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ABSTRACT: Indirect Purchaser Class Action Settlements

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Consumers and business entities at the bottom of a chain of distribution — *i.e.*, those who cannot “pass on” overcharges — often bear the full financial brunt of anticompetitive activity. Unless they purchased goods or services directly from the alleged antitrust violators, however, they are “indirect purchasers” who lack standing to bring suit for damages under the federal antitrust laws. *Illinois Brick Co. v. Illinois*, 431 U.S. 720 (1977). In *California v. ARC America Corp.*, 490 U.S. 93 (1989), the Supreme Court held that *Illinois Brick* interpreted federal antitrust law only and states could allow indirect purchasers to seek damages under state law. Several states and the District of Columbia reaffirmed an indirect purchaser’s right to recover damages by passing “*Illinois Brick* repealer” statutes that expressly allow for indirect purchaser actions. Even where no “repealer” statute has been enacted, some state courts have interpreted their state’s antitrust laws to allow for indirect purchaser standing. *See, e.g., Comes v. Microsoft Corp.*, 646 N.W.2d 440 (Iowa 2002); *Bunker’s Glass Co. v. Pilkington PLC*, 75 P.3d 99 (Ariz. 2003). State law indirect purchaser actions are an important component of antitrust enforcement, especially in cases where direct purchasers’ continuing business relationship with the antitrust violators blunts any incentive to bring suit. Moreover, utilizing class action procedures, indirect purchaser class actions can provide redress to the targeted victims of unlawful conduct.

The purpose of this paper is to compile a comprehensive list of indirect purchaser class action settlements, including the amount of money (or other consideration) recovered for classes. This project began in 2005 at the request of counsel for the Antitrust Modernization Commission and was intended to respond to the contentions made by corporate interests that indirect purchaser antitrust actions benefitted only plaintiffs’ attorneys and resulted in, at best, *cy pres* recoveries for the indirect benefit of the class members. Accordingly, this listing attempts to include both the method of distribution of settlement proceeds and the amount of attorneys’ fees awarded. While *cy pres* distributions are sometimes necessary, many cases (especially in the area of pharmaceuticals) provide for cash distributions to class members. The settlements listed below have recovered an aggregate value \$4,363,237,265 since the mid-1990s. This total consists of \$2,069,252,500 in cash, \$163,464,000 worth of product (*i.e.*, infant formula and prescription drugs) and \$2,130,520,765 in Microsoft vouchers.

One development since 2005 is worthy of comment: the Class Action Fairness Act of 2005, Pub. L. No. 109-2, 119 Stat. 4 (2005), which became effective February 18, 2005, greatly

expanded federal jurisdiction over state law class actions. As class actions are the primary avenue for assertion of indirect purchaser antitrust claims, opportunities for state courts to interpret their own states' antitrust statutes will likely be few and far between. This development may impede — or at least freeze in place — judicial development of indirect purchaser antitrust law.

This list was compiled with assistance from attorneys Bernard Persky (Labaton Sucharow LLP) and Daniel Gustafson (Gustafson and Gluek PLLC) and includes: (1) cases in which one or more of our firms appeared as counsel; (2) cases that we have discerned from public sources (such as the Internet and legal research databases); and (3) information received from other practitioners. Where possible, we have sorted state court cases according to common underlying facts. While the information on the list is accurate to the best of our knowledge, information and belief, we are certain that we have not captured many cases, especially in California which has a long-standing history of indirect purchaser antitrust class actions. *See, e.g., B.W.I. Custom Kitchen v. Owens-Illinois, Inc.*, 191 Cal. App. 3d 1341 (Cal. Ct. App. 1987). We expressly request feedback from anyone with information about a settlement that should be added to the list.

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**SETTLEMENTS OF INDIRECT PURCHASER
ANTITRUST CLASS ACTIONS UNDER STATE LAW**

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**SETTLEMENTS OF INDIRECT PURCHASER
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A. NATIONAL AND MULTISTATE CLASS SETTLEMENTS IN FEDERAL COURT.

Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>In re Lorazepam & Clorazepate Antitrust Litig.</i> , 205 F.R.D. 369 (D.D.C. 2002)	Defendant Mylan secured exclusive contract from supplier of active ingredient and drastically increased price after competitors were frozen out of the market	Civil actions by FTC and state AGs; direct purchaser class action	nationwide class of consumers and third-party payors of prescription drugs Lorazepam and Clorazepate	\$135,285,600 (\$72,000,000 for consumers and \$28,000,000 for state agencies; \$25,285,600 for third-party payors in <i>Illinois Brick</i> repealer states; and \$10,000,000 for TPPs in non- <i>Illinois Brick</i> repealer states)	Direct distribution of cash proceeds through claims process	7.4% (15% of \$25 million; 22.5% of \$10 million and 4% of \$100 million [although these fees were paid separately by defendants])
<i>In re Cardizem CD Antitrust Litig.</i> , 218 F.R.D. 508 (E.D. Mich. 2003), <i>app. dismissed</i> , 391 F.3d 812 (6th Cir. 2004) (cardizemsettlement.com)	Brand manufacturer (Aventis) paid generic manufacturer (Andrx) to withhold marketing of generic version of Cardizem CD	competitor action; FTC civil action; actions by state AGs (following grant of partial summary judgment in favor of civil plaintiffs); direct purchaser class action	nationwide consumers and third-party payors of prescription drug Cardizem CD	\$80,000,000 (\$7,000,000 state agencies; \$40,150,000 third party payors; and \$32,850,000 consumers)	Direct distribution of cash proceeds through claims process	17%

Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>In re Warfarin Sodium Antitrust Litig.</i> , 212 F.R.D. 231 (D. Del. 2002), <i>aff'd</i> , 391 F.3d 516 (3d Cir. 2004) coumadinsettlement.com	Brand manufacturer took steps to deter substitution of generic versions of Coumadin	competitor action	nationwide class of consumers and third-party payors of prescription drug Coumadin	\$44,500,000	Direct distribution of cash proceeds through claims process	22.5%
<i>In re Buspirone Patent Litig.</i> , MDL No. 1410 (S.D.N.Y.)	Brand manufacturer (Bristol Myers Squibb) paid generic manufacturer (Schein) to withdraw efforts to market generic version of BuSpar; listing of phony patents to unlawfully extend monopoly	Direct purchaser class action; civil actions by several state attorneys general	nationwide class of third-party payors and multistate class of consumers of prescription drug BuSpar	\$100,000,000 (for consumers in most states and state agencies by attorneys general); \$90,000,000 (\$74,000,000 for third-party payors; and \$16,000,000 for consumers in remaining states)	Direct distribution of cash proceeds through claims process	20% (of \$90 million)
<i>Vista Healthplan, Inc. v. Bristol-Myers Squibb Co.</i> , 287 F. Supp.2d 65 (D.D.C. 2003)	Bristol Myers Squib listed phony patents to unlawfully extend monopoly for Taxol	Direct purchaser action, state attorneys general civil action	nationwide class of consumers of prescription drug Taxol	\$55,000,000 (consumers by attorneys general); \$15,185,000 (third-party payors)	Direct distribution of cash proceeds through claims process	33.33% (of \$15,185,000)

Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>In re Lupron Marketing and Sales Practices Litig.</i> , 228 F.R.D. 75 (D. Mass. 2005) lupronclaims.com	Drug manufacturers engaged in unlawful tactics to induce physicians to administer Lupron Depot at inflated prices.	Federal criminal charges and penalty	nationwide class of consumers and third-party payors of prescription drug Lupron Depot	\$150,000,000	Direct distribution of cash proceeds through claims process	25%
<i>Ryan-House v. GlaxoSmithKline plc</i> , (“ <i>Augmentin Litigation</i> ”) No. 2:02cv442m (E.D. Va. Jan. 10, 2005) augmentinlitigation.com	GlaxoSmithKline misled the Patent Office into issuing patents to protect Augmentin® from competition from generic drug substitutes.	Direct purchaser class actions; competitor actions	nationwide class of consumers and third-party payors of prescription drug Augmentin	\$29,000,000	Direct distribution of cash proceeds through claims process	25%

Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>Nichols v. SmithKline Beecham Corp.</i> , No. 00-6222, 2005 WL 950616 (E.D. Pa. April 22, 2005) paxilclaims.com	SmithKline Beecham stockpiled, time-released, and caused patents to be listed in the Orange Book in a manner that has enabled them to indefinitely extend their market monopoly of Paxil®.	Direct purchaser class action; competitor actions	nationwide class of consumers and third-party payors of prescription drug Paxil	\$65,000,000	Direct distribution of cash proceeds through claims process	30%
<i>In re Terazosin Antitrust Litig.</i> , No. 99-D:-1317 (S.D. Fla. July 8, 2005) terazosinlitigation.com)	Abbott entered into agreements to pay generic manufacturers (Zenith Goldline and Geneva) to keep lower priced generics off the market	FTC civil action, Direct purchaser action, state attorneys general civil action	multistate class of consumers and third-party payors of prescription drug Hytrin	\$30,700,000	Direct distribution of cash proceeds through claims process	30%

Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>In re Remeron End-Payor Antitrust Litig.</i> , No. 02-2007, 2005 WL 2230314 (D.N.J. Sept. 13, 2005) remeronsettlement.com	Organon USA Inc. and Akzo Nobel N.V. improperly monopolized the U.S. market for Remeron®	Direct purchaser action, state attorneys general civil action	nationwide class of consumers and third-party payors of prescription drug Remeron	\$33,000,000	Direct distribution of cash proceeds through claims process	23.6%
<i>In re Relafen Antitrust Litig.</i> , 231 F.R.D. 52 (D. Mass. 2005) relafensettlement.com	GlaxoSmithKline listed fraudulently procured patent and used it to foreclose generic competition in the market for Relafen (nabumetone)	Direct purchaser class action; competitor actions	consumers and third-party payors of prescription drug Relafen	\$75,000,000	Direct distribution of cash proceeds through claims process & subpoena of transaction data from retailers and PBMs	33.3% of \$67 million
<i>Vista Healthplan, Inc. v. Warner Holdings Co.</i> , 246 F.R.D. 349 (D.D.C. 2007)	Conspiracy to prevent generic versions of Ovcon 35 from reaching market	Direct purchaser class action, FTC enforcement action, consumer class action	third-party payors for prescription drug Ovcon 35	\$4,200,000 (\$3 million of which was in the form of product)	product distributed to healthcare providers	26%

Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>Sullivan v. DB Investments, Inc.</i> , No. 04-02819, 2008 U.S. Dist. LEXIS 81146 (D.N.J. May 22, 2008) diamondsclassaction.com	Conspiracy to fix, raise and control the price of gem diamonds	Direct purchaser class action	Indirect purchaser consumers and retailers of diamond products	\$272,500,000	Direct distribution of cash proceeds through claims process	25% of total fund less expenses
<i>In re Plastic Additives Antitrust Litig.</i> , No. 03-2038 (E.D. Pa. June 26, 2008)	Plaintiffs allege price-fixing of plastic additives	Direct purchaser class action	Indirect purchasers of plastic additives in several states	\$325,000	Direct distribution of cash proceeds through claims process	30%
<i>In re OSB Antitrust Litig.</i> , No. 06-826 (E.D. Pa. Dec. 9, 2008)	Plaintiffs allege that defendants conspired to fix, raise maintain or stabilize prices for oriented strand board (OSB)	Direct purchaser class action	Indirect purchaser end-users of oriented strand board	\$9,940,000 (aggregate of multiple settlements)	Direct distribution of cash proceeds through claims process; some cy pres	33.3%
<i>In re Abbott Laboratories Norvir Antitrust Litig.</i> , No. 04-1511 (N.D. Cal. Aug. 12, 2009)	Abbott Laboratories raised Norvir prices in an effort to restrict competition in the market for protease inhibitors used to treat HIV patients.	Direct purchaser class action	consumers and third-party payors of prescription drug Norvir used as booster to other protease inhibitors	\$10,000,000	cy pres to non-profit organizations serving HIV/AIDS patients	30%

Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>In re TriCor Indirect Purchaser Antitrust Litig.</i> , No. 05-360, 2009 WL 3460769 (D. Del. Oct. 28, 2009) (tricorsettlement.com)	Abbott Laboratories repeatedly changed its formulations of TriCor (fenofibrate) to foreclose generic competition	Direct purchaser class action; competitor actions; state attorneys general civil action	consumers and third-party payors of prescription drug TriCor	\$67,300,000	Direct distribution of cash proceeds through claims process & transaction data from insurers and retailers	33.3%
<i>In re BP Propane Indirect Purchaser Antitrust Litig.</i> , No. 06-3541 (Feb. 10, 2010 N.D. Ill.) (bpindirectpropanesettlement.com)	BP Products attempted to corner the market on physical propane	Direct purchaser class action	Persons or entities who purchased propane for anyone unrelated to BP Products	\$15,250,000	Direct distribution of cash proceeds through claims process	33%
<i>In re New Motor Vehicles Canadian Export Antitrust Litig.</i> , MDL No. 1532 (D. Me.)	Auto manufacturers conspired to preclude imports of new vehicles from Canada	No	Persons or entities that purchased certain motor vehicles	\$35,700,000 (partial settlement with Toyota and Canadian Automobile Dealers' Association only; approval pending)	Direct distribution of cash proceeds through claims process, cy pres for some states	

Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>In re Vitamins Antitrust Litig. (Richardson et al. v. Akzo Nobel Inc. et al.)</i> , MDL No. 1285, Misc. No. 99-197 (D.D.C.) (indirectvitaminsettlement.org)*	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers (related to state cases addressed below)	Direct purchaser class action, state attorneys general actions	Persons and entities that purchased vitamin products	\$25,030,000 (approval pending, hearing held June 18, 2010)	Direct distribution to commercial purchasers; cy pres for consumers	
<i>In re Static Random Access Memory (SRAM) Antitrust Litig.</i> , No. 07-1819 (N.D. Cal.) (indirectsramcase.com)	Plaintiffs alleged conspiracy to fix, raise maintain or stabilize prices of SRAM	Direct purchaser class action	Persons and entities that indirectly purchased SRAM from one of several defendants	\$25,422,000 (approval pending, hearing scheduled for September 30, 2010)	Reserved pending further litigation	
<i>In re Dynamic Random Access Memory (DRAM) Antitrust Litig.</i> , No. 02-1486 (N.D. Cal.)	Plaintiffs alleged conspiracy to fix, raise maintain or stabilize prices of DRAM	Direct purchaser class action, state attorneys general actions	Persons and entities that indirectly purchased DRAM from one of several defendants	\$173,000,000 (proposed settlement announced June 24, 2010 for 33 state attorneys general and private plaintiffs; approval pending)	Distributions to consumers, businesses, state and local governments, school districts, colleges and universities are contemplated	
Total of amount of settlements in indirect purchaser class actions as listed above:			Cash: \$1,538,337,600 Product: \$3,000,000			

* See also state court vitamins settlements, p. 17, *infra*.

