | 9.5 | \$5,700.00 | \$7,600.00 |
| Nicklaus, James | Of Counsel | 2021 | \$650.00 | \$800.00 | 1.1 | \$715.00 | \$880.00 |
| Nicklaus, James | Of Counsel | 2022 | \$675.00 | \$800.00 | 2.1 | \$1,417.50 | \$1,680.00 |
| Nicklaus, James | Of Counsel | 2025 | \$750.00 | \$800.00 | .4 | \$300.00 | \$320.00 |
| O'Brien, Chris | Associate | 2025 | \$550.00 | \$575.00 | 28 | \$15,400.00 | \$16,100.00 |
| O'Brien, Chris | Associate | 2026 | \$575.00 | \$575.00 | 58.1 | \$33,407.50 | \$33,407.50 |
| O'Brien, Jennifer | Paralegal | 2021 | \$325.00 | \$350.00 | 38 | \$12,350.00 | \$13,300.00 |
| O'Brien, Jennifer | Paralegal | 2022 | \$350.00 | \$350.00 | 211 | \$73,850.00 | \$73,850.00 |
| Penza, Vittorio | Intern | 2018 | \$30.00 | \$30.00 | 11 | \$330.00 | \$330.00 |
| Phillips, Jacob | Intern | 2025 | \$60.00 | \$60.00 | 27.5 | \$1,650.00 | \$1,650.00 |
| Polonsky, Daniel | Associate | 2023 | \$400.00 | \$500.00 | .1 | \$40.00 | \$50.00 |
| Sames, Vasilina | Intern | 2025 | \$60.00 | \$60.00 | 46.5 | \$2,790.00 | \$2,790.00 |
| Schwarzschild, Hannah | Of Counsel | 2018 | \$600.00 | \$800.00 | 265.5 | \$159,300.00 | \$212,400.00 |

| | | | | | | | |
|-----------------------|------------|------|------------|------------|--------|--------------|--------------|
| Schwarzschild, Hannah | Of Counsel | 2019 | \$600.00 | \$800.00 | 209.2 | \$125,520.00 | \$167,360.00 |
| Schwarzschild, Hannah | Of Counsel | 2020 | \$625.00 | \$800.00 | 27.5 | \$17,187.50 | \$22,000.00 |
| Schwarzschild, Hannah | Of Counsel | 2021 | \$650.00 | \$800.00 | 411.2 | \$267,280.00 | \$328,960.00 |
| Schwarzschild, Hannah | Of Counsel | 2022 | \$675.00 | \$800.00 | 1220.5 | \$822,892.50 | \$975,280.00 |
| Schwarzschild, Hannah | Of Counsel | 2023 | \$700.00 | \$800.00 | 285.1 | \$197,400.00 | \$225,600.00 |
| Schwarzschild, Hannah | Of Counsel | 2024 | \$725.00 | \$800.00 | 126.9 | \$92,002.50 | \$101,520.00 |
| Schwarzschild, Hannah | Of Counsel | 2025 | \$750.00 | \$800.00 | 533.1 | \$399,825.00 | \$426,480.00 |
| Schwarzschild, Hannah | Of Counsel | 2026 | \$800.00 | \$800.00 | 53.9 | \$43,120.00 | \$43,120.00 |
| Shumate, Sage | Intern | 2022 | \$50.00 | \$50.00 | 20.8 | \$1,040.00 | \$1,040.00 |
| Silva, Achebe | Paralegal | 2018 | \$320.00 | \$325.00 | 4.2 | \$1,344.00 | \$1,365.00 |
| Silva, Achebe | Paralegal | 2019 | \$320.00 | \$325.00 | 2.1 | \$672.00 | \$682.50 |
| Silva, Achebe | Paralegal | 2021 | \$325.00 | \$325.00 | 1.9 | \$617.50 | \$617.50 |
| Silva, Achebe | Paralegal | 2022 | \$325.00 | \$325.00 | .9 | \$292.50 | \$292.50 |
| Sobol, Tom | Partner | 2018 | \$975.00 | \$1,500.00 | 10.6 | \$10,335.00 | \$15,900.00 |
| Sobol, Tom | Partner | 2019 | \$975.00 | \$1,500.00 | 20.8 | \$20,280.00 | \$31,200.00 |
| Sobol, Tom | Partner | 2021 | \$995.00 | \$1,500.00 | 20.2 | \$20,099.00 | \$30,300.00 |
| Sobol, Tom | Partner | 2022 | \$1,100.00 | \$1,500.00 | 59.7 | \$65,670.00 | \$89,550.00 |
| Sobol, Tom | Partner | 2023 | \$1,200.00 | \$1,500.00 | 3.2 | \$3,840.00 | \$4,800.00 |
| Sobol, Tom | Partner | 2024 | \$1,350.00 | \$1,500.00 | 3.1 | \$4,185.00 | \$4,650.00 |
| Sobol, Tom | Partner | 2025 | \$1,425.00 | \$1,500.00 | 31.3 | \$44,602.50 | \$46,950.00 |
| Sobol, Tom | Partner | 2026 | \$1,500.00 | \$1,500.00 | 11.3 | \$16,950.00 | \$16,950.00 |
| Tierney, Christine | Paralegal | 2020 | \$350.00 | \$475.00 | .4 | \$140.00 | \$190.00 |

