

## Did You Purchase, Pay for, or Provide Reimbursement for Tracleer or Bosentan?

### You Could Get Money from a Settlement

*A federal court authorized this Notice. You are not being sued.*

- There is a Settlement in a class action lawsuit with Defendants Actelion Pharmaceuticals Ltd., Actelion Pharmaceuticals US, Inc., and Janssen Research & Development, LLC (collectively, “Defendants”). The lawsuit claims Defendants unlawfully delayed the entry of generic formulations of bosentan into the market, so third-party payors paid more for brand Tracleer and bosentan than they should have. Defendants deny that they did anything wrong. There has been no determination by the Court or a jury that the allegations against Defendants have been proven or that, if proven, Defendants’ conduct caused harm to the Class. This Notice is not an expression of any opinion by the Court as to the claims against Defendants or their defenses.
- You may have seen a previous notice about the Court certifying the Class in this case. This notice is about a Settlement with Defendants.
- Generally, you are included in the Settlement if you are an entity that purchased, paid and/or provided reimbursement for some or all of the purchase price of Tracleer or bosentan, other than for resale, for consumption by your members, employees, insureds, participants or beneficiaries, in certain states and territories from December 29, 2015, through September 6, 2024. The included states and territories are: Arizona, California, Florida, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, West Virginia, Wisconsin, the District of Columbia, and Puerto Rico. You may be able to get money from this Settlement.
- To settle all claims in the lawsuit brought on behalf of the Class, a \$65,000,000.00 Settlement Fund will pay (1) money to eligible Class Members, (2) notice and administration costs, (3) attorneys’ fees and expenses, and (4) a service award to the class representative.
- **Your legal rights are affected even if you do nothing. Please read this Notice carefully.**

### YOUR LEGAL RIGHTS IN THIS LAWSUIT

<b>SUBMIT A CLAIM</b>	If you are a member of the Class, you can submit a claim to get a payment from the Settlement.
<b>OBJECT</b>	Write to the Court if you don’t like the Settlement.
<b>GO TO A HEARING</b>	Ask to speak in Court about the fairness of the Settlement.
<b>DO NOTHING</b>	Get no payment.

- These rights and options—and the deadlines to exercise them—are explained in this notice.

**QUESTIONS? CALL 1-877-354-3839 OR VISIT [WWW.TRACLEERLITIGATION.COM](http://WWW.TRACLEERLITIGATION.COM).**

- The Court in charge of this case still must decide whether to approve the Settlement. Payments will be made to those who qualify only after the Court approves the Settlement and any appeals are resolved. Please be patient.

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**QUESTIONS? CALL 1-877-354-3839 OR VISIT WWW.TRACLEERLITIGATION.COM.**

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## Basic Information

### 1. Why did I receive this Notice?

A federal court authorized this Notice because you have a right to know about a proposed Settlement, your rights, and your options before the Court decides whether to approve the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights. Your legal rights are affected whether you act or not.

Chief Judge George L. Russell, III, of the United States District Court for the District of Maryland is overseeing this class action. The lawsuit is known as *Government Employees Health Association v. Actelion Pharmaceuticals Ltd.*, GLR-18-3560. Government Employees Health Association, who sued on behalf of itself and the Class, is called the “Plaintiff.” Actelion Pharmaceuticals Ltd., Actelion Pharmaceuticals US, Inc., and Janssen Research & Development, LLC are the “Defendants.”

You may confirm that you are a member of the Class who is included in the Settlement by reviewing the criteria set forth in Question 5 below. You may also contact the Claims Administrator or lawyers in this case using the telephone numbers or addresses listed in Questions 15 and 24 below.

### 2. What is the Lawsuit about?

The Plaintiff that brought this lawsuit alleges that Defendants violated certain federal and state antitrust laws and state consumer protection laws by taking several actions to keep generic bosentan (i.e., generic versions of Tracleer) off the market for a period of time. The Plaintiff alleges this harmed competition and caused Class Members to overpay for brand Tracleer and bosentan.