B. STATE COURT CLASS ACTION SETTLEMENTS (ORGANIZED BY RELATEDNESS OF CASES)

1. INFANT FORMULA

Infant Formula Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>Durrett v. Abbott Laboratories, et. al</i> , No. 93-663 (Cir. Ct. Calhoun County) and <i>Lauderdale v. Abbott Laboratories, et al.</i> , No. 95-652 (Cir. Ct. Calhoun County, Ala.)	Horizontal price-fixing conspiracy among infant formula manufacturers	Direct purchaser class actions	Alabama state-wide class of retail purchasers infant formula	product valued at \$500,000	product distributed free of charge through food bank	none
<i>In re California Indirect-Purchaser Infant Formula Antitrust Class Action Litig.</i> J.C .C.P. No. 2557 (L.A.Sup.Ct.1993)	Horizontal price-fixing conspiracy among infant formula manufacturers	Direct purchaser class actions	California state-wide class of retail purchasers infant formula	\$20,000,000	Claims procedure for distribution of funds	[not available]
<i>Stifflear v. Bristol-Myers Squibb et al.</i> , No. 94-CV-360 (Dist. Ct. Boulder County, Col.)	Horizontal price-fixing conspiracy among infant formula manufacturers	Direct purchaser class actions	Colorado state-wide class of retail purchasers infant formula	product valued at \$600,000	product distributed free of charge through food bank	none

Infant Formula Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>Mack v. Bristol-Myers Squibb Co. et al.</i> , 94-581-CA (Cir. Ct. Okaloosa County, Fla.)	Horizontal price-fixing conspiracy among infant formula manufacturers	Direct purchaser class actions	Florida state-wide class of retail purchasers infant formula	\$5,000,000 and product valued at \$2,300,000	claims procedure for distribution of funds; product distributed free of charge through food bank	33% of \$5 million
<i>Vogt v. Abbott Laboratories, et al.</i> , No. 94-L-404 (Cir. Ct. St. Clair County, Ill.)	Horizontal price-fixing conspiracy among infant formula manufacturers	Direct purchaser class actions	Illinois state-wide class of retail purchasers infant formula	\$12,940,000	claims procedure for distribution of funds	33.33%
<i>Donelan v. Abbott Laboratories</i> , No. 94 C 709 (Dist. Ct. Sedgwick County, Kan.)	Horizontal price-fixing conspiracy among infant formula manufacturers	Direct purchaser class actions	Kansas state-wide class of retail purchasers infant formula	product valued at \$1,000,000	product distributed free of charge through food bank	none
<i>Lambert v. Abbott Laboratories, et al.</i> , No. 94-CI-05684 (Cir. Ct. Jefferson County, Ken.)	Horizontal price-fixing conspiracy among infant formula manufacturers	Direct purchaser class actions	Kentucky state-wide class of retail purchasers infant formula	product valued at \$700,000	product distributed free of charge through food bank	none
<i>Holmes v. Abbott Laboratories</i> , No. 94-774-CP (Cir. Ct. Calhoun County, Mich.)	Horizontal price-fixing conspiracy among infant formula manufacturers	Direct purchaser class actions	Michigan state-wide class of retail purchasers infant formula	product valued at \$2,700,000	product distributed free of charge through food bank	none

Infant Formula Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>Humphrey ex. rel. State of Minnesota v. Abbott Laboratories, et al.</i> , No. C8-95-6810 (Dist. Ct. Ramsey County, Minn.)	Horizontal price-fixing conspiracy among infant formula manufacturers	Direct purchaser class actions	Minnesota state-wide class of retail purchasers infant formula	\$9,700,000	claims procedure for distribution of funds	33.33%
<i>Moore ex rel. State of Mississippi v. Abbott Laboratories, et al.</i> , No. 251-96-159 (Cir. Ct. Hinds County, Miss.)	Horizontal price-fixing conspiracy among infant formula manufacturers	Direct purchaser class actions	Mississippi state-wide class of retail purchasers infant formula	\$4,400,000	claims procedure for distribution of funds	33.33%
<i>DeVincenzi v. Abbott Laboratories, et. al.</i> , CV-94-02528 (Dist. Ct. Washoe County, Nev.)	Horizontal price-fixing conspiracy among infant formula manufacturers	Direct purchaser class actions	Nevada state-wide class of retail purchasers infant formula	product valued at \$254,000	product distributed free of charge through food bank	none
<i>Hyde v. Abbott Laboratories, et al.</i> , No. 94 CVS 500 (Sup. Ct. Jackson County, N.C.)	Horizontal price-fixing conspiracy among infant formula manufacturers	Direct purchaser class actions	North Carolina state-wide class of retail purchasers infant formula	product valued at \$1,410,000	product distributed free of charge through food bank	none
<i>Heilman and Leintz v. Abbott Laboratories, et al.</i> , No. 94-C-2716 (Dist. Ct. Burleigh County, N.D)	Horizontal price-fixing conspiracy among infant formula manufacturers	Direct purchaser class actions	North Dakota state-wide class of retail purchasers infant formula	\$740,000	claims procedure for distribution of funds	33.33%

