

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

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| In re EPIPEN (EPINEPHRINE INJECTION,<br>USP) MARKETING, SALES PRACTICES<br>AND ANTITRUST LITIGATION | ) | Civil Action No. 2:17-md-02785-DDC-TJJ<br>(MDL No. 2785) |
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| This Document Relates To:   | ) |  |
|   | ) |  |
| CONSUMER CLASS CASES.   | ) |  |
| _____   | ) |  |

**CLASS PLAINTIFFS’ MOTION FOR FINAL APPROVAL  
OF SETTLEMENT, APPROVAL OF PLAN OF ALLOCATION, AND  
AWARD OF ATTORNEYS’ FEES, EXPENSES, AND SERVICE AWARDS**

Plaintiff Class Representatives, on behalf of themselves and the certified Class (together, “Class Plaintiffs”), by and through their undersigned counsel, respectfully move the Court for an Order:

(1) Granting final approval, under Federal Rule of Civil Procedure 23(e), of the proposed Settlement and approving the Plan of Allocation;

(2) Awarding Class Counsel attorneys’ fees equal to one-third of the Settlement Fund and their litigation expenses and costs in the amount of \$9,661,379.25, and granting authority to Co-Lead Counsel to distribute the attorneys’ fees and expenses in a manner that, in the opinion of Co-Lead Counsel, fairly compensates each firm in view of its contribution to the prosecution of Class Plaintiffs’ claims;

(3) Approving and ordering payment from the Settlement Fund the amount of \$3,232,990.56 to the Notice and Settlement Administrator, A.B. Data, Ltd., for the cost and expense in

implementing the Class notice plan commenced on November 1, 2020 pursuant to the Court's October 13, 2020 Order (ECF No. 2240); and

(4) Awarding service awards in the amount of \$5,000 to each of the Plaintiff Class Representatives.

In support of this Motion, Class Plaintiffs rely upon and incorporate by reference herein: (i) the Memorandum of Law in Support of Class Plaintiffs' Motion for Final Approval of Settlement, Approval of Plan of Allocation, Award of Attorneys' Fees, Expenses and Service Awards; (ii) the Joint Declaration of Co-Lead Counsel in Support of Class Plaintiffs' Motion for Final Approval of Settlement, Approval of Plan of Allocation, and Award of Attorneys' Fees, Expenses, and Service Awards ("Joint Declaration"); (iii) the Declaration of Professor Robert S. Gensler in Support of the Settlement Agreement, Award of Attorney's Fees, and Class Representative Incentive Award ("Gensler Declaration"); (iv) the Declaration of Layn R. Phillips in Support of Class Plaintiffs' Motion for Final Approval; (v) the Declaration of Eric Schacter of A.B. Data, Ltd. in Support of Class Plaintiffs' Motion for Final Approval of Settlement and Plan of Allocation (attached to the Joint Declaration as Exhibit A-1); (vi) all exhibits attached to the Joint Declaration and Gensler Declaration; (vii) the Stipulation of Class Action Settlement; and (viii) all other proceedings herein.

Plaintiff Class Representatives will submit proposed orders with their reply submission on or before October 15, 2021.

Respectfully submitted,

DATED: September 10, 2021

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By: /s/ Rex A. Sharp

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***Class Counsel***

**CERTIFICATE OF SERVICE**

I hereby certify that on September 10, 2021, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to parties and attorneys who are filing users.

/s/ Rex A. Sharp  
Rex A. Sharp