The lawsuit alleges that Defendants violated federal antitrust laws by unlawfully impairing and delaying the introduction of generic versions of the prescription drug Tracleer into the United States market. The Plaintiff alleges that beginning around 2009, Defendants refused to sell samples of Tracleer to various generic manufacturers that were requesting to purchase samples in order to conduct bioequivalence testing, which is a prerequisite to United States Food and Drug Administration (“FDA”) approval of the generic version of a brand drug. The Plaintiff alleges that without access to samples of Tracleer, generic manufacturers were unable to conduct the testing necessary to file an application to market a generic version of Tracleer with FDA. Absent Defendants’ conduct, the Plaintiff claims, one or more generic companies would have launched generic Tracleer earlier than June 2019, which is when the first generic version of Tracleer became available. The Plaintiff alleges that the prices for Tracleer and generic Tracleer were higher than they would have been absent Defendants’ alleged unlawful conduct.

Defendants deny these allegations and that they did anything wrong.

There has been no determination by the Court or a jury that the allegations against Defendants have been proven or that, if proven, Defendants’ conduct caused harm to the Class. This Notice is not an expression of any opinion by the Court as to the claims against Defendants or their defenses.

**QUESTIONS? CALL 1-877-354-3839 OR VISIT [WWW.TRACLEERLITIGATION.COM](http://WWW.TRACLEERLITIGATION.COM).**

This lawsuit is not about the safety or efficacy of Tracleer or bosentan, and the case does not involve any claims about the safety or efficacy of Tracleer or bosentan.

This Notice is only a summary. More detail is provided in the Settlement Agreement, available at [www.TracleerLitigation.com](http://www.TracleerLitigation.com).

### **3. Why is this Lawsuit a class action?**

In a class-action lawsuit, one or more persons or entities called “class representatives” (here, Government Employees Health Association) sues on behalf of all others who have similar claims. Together, all these persons or entities make up the “Class” and are called “Class Members.”

In a class-action lawsuit, one court and one case resolve the issues for all Class Members, except for those Class Members who exclude themselves (*i.e.*, “opt out”) from the Class.

### **4. Why is there a Settlement?**

On September 6, 2024, the Court certified a litigation Class and appointed the named plaintiff Government Employees Health Association to represent the Class.

Now, Plaintiff and Defendants have agreed to settle Plaintiff’s claims against Defendants. The Court has not decided in favor of the Plaintiff or Defendants. By agreeing to the Settlement, Plaintiff and Defendants avoid the costs and uncertainty of a trial, and Class Members receive the benefits described in this Notice. The proposed Settlement does not mean that any law was broken or that Defendants did anything wrong. Plaintiff believes the Settlement is best for all Class Members.

## **Who Is in the Settlement?**

### **5. Who is included in the Settlement?**

You are included in the Settlement if you are a member of the certified Class, defined as:

All entities that, for consumption by their members, employees, insureds, participants or beneficiaries, purchased, paid and/or provided reimbursement for some or all of the purchase price of Tracleer or bosentan, other than for resale, in Arizona, California, Florida, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, West Virginia, Wisconsin, the District of Columbia, or Puerto Rico, at any time during the period from December 29, 2015, through and until September 6, 2024.

### **6. Who is not included?**

The Class does not include:

- Defendants and their subsidiaries and affiliates, and
- Federal and state governmental entities.

**QUESTIONS? CALL 1-877-354-3839 OR VISIT [WWW.TRACLEERLITIGATION.COM](http://WWW.TRACLEERLITIGATION.COM).**

## 7. What if I am still not sure if I am included?

If you are not sure whether you are included, or have any other questions about the Settlement, you may contact the Claims Administrator at the telephone number, email address, or address listed in Question 24 below.

## 8. Can I still ask to exclude myself?

No. The deadline to exclude yourself from the certified Class has passed. You cannot ask to be excluded now.

## 9. If I didn't exclude myself, can I sue Defendant for the same thing later?

No. Unless you excluded yourself by December 23, 2024, you gave up the right to sue Defendants for the claims in this lawsuit. All of the Court's decisions bind you. The Settlement Agreement describes the specific claims you will give up (or "release"), so read it carefully. The Settlement Agreement is available at [www.TracleerLitigation.com](http://www.TracleerLitigation.com). If you have any questions, you can talk to the lawyers listed in Question 15 for free, or you can talk to your own lawyer if you have questions about what this means.