Infant Formula Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>Hagemann v. Abbott Laboratories</i> , No. 94-221 (Cir. Ct. Hughes County, S.D.)	Horizontal price-fixing conspiracy among infant formula manufacturers	Direct purchaser class actions	South Dakota state-wide class of retail purchasers infant formula	\$1,500,000	claims procedure for distribution of funds	33.33%
<i>Blake v. Abbott Laboratories, et al.</i> , No. L-8950 (Cir. Ct. Blount County, Tenn.)	Horizontal price-fixing conspiracy among infant formula manufacturers	Direct purchaser class actions	Tennessee state-wide class of retail purchasers infant formula	\$2,000,000 and product valued at \$1,000,000	claims procedure for distribution of funds; product distributed free of charge through food bank	33% of \$2 million
<i>Buscher v. Abbott Laboratories, et al.</i> , No. 94-C-221 (Cir. Ct. Kanawha County, W.Va.)	Horizontal price-fixing conspiracy among infant formula manufacturers	Direct purchaser class actions	West Virginia state-wide class of retail purchasers infant formula	\$1,740,000	claims procedure for distribution of funds	33.33%
<i>Carlson v. Abbott Laboratories</i> , No. 94-CV-002608 (Cir. Ct. Milwaukee County) and <i>French v. Abbott Laboratories, et al.</i> , No. 94-CV-009007 (Cir. Ct. Milwaukee County, Wisc.)	Horizontal price-fixing conspiracy among infant formula manufacturers	Direct purchaser class actions	Wisconsin state-wide class of retail purchasers infant formula	\$10,100,000	claims procedure for distribution of funds	33.33%
Total of Indirect Purchaser Infant Formula Settlements listed above:			Product: \$10,464,000; Cash: \$68,120,000			

2. BRAND-NAME PRESCRIPTION DRUGS

BNPD Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>McLaughlin v. Abbott Laboratories, et al.</i> , No. CV 95-0628 (Super. Ct., Yavapai County, Az)	Horizontal conspiracy among brand manufacturers to refuse discounts to “retail class of trade”	Pharmacies brought direct purchaser actions and Robinson-Patman Act actions	state-wide class of retail purchasers of brand-name prescription drugs	\$8,409,900	distribution through community health centers to subsidize cost of patient prescriptions	25%
<i>Preciado v. Abbott Laboratories, et al.</i> , Case No. 962294 (San Francisco Sup. Ct., Cal.)	Horizontal conspiracy among brand manufacturers to refuse discounts to “retail class of trade”	Pharmacies brought direct purchaser actions and Robinson-Patman Act actions	state-wide class of retail purchasers of brand-name prescription drugs	Product valued at approximately \$150,000,000 and approximately \$25,000,000 in cash		
<i>Goda v. Abbott Laboratories, et al.</i> , No. 01445-96 (Super. Ct., D.C.)	Horizontal conspiracy among brand manufacturers to refuse discounts to “retail class of trade”	Pharmacies brought direct purchaser actions and Robinson-Patman Act actions	District of Columbia class of retail purchasers of brand-name prescription drugs	\$6,925,800	distribution through community health centers to subsidize cost of patient prescriptions	25%

BNPD Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>Yasbin v. Abbott Laboratories, et al.</i> , No. 97-01141 CA 03 (Cir. Ct., Dade County, Fla.)	Horizontal conspiracy among brand manufacturers to refuse discounts to “retail class of trade”	Pharmacies brought direct purchaser actions and Robinson-Patman Act actions	state-wide class of retail purchasers of brand-name prescription drugs	\$8,904,600	distribution through community health centers to subsidize cost of patient prescriptions	25%
<i>Holdren v. Abbott Laboratories, et al.</i> , No. 96C15994 (Dist. Ct., Johnson County, Kan.)	Horizontal conspiracy among brand manufacturers to refuse discounts to “retail class of trade”	Pharmacies brought direct purchaser actions and Robinson-Patman Act actions	state-wide class of retail purchasers of brand-name prescription drugs	\$5,441,700	distribution through community health centers to subsidize cost of patient prescriptions	25%
<i>Karofsky v. Abbott Laboratories, et al.</i> , No. CV-95-1009 (Super. Ct., Cumberland County, Maine);	Horizontal conspiracy among brand manufacturers to refuse discounts to “retail class of trade”	Pharmacies brought direct purchaser actions and Robinson-Patman Act actions	state-wide class of retail purchasers of brand-name prescription drugs	\$989,400	distribution through community health centers to subsidize cost of patient prescriptions	25%
<i>Wood v. Abbott Laboratories, et al.</i> , No. 96-512561-CZ (Cir. Ct., Oakland County, Mich.)	Horizontal conspiracy among brand manufacturers to refuse discounts to “retail class of trade”	Pharmacies brought direct purchaser actions and Robinson-Patman Act actions	state-wide class of retail purchasers of brand-name prescription drugs	\$3,166,080	distribution through community health centers to subsidize cost of patient prescriptions	25%