| | | | | | | | | |
|----------------------------------|-----------|------|----------|----------|------|----------------|-----------------------|-----------------------|
| Tierney, Christine | Paralegal | 2021 | \$350.00 | \$475.00 | 2.4 | \$840.00 | \$1,140.00 | |
| Tierney, Christine | Paralegal | 2024 | \$425.00 | \$475.00 | 36.3 | \$15,427.50 | \$17,242.50 | |
| Tierney, Christine | Paralegal | 2025 | \$450.00 | \$475.00 | 2.4 | \$1,080.00 | \$1,140.00 | |
| Tierney, Christine | Paralegal | 2026 | \$475.00 | \$475.00 | .7 | \$332.50 | \$332.50 | |
| Wang, Sarah | Intern | 2023 | \$50.00 | \$50.00 | 17.2 | \$860.00 | \$860.00 | |
| Williams, Lauriane | Associate | 2023 | \$390.00 | \$475.00 | 24.3 | \$9,477.00 | \$11,542.50 | |
| Williams, Lauriane | Associate | 2024 | \$425.00 | \$475.00 | 22.6 | \$9,605.00 | \$10,735.00 | |
| SUBTOTAL | | | | | | 9,009.9 | \$5,574,957.00 | \$6,621,521.50 |
| FEES PAID PER ECF NO. 217 | | | | | | | (\$600.00) | (\$600.00) |
| TOTAL | | | | | | 9,009.9 | \$5,574,357.00 | \$6,620,921.50 |

EXHIBIT B
HBSS LITIGATION EXPENSES BY CATEGORY

| Category | Amount |
|---|--------------------|
| Printing/copying | \$17,453.94 |
| Postage/FedEx/messenger | \$4,416.62 |
| Travel (airfare, train, care rental/mileage, taxi) | \$11,877.15 |
| Hotel | \$10,326.98 |
| Meals | \$2,911.07 |
| Telephone/teleconference/fax | - |
| Service of subpoenas | - |
| Computerized research | \$29,735.40 |
| Filing fees and other court costs | \$1,351.80 |
| Database vendor | - |
| Court transcripts | - |
| Depositions (court reporting, videography, transcripts) | - |
| Experts/consultants | - |
| Class notice/administration | - |
| Miscellaneous case costs | \$15,350.37 |
| TOTAL | \$93,423.33 |

EXHIBIT 3

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

GOVERNMENT EMPLOYEES HEALTH
ASSOCIATION, on behalf of itself and all
others similarly situated,

Plaintiff,

v.

ACTELION PHARMACEUTICALS LTD. et
al.,

Defendants.