## The Settlement Benefits

## 10. What does the Settlement provide?

If the Settlement is approved and becomes final, it will provide money from a \$65,000,000.00 Settlement Fund to Class Members. If the Settlement is approved by the Court, the Settlement Fund will be used to pay:

- Money to eligible Class Members;
- Attorneys' fees of up to 33 1/3% of the Settlement Fund, plus interest, and expenses up to \$4,500,000;
- Notice and administration costs; and
- A service award up to \$40,000 for the class representative.

The Settlement Agreement and Plan of Allocation, available at [www.TracleerLitigation.com](http://www.TracleerLitigation.com), have more information.

## 11. How much will my payment be?

At this time, it is unknown how much each Class Member that files a valid claim will receive. Your payment amount will depend on the amount of Tracleer or bosentan you purchased, how much you paid for Tracleer and bosentan claims, and the number of valid Tracleer and bosentan claims. After the notice and administration costs, and any Court-approved attorneys' fees and expenses and service award are paid from the Settlement Fund, the remaining amount will be used to pay eligible Class Members. This remaining amount will be paid proportionally (or *pro rata*) to eligible Class Members.

Payments will be based on a Plan of Allocation approved by the Court. The proposed Plan of Allocation will be available for review at [www.TracleerLitigation.com](http://www.TracleerLitigation.com).

To get a payment, you must submit a valid Claim Form (*see* Question 14).

**QUESTIONS? CALL 1-877-354-3839 OR VISIT [WWW.TRACLEERLITIGATION.COM](http://WWW.TRACLEERLITIGATION.COM).**

## 12. What happens if there are funds remaining after distribution?

If there are any funds remaining after all claims are processed, those funds will be redistributed to eligible members of the Class or distributed to a non-profit organization, as approved by the Court. No remaining funds will be returned to Defendants.

## 13. When will I get my payment?

Eligible Class Members will receive their payments after the Court grants final approval to the Settlement and any appeals are resolved. If there are appeals, resolving them can take time. Please be patient.

### How to Get A Payment

## 14. How can I get a payment?

If you are in the certified Class and want to ask for a payment, you must complete and submit a valid Claim Form online at [www.TracleerLitigation.com](http://www.TracleerLitigation.com) or by mail postmarked no later than **August 3, 2026**. Claims submitted by mail should be sent to:

Tracleer Litigation  
c/o A.B. Data, Ltd.  
P.O. Box 173072  
Milwaukee, WI 53217

You can get a Claim Form at [www.TracleerLitigation.com](http://www.TracleerLitigation.com) or by calling 1-877-354-3839.

### The Lawyers Representing You

## 15. Do I have a lawyer in this case?

Yes. The Court has appointed the law firms listed below to represent you and the other Class Members. These lawyers are called “Class Counsel.” Class Counsel are experienced in handling similar cases against other companies. Class Counsel include:

Sharon K. Robertson Cohen Milstein Sellers & Toll PLLC 88 Pine Street, 14 <sup>th</sup> Floor New York, NY 10005 Telephone: (212) 838-7797	Thomas M. Sobol HAGENS BERMAN SOBOL SHAPIRO LLP One Faneuil Hall Square, 5 <sup>th</sup> Floor Boston, MA 02109 Telephone: (617) 482-3700
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You will not be personally charged for the services of these lawyers in litigating this case. If you want to be represented by another lawyer, you can hire one at your own expense.

## 16. How will the lawyers be paid?

Class Counsel have not been paid anything to date for their work on this case. Class Counsel will ask the Court for attorneys’ fees up to 33 1/3% of the Settlement Fund plus interest and expenses up to \$4,500,000. Class Counsel will also ask the Court for a service award up to \$40,000 for the class

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representative for its work on behalf of the Class. Any attorneys' fees and expenses and service award approved by the Court will be paid out of the Settlement Fund.

When Class Counsel's motion for fees, expenses, and class representative service award is filed, it will be available at [www.TracleerLitigation.com](http://www.TracleerLitigation.com).

## Objecting to the Settlement

### 17. How can I tell the Court if I do not like the Settlement?

If you are a Class Member, you have a right to object to or comment on any part of the proposed Settlement. The Court will consider your views when deciding if it will approve the Settlement. You can't ask the Court to order a different Settlement; the Court can only approve or reject the Settlement. If the Court does not approve the Settlement, no Settlement payments will be made, and the lawsuit will continue. If that is what you want to happen, you may object.

To object, you must send a letter to the Court saying that you object to *Government Employees Health Association v. Actelion Pharmaceuticals Ltd.*, GLR-18-3560.

