

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	
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 between Class Plaintiffs and Defendants Mylan N.V., Mylan Specialty L.P., Mylan Pharmaceuticals Inc., and Heather Bresch (collectively, “Mylan”), and Viatris Inc. (collectively with Mylan, the “Mylan Defendants”), 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 \$1,426,642.93, and granting authority to Co-Lead Counsel to distribute the attorneys’ fees and expenses in a manner that, in the judgment of Co-Lead Counsel, fairly compensates each counsel based on their contribution to the institution, prosecution, and resolution of Class Plaintiffs’ claims against the Mylan Defendants; and

- (3) Awarding service awards to Plaintiff Class Representatives as follows:
  - a. \$5,000 to each of the Plaintiff Class Representatives who spent 60 or more hours working on the case; and
  - b. For each Plaintiff Class Representative who devoted fewer than 60 hours working on the case, an amount calculated using the number of hours that the Plaintiff Class Representative worked on the case multiplied by the hourly rate of \$79.

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, and 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 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); (v) all exhibits attached to the Joint Declaration and Gensler Declaration; (vi) the Stipulation of Class Action Settlement; and (vii) all other proceedings herein.

Plaintiff Class Representatives will submit proposed orders with their reply submission on or before June 27, 2022.

Respectfully submitted,

DATED: May 20, 2022

SHARP LAW LLP

By: /s/ Rex A. Sharp

SHARP LAW LLP

REX A. SHARP

RYAN C. HUDSON

W. GREG WRIGHT

4820 West 75th Street

Prairie Village, KS 66208

Telephone: 913/901-0505

913/901-0419 (fax)

rsharp@midwest-law.com

rhudson@midwest-law.com

gwright@midwest-law.com

KELLER ROHRBACK L.L.P.

LYNN LINCOLN SARKO

GRETCHEN FREEMAN CAPPIO

1201 Third Avenue, Suite 3200

Seattle, WA 98101

Telephone: 206/623-1900

206/623-3384 (fax)

lsarko@kellerrohrback.com

gcappio@kellerrohrback.com

ROBBINS GELLER RUDMAN

& DOWD LLP

PAUL J. GELLER

STUART A. DAVIDSON

120 East Palmetto Park Road, Suite 500

Boca Raton, FL 33432

Telephone: 561/750-3000

561/750-3364 (fax)

pgeller@rgrdlaw.com

sdavidson@rgrdlaw.com

bbeall@rgrdlaw.com

PRITZKER LEVINE LLP  
ELIZABETH C. PRITZKER  
JONATHAN K. LEVINE  
1900 Powell Street, Suite 450  
Emeryville, CA 94608  
Telephone: 415/692-0772  
415/366-6110 (fax)  
ecp@pritzkerlevine.com  
jkl@pritzkerlevine.com

BURNS CHAREST LLP  
WARREN T. BURNS  
SPENCER COX  
900 Jackson Street, Suite 500  
Dallas, TX 75202  
Telephone: 469/904-4550  
469/444-5002 (fax)  
wburns@burnscharest.com  
scox@burnscharest.com

**CERTIFICATE OF SERVICE**

I hereby certify that on May 20, 2022, 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