BNPD Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>Kerr v. Abbott Laboratories, et al.</i> , No. 96-2837 (Dist. Ct., Hennepin County, Minn) and <i>Fontaine v. Abbott Laboratories, et al.</i> , No. 97-012124 (Dist. Ct., Hennepin County, Minn.)	Horizontal conspiracy among brand manufacturers to refuse discounts to “retail class of trade”	Pharmacies brought direct purchaser actions and Robinson-Patman Act actions	state-wide class of retail purchasers of brand-name prescription drugs	\$1,978,800	distribution through community health centers to subsidize cost of patient prescriptions	25%
<i>Levine v. Abbott Laboratories, et al.</i> , No. 95-117320 (Sup. Ct., New York County, N.Y.)	Horizontal conspiracy among brand manufacturers to refuse discounts to “retail class of trade”	Pharmacies brought direct purchaser actions and Robinson-Patman Act actions	state-wide class of retail purchasers of brand-name prescription drugs	\$1,978,800	distribution through community health centers to subsidize cost of patient prescriptions	25%
<i>Long v. Abbott Laboratories, et al.</i> , No. 97-CVS-8289 (Super. Ct., Mecklenburg County, N.C.);	Horizontal conspiracy among brand manufacturers to refuse discounts to “retail class of trade”	Pharmacies brought direct purchaser actions and Robinson-Patman Act actions	state-wide class of retail purchasers of brand-name prescription drugs	\$8,904,600	distribution through community health centers to subsidize cost of patient prescriptions	10%
<i>Meyers v. Abbott Laboratories, et al.</i> , No. 97C612 (Cir. Ct., Davidson County, Tenn.)	Horizontal conspiracy among brand manufacturers to refuse discounts to “retail class of trade”	Pharmacies brought direct purchaser actions and Robinson-Patman Act actions	state-wide class of retail purchasers of brand-name prescription drugs	\$7,420,500	distribution through community health centers to subsidize cost of patient prescriptions	25%

BNPD Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>Scholfield v. Abbott Laboratories, et al.</i> , No. 96 CV 0460 (Cir. Ct., Dane County, Wisc.)	Horizontal conspiracy among brand manufacturers to refuse discounts to “retail class of trade”	Pharmacies brought direct purchaser actions and Robinson-Patman Act actions	state-wide class of retail purchasers of brand-name prescription drugs	\$10,190,820	distribution through community health centers to subsidize cost of patient prescriptions	25%
Total of Indirect Purchaser BNPD settlements listed above:			Product: \$150,000,000; Cash: \$89,311,000			

3. VITAMINS

Vitamins Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>Richardson v. F. Hoffmann-La Roche, et al.</i> , No. CV99-06005 (Super.Ct. Maricopa County, Az)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	state-wide class of indirect purchasers of price-fixed vitamin products	\$8,446,250 (\$3,318,250 for commercial entities; \$4,692,000 for consumers; and \$436,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)
<i>Vitamin Cases</i> , No. 301803 (Sup. Ct. San Francisco County, California)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	state-wide class of indirect purchasers of price-fixed vitamin products	\$80,000,000 (\$42,000,000 for commercial entities; and \$38,000,000 for consumers)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)
<i>Giral v. Hoffmann-La Roche, et al.</i> , No. 98 CA 007467 (Sup. Ct. D.C.)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	district-wide class of indirect purchasers of price-fixed vitamin products	\$2,021,450 (\$1,451,450 for commercial entities; \$522,000 for consumers; and \$48,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)

Vitamins Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>Garofolo et al., v. F. Hoffmann-Laroche, Ltd., et al.</i> , No. 99-010358 (07) (Cir. Ct. Broward County, Fl)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	state-wide class of indirect purchasers of price-fixed vitamin products	\$24,772,500 (\$8,391,500 for commercial entities; \$14,988,000 for consumers; and \$1,393,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)
<i>State of Hawaii v. Hoffman-La Roche, et al.</i> , Civil No. 01-1-001594 (1 st Dist. Cir. Ct. Haw.)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	state-wide class of indirect purchasers of price-fixed vitamin products	\$1,306,000 (\$1,195,000 for consumers; and \$111,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)
<i>State of Idaho v. Daiichi Pharmaceutical Co., et al.</i> , No. CV 0C 01031630 (4 th Jud. Dist. Idaho, Ada County)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	state-wide class of indirect purchasers of price-fixed vitamin products	\$1,855,050 (\$505,050 for commercial entities; \$1,235,000 for consumers; and \$115,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)