Be sure to include:

- Your name, address, telephone number, and email address (if applicable);
- Your lawyer's name, address, telephone number, and email address (if you have one);
- Proof that you are a Class Member;
- A statement saying if your objection applies only to you, a subset of the Class, or the Class as a whole;
- The legal and factual basis for your objection;
- A list of any witnesses, exhibits, or legal authority you intend to offer;
- A statement saying whether you intend to appear in person at the fairness hearing or through your lawyer;
- A list of all class actions in which you and/or your lawyer has previously objected;
- Your lawyer's signature (if you have one); and
- Your signature.

You must mail your objection to the following address, postmarked no later than **June 2, 2026**:

Court
Clerk of the Court United States District Court for the District of Maryland 101 West Lombard Street Baltimore, MD 21201

### **18. If I object to the Settlement, can I still file a claim for my portion of the Settlement Fund?**

Yes. You may file a claim for your portion of the Settlement Fund even if you object to, or comment on, the Settlement.

### **19. What is the difference between objecting and asking to be excluded?**

Objecting is simply telling the Court that you do not like something about the Settlement. If you object to the Settlement, you are still a Class Member, and you can submit a Claim Form if you are in the Class.

Excluding yourself is telling the Court that you do not want to be a part of the lawsuit. The deadline to exclude yourself has passed.

## **The Fairness Hearing**

The Court will hold a hearing (called a Fairness Hearing) to decide whether to approve the Settlement. You may attend and ask to speak, but you don't have to.

### **20. When and where will the Court decide whether to approve the Settlement?**

The Court will hold a Fairness Hearing on **July 1, 2026, at 9:30 a.m.** at the United States District Court for the District of Maryland, 101 West Lombard Street, Courtroom 7A, Baltimore, MD 21201. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check [www.TracleerLitigation.com](http://www.TracleerLitigation.com) for updates.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them and may listen to people who have asked to speak at the hearing. The Court may also decide whether to award attorneys' fees and expenses and a service award to the class representative. After the hearing, the Court will decide whether to approve the Settlement. We do not know when the Court will make these decisions.

### **21. Do I have to come to the hearing?**

No. Class Counsel will answer questions the Court may have at the Final Approval Hearing. But you are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

### **22. May I speak at the hearing?**

Yes. You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you (or your attorney) must send a letter providing your "Notice of Intention to Appear in *Government Employees Health Association v. Actelion Pharmaceuticals Ltd.*, GLR-18-3560." Be sure to include your full name, address, telephone number, and email address; your lawyer's name, address, telephone number, and email address; proof that you are a Class Member; a statement saying if your comments apply only to you, a subset of the Class, or the Class as a whole; the legal and factual basis for your comments; a list of any witnesses, exhibits, or legal authority you intend to offer; a statement saying whether you intend to appear yourself or through your lawyer; a list of all class actions in

which you and/or your lawyer have previously objected or presented comments at Settlement approval hearings. You and your attorney (if you have one) must sign the Notice of Intention to Appear. Your Notice of Intention to Appear must be postmarked no later than **June 2, 2026**, and must be sent to the Court's address listed in Question 17.

### **If You Do Nothing**

#### **23. What happens if I do nothing?**

If you do nothing, you are still bound by the Court's decisions and the terms of this Settlement. You will not get any money from the Settlement. If you are a member of the Class and want to ask for a payment, you must complete and submit a Claim Form by **August 3, 2026** (see Question 14).

### **Getting More Information**

#### **24. How do I get more information?**

This notice is only a summary. More details are in the Settlement Agreement, available at [www.TracleerLitigation.com](http://www.TracleerLitigation.com). You also may contact the Claims Administrator, by mail at Tracleer Litigation, c/o A.B. Data, Ltd., P.O. Box 173072, Milwaukee, Wisconsin 53217, email at [info@TracleerLitigation.com](mailto:info@TracleerLitigation.com), or phone at 1-877-354-3839.

Complete copies of all public pleadings, Court rulings, and other filings are available for review by accessing the Court docket for this case, for a fee, through the Court's Case Management/Electronic Case Files (CM/ECF) system.

**PLEASE DO NOT CONTACT THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS CASE.**

DATED: April 3, 2026

BY ORDER OF THE COURT  
UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND, George L. Russell, III