Case No. 1:18-cv-3560-GLR

**DECLARATION OF ARCHANA TAMOSHUNAS IN SUPPORT OF THIRD-PARTY
PAYOR CLASS COUNSEL’S MOTION FOR AN AWARD OF ATTORNEYS’ FEES,
REIMBURSEMENT OF EXPENSES, AND A SERVICE AWARD FOR THE CLASS
REPRESENTATIVE**

I, Archana Tamoshunas, hereby declare as follows:

1. I am a member of the bar of the State of New York. I am a partner in the law firm of Taus, Cebulash & Landau, LLP (“TCL”), counsel for the third-party payor class plaintiffs in this matter. I provide this declaration in support of Third-Party Payor Class Counsel’s Motion for an Award of Attorneys’ Fees, Reimbursement of Expenses, and a Service Award for the Class Representative and to describe the time invested and litigation expenses incurred by TCL in the prosecution of this action.

2. Over the course of this litigation, TCL was involved in the following activities for this case:

- Developing strategies for discovery, including drafting document requests and negotiating custodians and search terms; developing document review protocols; analyzing documents relating to REMS, causation and intent; and developing litigation strategy related to REMS issues;

- Taking two fact depositions and one expert deposition; defending one expert deposition; assisting in preparation and strategy for several other fact and expert depositions;
- Researching, interviewing and engaging experts related to REMS and causation;
- Acting as the principal handler for Plaintiffs' expert, Dr. Keith Webber throughout preparation of his reports, preparing for and defending his deposition; and preparing him for trial testimony; assisting in work related to other Plaintiffs' experts;
- Drafting and editing portions of several motions and briefs, including discovery motions; *Daubert* motions related to Defendants' experts Mr. Shimer and Dr. Nicholson and Plaintiffs' experts Mr. Clark and Ms. Rivera-Muzzio; the motion to strike the sur-rebuttal of Dr. Hughes; and the brief in opposition to summary judgment;
- Participating in several aspects of trial preparation, including developing trial strategy; preparing deposition designations and exhibits; developing direct and cross examinations of experts; planning for, preparing and giving presentations in a mock jury exercise; and preparing for the pre-trial conference.

3. From inception through February 28, 2026, TCL timekeepers expended a total of 2,641.7 hours on this litigation. TCL's total lodestar at historic billing rates is \$1,980,339.00.

TCL's total lodestar at current billing rates is \$2,282,504.00.

4. Attached as **Exhibit A** is a chart of the names, titles, billing rates, and cumulative hours and lodestars (at both current and historic billing rates) for the attorneys and professional support staff from my firm who contributed to this litigation.¹ Exhibit A is based on contemporaneously prepared time records maintained by my firm. The hourly rates provided for my firm's attorneys and professional support staff are the same as the usual and customary hourly rates charged for their services on a contingent basis in similar complex class action

¹ Upon the Court's request, I can provide a complete set of my firm's detailed time report for this matter for *in camera* review.

litigations, and comparable rates have been approved by courts in similar cases.²

5. After careful review of my firm's time records, I made the following adjustments to my firm's time:

- Removed certain hours billed by a new associate who joined the case to assist with trial preparation.

These cuts, which are reflected in the timekeeper hours and lodestars in Exhibit A, totaled 7.6 hours amounting to \$2,280.00 in lodestar at historic rates and \$2,660.00 in lodestar at current rates.

6. I also deducted from the fees the amount previously paid to my firm pursuant to the Court's order granting in part Plaintiff's Motion for Spoliation Sanctions.³ This adjustment is shown as an offset to the lodestar subtotals in Exhibit A.

7. From inception through February 28, 2026, TCL incurred litigation expenses totaling \$8,600.59.

8. Attached as **Exhibit B** is a chart of the total unreimbursed litigation expenses by category that my firm incurred in the prosecution of this action.⁴ Exhibit B was prepared from TCL's books and records and the supporting receipts, invoices, check and bank records, and