Vitamins Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>State of Illinois v. Hoffmann-La Roche, et al.</i> , No. 01CH08502 (Cir. Ct. Cook County, Ill.)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	state-wide class of indirect purchasers of price-fixed vitamin products	\$22,989,750 (\$9,759,750 for commercial entities; \$12,105,000 for consumers; and \$1,125,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)
<i>Todd v. F. Hoffman-La Roche, et al.</i> , Case No. 98 C 4574 (Dist. Ct. Wyandotte County, Kansas)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	state-wide class of indirect purchasers of price-fixed vitamin products	\$6,386,600 (\$3,499,600 for commercial entities; \$2,642,000 for consumers; and \$245,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)
<i>Headrick v. F. Hoffman-La Roche, et al.</i> , No. CV-99-148 (Super. Ct. Cumberland County, Maine)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	state-wide class of indirect purchasers of price-fixed vitamin products	\$1,697,050 (\$336,050 for commercial entities; \$1,245,000 for consumers; and \$116,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)

Vitamins Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>Bascomb v. F. Hoffman-La Roche, et al.</i> , Consolidated Case Nos. 99-906364 Cz, 99-917982 NZ (Cir. Ct. Wayne County, Mich)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	state-wide class of indirect purchasers of price-fixed vitamin products	\$15,808,450 (\$5,026,450 for commercial entities; \$9,865,000 for consumers; and \$917,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)
<i>In re: The Minnesota Vitamin Antitrust Litigation</i> , Court File No. CA-00-1800 (GEJ) (2d Jud. Dist. Ct. Ramsey County, Minn)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	state-wide class of indirect purchasers of price-fixed vitamin products	\$8,796,900 (\$3,604,900 for commercial entities; \$4,751,000 for consumers; and \$441,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)
<i>State of Nevada v. Hoffmann-La Roche, et al.</i> , Case No. 01-00723A (1 st Jud. Dist. Ct. Carson County, Nevada)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	state-wide class of indirect purchasers of price-fixed vitamin products	\$2,577,500 (\$656,500 for commercial entities; \$1,758,000 for consumers; and \$163,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)

Vitamins Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>In re: New Mexico Vitamins Indirect Purchasers Antitrust Litigation</i> , Case No. CV 99-12056 (2d Jud. Dist. Ct., Bernalillo County, NM)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	state-wide class of indirect purchasers of price-fixed vitamin products	\$4,035,500 (\$2,125,500 for commercial entities; \$1,748,000 for consumers; and \$162,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)
<i>Scanlon v. F. Hoffman-La Roche, et al.</i> , Index No. 99/1237 (Sup. Ct. NY, Albany County)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	state-wide class of indirect purchasers of price-fixed vitamin products	\$31,119,550 (\$11,158,550 for commercial entities; \$18,264,000 for consumers; and \$1,697,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)
<i>Nicholson v. F. Hoffman-La Roche, et al.</i> , Case No. 99-CVS-3592 (Super. Ct. Div. Mecklenburg County, NC)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	state-wide class of indirect purchasers of price-fixed vitamin products	\$12,995,650 (\$4,706,650 for commercial entities; \$7,584,000 for consumers; and \$705,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)

Vitamins Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>O'Neil v. F. Hoffman-La Roche, et al.</i> , Civil No. 99-C-1673 (Dist. Ct. Burleigh County, ND)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	state-wide class of indirect purchasers of price-fixed vitamin products	\$1,264,500 (\$561,500 for commercial entities; \$643,000 for consumers; and \$60,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)
<i>Commonwealth of Puerto Rico v. F. Hoffman-La Roche, et al.</i> , Civil No. KAC2000-1881 (Tribunal de Primera Instancia Sala Superior de San Juan)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	territory-wide class of indirect purchasers of price-fixed vitamin products	\$5,945,150 (\$1,762,150 for commercial entities; \$3,827,000 for consumers; and \$356,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)
<i>State of Rhode Island and Providence Plantations v. Aventis Animal Nutrition S. A., et al.</i> , No. 00-5781 (Super. Ct. Providence, R.I.)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	state-wide class of indirect purchasers of price-fixed vitamin products	\$1,583,900 (\$497,900 for commercial entities; \$994,000 for consumers; and \$92,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)

Vitamins Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>Chaffee v. F. Hoffman-La Roche, et al.</i> , No. 99-221 (Cir. Court Meade County, S.D.)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	state-wide class of indirect purchasers of price-fixed vitamin products	\$1,471,100 (\$659,100 for commercial entities; \$743,000 for consumers; and \$69,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)
<i>McCampbell v. F. Hoffman La-Roche et al.</i> , Case No. 16,628 (Cir. Ct. Jefferson County, Tenn)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	state-wide class of indirect purchasers of price-fixed vitamin products	\$8,951,350 (\$2,989,350 for commercial entities; \$5,455,000 for consumers; and \$507,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)
<i>State of Vermont v. Daiichi Pharmaceutical Co., et al.</i> , No. 292-6-01 W (Super. Ct. Washington County, VT)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	state-wide class of indirect purchasers of price-fixed vitamin products	\$916,100 (\$269,100 for commercial entities; \$592,000 for consumers; and \$55,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)