² See, e.g., *In re Seroquel XR (Extended Release Quetiapine Fumarate) Antitrust Litig.*, No. 20-cv-01076 (D. Del. Apr. 25, 2025), ECF No. 891 (approving attorneys' fees), ECF 852-8 (noting rates); *In re Suboxone (Buprenorphine Hydrochloride & Naloxone) Antitrust Litig.*, No. 13-md-2445, 2024 WL 815503 (E.D. Pa. Feb. 27, 2024) (approving attorneys' fees), ECF 992-9 (noting rates); see also *In re Xyrem (Sodium Oxybate) Antitrust Litig.*, No. 20-md-2966, 2025 WL 3006647, at *2 (N.D. Cal. Oct. 27, 2025) (finding class counsel's billing rates, which ranged from \$525–1500 for partners, \$240–\$950 for associates, \$240–\$1100 for senior counsel and of counsel, and \$150–\$650 for litigation support staff, were "reasonable" and "consistent with other rates approved in recent class actions" in the district); *In re Glumetza Antitrust Litig.*, No. C 19-05822, 2022 WL 327707, at *8–9 (N.D. Cal. Feb. 3, 2022) (court would "not reduce the billing rate for any of" the 79 timekeepers from class counsel firms that participated in the case, finding that \$300–\$1,105 rates for attorneys "correspond with the going rate for counsel in our geographic region with the same levels of skill and experience").

³ ECF No. 217. The order required Actelion to pay 50% of any time the plaintiffs incurred from drafting their Letter Request for Conference Pursuant to Discovery Guideline 1.4 (ECF No. 139-1).

⁴ Upon the Court's request, I can provide an itemized expense report with details on each individual expense and/or copies of supporting documentation.


other source materials and represent a complete and accurate recordation of the expenses TCL incurred in the prosecution of the litigation.

9. All expenses included in Exhibit B and the itemized expense report were reviewed by me or someone at my firm to ensure that each of the charges was (i) reasonable, necessary, and appropriate and (ii) supported by an invoice, receipt, or other acceptable form of documentation.

10. In addition to the expenses shown in Exhibit B, my firm contributed a total of \$250,000.00 to a common litigation fund to cover common litigation expenses such as expert and consulting fees, charges for document databases, and deposition costs.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15th day of June, 2026



Archana Tamoshunas

EXHIBIT A
TAUS, CEBULASH & LANDAU, LLP CUMULATIVE HOURS AND LODESTAR BY TIMEKEEPER

| Timekeeper | Title | Current Billing Rate | Hours | Lodestar at Historic Rate(s) | Lodestar at Current Rate |
|-----------------------------------|-----------------|-----------------------------|--------------|-------------------------------------|---------------------------------|
| Archana Tamoshunas | Partner | \$900.00 | 2,407 | \$1,886,653.00 | \$2,166,300.00 |
| Miles Greaves | Partner | \$750.00 | 50.7 | \$32,623.50 | \$38,025.00 |
| Evan Rosin | Associate | \$600.00 | 48.6 | \$24,300.00 | \$29,160.00 |
| Madeline Hone | Associate | \$350.00 | 82 | \$24,930.00 | \$28,700.00 |
| Neisha Brown | Legal Assistant | \$350.00 | 58.9 | \$12,128.50 | \$20,615.00 |
| | | | | | |
| | | | | | |
| SUBTOTAL | | | 2641.7 | \$1,980,635.00 | \$2,282,800.00 |
| FEES PAID PER ECF NO. 217. | | | | \$296.00 | \$296.00 |
| TOTAL | | | | \$1,980,339.00 | \$2,282,504.00 |

EXHIBIT B
TAUS, CEBULASH & LANDAU, LLP LITIGATION EXPENSES BY
CATEGORY

| Category | Amount |
|---|-------------------|
| Printing/copying | \$1,132.96 |
| Postage/FedEx/messenger | \$32.59 |
| Travel (airfare, train, car rental/mileage, taxi) | \$3,115.43 |
| Hotel | \$2,410.04 |
| Meals | \$115.93 |
| Telephone/teleconference/fax | |
| Service of subpoenas | |
| Computerized research | \$1,793.64 |
| Filing fees and other court costs | |
| Document database vendor | |
| Court transcripts | |
| Depositions (court reporting, videography, transcripts) | |
| Experts/consultants | |
| Class notice/administration | |
| Miscellaneous case costs | |
| TOTAL | \$8,600.59 |

EXHIBIT 4

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

GOVERNMENT EMPLOYEES HEALTH
ASSOCIATION, on behalf of itself and all
others similarly situated,

Plaintiff,

v.

ACTELION PHARMACEUTICALS LTD. et
al.,

Defendants.

Case No. 1:18-cv-3560-GLR

**DECLARATION OF JOHN RADICE IN SUPPORT OF THIRD-PARTY PAYOR CLASS
COUNSEL’S MOTION FOR AN AWARD OF ATTORNEYS’ FEES,
REIMBURSEMENT OF EXPENSES, AND A SERVICE AWARD FOR THE CLASS
REPRESENTATIVE**

I, John Radice, hereby declare as follows:

1. I am a member of the bars of New York and New Jersey. I am a partner in the law firm of Radice Law Firm, P.C. (“RLF”), counsel for the third-party payor class plaintiffs in this matter. I provide this declaration in support of Third-Party Payor Class Counsel’s Motion for an Award of Attorneys’ Fees, Reimbursement of Expenses, and a Service Award for the Class Representative and to describe the time invested and litigation expenses incurred by RLF in the prosecution of this action.

2. Over the course of this litigation, RLF was involved in the following for this case:

- Involved at the outset in evaluating the claims and record, including reviewing the operative complaints, the relevant district court and appellate materials, and the factual and legal issues bearing on Plaintiffs’ theory of liability.
- Undertook substantial work in developing Plaintiffs’ causation case. That work included analyzing the timing of potential generic entry, ANDA

approval issues, sample-access barriers, and the evidence connecting Actelion's conduct to the delayed availability of generic Tracleer.

- Participation throughout the litigation in overall case planning and coordination, including attorney strategy calls, fact-development meetings, discovery planning, expert discussions, trial theme development, and division of work among counsel.
- Played an active role in third-party discovery, including discovery directed to generic manufacturers. This included drafting and revising subpoenas, preparing document requests, tracking productions, negotiating with subpoena recipients, and coordinating meet-and-confers and follow-up discovery.
- Assisted with discovery motion practice directed at obtaining non-party evidence, including work relating to subpoena compliance and motions or threatened motions involving generic manufacturers.
- Reviewed and analyzed substantial document productions from Actelion and third parties, including ANDA materials, FDA correspondence, deficiency letters, forecasts, launch plans, samples, cost and margin information, and materials relevant to generic entry.
- Preparation for, support of, and taking/defending numerous fact, expert, and 30(b)(6) depositions.
- Spearheaded strategy and efforts to obtain government agency records under the Freedom of Information Act, including submission and negotiation of FOIA requests to FDA and FTC.
- Contributed significantly to expert-related work, including identifying and working with experts, reviewing/revising expert reports and rebuttal reports, compiling supporting materials, and deposition prep.
- Contributed to Plaintiffs' briefing in opposition to Defendants' motion to dismiss, including working on standing, state-law claims, causation, declaratory and injunctive relief, and factual allegations supporting claims.
- Assisted with summary judgment and *Daubert* briefing, including legal and factual research, depo transcript and exhibit review, expert analysis, drafting, and cite-checking.
- Worked on class certification and class notice issues.
- Contributed to a wide range of trial preparation tasks, including trial summits, mock jury work, witness outlines, fact stipulations, development of themes, order-of-proof planning, depo designations and counters,

exhibit objections, proposed 1006 summaries, and motions in limine.

3. From inception through February 28, 2026, RLF timekeepers expended a total of 5,426.1 hours on this litigation. RLF's total lodestar at historic billing rates is \$3,493,027. RLF's total lodestar at current billing rates is \$4,315,164.

4. Attached as **Exhibit A** is a chart of the names, titles, billing rates, and cumulative hours and lodestars (at both current and historic billing rates) for the attorneys and professional support staff from my firm who contributed to this litigation.¹ Exhibit A is based on contemporaneously prepared time records maintained by my firm. The hourly rates provided for my firm's attorneys and professional support staff are the same as the usual and customary hourly rates charged for their services on a contingent basis in similar complex class action litigations and have been approved by courts in comparable cases.²

5. After careful review of my firm's time records, I made the following adjustments to my firm's time:

- Removed time entries that were, for example, billed to the wrong case, duplicative, or displayed signs of overbilling for a particular task.

These cuts, which are reflected in the timekeeper hours and lodestars in Exhibit A, totaled ten hours, amounting to \$6,019 in lodestar at historic rates and \$7,181 at current rates.

6. From inception through February 28, 2026, RLF incurred litigation expenses totaling \$13,786.94.

7. Attached as **Exhibit B** is a chart of the total unreimbursed litigation expenses by

¹ Upon the Court's request, I can provide a complete set of my firm's detailed time report for this matter for *in camera* review.

² See, e.g., *In re Xyrem (Sodium Oxybate) Antitrust Litig.*, No. 20-md-2966, 2025 WL 3006647, at *2 (N.D. Cal. Oct. 27, 2025) (finding class counsel's billing rates, which ranged from \$525–1500 for partners, \$240–\$950 for associates, \$240–\$1100 for senior counsel and of counsel, and \$150–\$650 for litigation support staff, were "reasonable" and "consistent with other rates approved in recent class actions" in the district).

category that my firm incurred in the prosecution of this action.³ Exhibit B was prepared from RLF's books and records and the supporting expense vouchers, receipts, invoices, check and bank records, and other source materials and represent a complete and accurate recordation of the expenses RLF incurred in the prosecution of the litigation.

8. All expenses included in Exhibit B and the itemized expense report were reviewed by me or someone at my firm to ensure that each of the charges was (i) reasonable, necessary, and appropriate and (ii) supported by an invoice, receipt, or other acceptable form of documentation.

9. In addition to the expenses shown in Exhibit B, my firm contributed a total of \$445,000 to a common litigation fund to cover common litigation expenses such as expert and consulting fees, charges for document databases, and deposition costs.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 12, 2026

/s/ John D. Radice

John D. Radice (*pro hac vice*)
RADICE LAW FIRM, P.C.
475 Wall Street
Princeton, NJ 08540
Tel: (646) 245-8502
Fax: (609) 385-0745
jradice@radicelawfirm.com

*Counsel for Plaintiff Government Employees
Health Association*

³ Upon the Court's request, I can provide an itemized expense report with details on each individual expense and/or copies of supporting documentation.

EXHIBIT A
RADICE LAW FIRM CUMULATIVE HOURS AND LODESTAR BY TIMEKEEPER

| Timekeeper | Title | Billing Rate | Hours | Lodestar at Historic Rate(s) | Lodestar at Current Rate |
|--------------------------|----------------|---------------------|----------------|-------------------------------------|---------------------------------|
| John Radice | Partner | \$1,045 | 249 | \$228,599 | \$260,205 |
| Luke Smith | Partner | \$880 | 2,068.4 | \$1,399,175 | \$1,820,192 |
| Daniel Rubenstein | Partner | \$880 | 526.6 | \$372,048 | \$463,408 |
| April Lambert | Partner | \$880 | 217 | \$178,544 | \$190,960 |
| Kenneth Pickle | Partner | \$840 | 1.8 | \$1,188 | \$1,512 |
| Natasha Fernandez-Silber | Partner | \$695 | 903.4 | \$533,372 | \$627,863 |
| Clark Craddock | Partner | \$880 | 33.0 | \$21,900 | \$29,040 |
| Charles Kopel | Partner | \$875 | 19.6 | \$16,520 | \$17,150 |
| Rishi Raithatha | Of Counsel | \$675 | 1,207.7 | \$659,402 | \$815,198 |
| Evette Harrison | Staff Attorney | \$405 | 149.7 | \$59,132 | \$60,629 |
| Charlotte Atkins | Staff Attorney | \$495 | 58.6 | \$23,147 | \$29,007 |
| TOTAL | | | 5,434.8 | \$3,493,027 | \$4,315,164 |

EXHIBIT B
RADICE LAW FIRM LITIGATION EXPENSES BY CATEGORY

| Category | Amount |
|---|--------------------|
| Printing/copying | \$362.13 |
| Postage/FedEx/messenger | |
| Travel (airfare, train, care rental/mileage, taxi) | \$10,313.47 |
| Hotel | \$2,527.36 |
| Meals | \$583.98 |
| Telephone/teleconference/fax | |
| Service of subpoenas | |
| Computerized research | |
| Filing fees and other court costs | |
| Document database vendor | |
| Court transcripts | |
| Depositions (court reporting, videography, transcripts) | |
| Experts/consultants | |
| Class notice/administration | |
| Miscellaneous case costs | |
| TOTAL | \$13,786.94 |