Vitamins Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>State of Washington v. Hoffmann-La Roche, et al.</i> , No. 01-2-13960-6 SEA (Super. Ct. King County, WA)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	state-wide class of indirect purchasers of price-fixed vitamin products	\$8,256,150 (\$2,009,150 for commercial entities; \$5,716,000 for consumers; and \$531,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)
<i>Archer v. F. Hoffmann-La Roche, et al.</i> , Civil Action No. 99-C-327 (Cir. Ct. Kanawha County, WV)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	state-wide class of indirect purchasers of price-fixed vitamin products	\$4,067,000 (\$2,080,000 for commercial entities; \$1,818,000 for consumers; and \$169,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)
<i>In re Vitamin Product Antitrust Litigation</i> , Case No. 98-CV-7792 (Cir. Ct. Milwaukee County, WI)	Horizontal price-fixing and market allocation conspiracy among vitamin manufacturers	Federal criminal charges, direct purchaser actions and civil actions by state attorneys general	state-wide class of indirect purchasers of price-fixed vitamin products	\$10,318,700 (\$4,587,700 for commercial entities; \$5,244,000 for consumers; and \$487,000 for State Economic Impact Fund)	Direct distribution through claims process for business entities; cy pres programs for consumer recovery	16.67% (not out of common fund but paid by defendants)
Total of Indirect Purchaser Vitamins Settlements listed above:				\$267,582,150.00		

4. MICROSOFT (www.microsoft.com/mscorp/legal/class/#head1)

Microsoft Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>In re Arizona Microsoft Litig.</i> , No. 00-0722. (Super. Ct. Maracopa County, Az)	Abuse of monopoly power and unlawful tie-in of internet browser software	Civil action by federal and state authorities; direct purchaser actions	state-wide class of software purchasers	up to \$104,600,000 in vouchers	vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools	Microsoft to pay fee agreed upon or otherwise awarded by court; notice indicates request not to exceed \$34.8 million
<i>Microsoft I-C Cases</i> , J.C.C.P. No. 4106 (Super. Ct. San Francisco County, Ca)	Abuse of monopoly power and unlawful tie-in of internet browser software	Civil action by federal and state authorities; direct purchaser actions	state-wide class of software purchasers	up to \$1,100,000,000 in vouchers	vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; 2/3 the value of unclaimed benefits distributed disadvantaged schools	Microsoft to pay fee agreed upon or otherwise awarded by court; notice indicates request not to exceed \$275 million
<i>Bernard v. Microsoft Corp.</i> , <i>Cummins v. Microsoft Corp.</i> , <i>Knight v. Microsoft Corp.</i> (Superior Court, D.C.)	Abuse of monopoly power and unlawful tie-in of internet browser software	Civil action by federal and state authorities; direct purchaser actions	state-wide class of software purchasers	up to \$6,200,000 in vouchers	vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools	[information not available on website]

Microsoft Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>In re Florida Microsoft Antitrust Litig.</i> , 99-27340 (11 th Jud. Cir. Miami-Dade County, Fla.)	Abuse of monopoly power and unlawful tie-in of internet browser software	Civil action by federal and state authorities; direct purchaser actions	state-wide class of software purchasers	up to \$202,000,000 in vouchers	vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools	Microsoft to pay fee agreed upon or otherwise awarded by court; notice indicates request not to exceed \$48 million
<i>In re Kansas Microsoft Antitrust Litig.</i> , 99-CV-17089 (Dist. Ct. Johnson County, Kan.)	Abuse of monopoly power and unlawful tie-in of internet browser software	Civil action by federal and state authorities; direct purchaser actions	state-wide class of software purchasers	up to \$32,000,000 in vouchers	vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools	Microsoft to pay fee agreed upon or otherwise awarded by court; notice indicates request not to exceed \$8 million
<i>In re Microsoft Corporation Massachusetts Consumer Protection Litig.</i> , 00-2456 (Mass. Super. Ct. Middlesex)	Abuse of monopoly power and unlawful tie-in of internet browser software	Civil action by federal and state authorities; direct purchaser actions	state-wide class of software purchasers	up to \$34,000,000 in vouchers	vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools	Microsoft to pay fee agreed upon or otherwise awarded by court; notice indicates request not to exceed \$9.75 million
<i>Gordon v. Microsoft Corp.</i> , No. MC 00-5994; <i>Uglem v. Microsoft Corp.</i> , No. MC 03-4162 (Dist. Ct. Hennepin County, Minn.)	Abuse of monopoly power and unlawful tie-in of internet browser software	Civil action by federal and state authorities; direct purchaser actions	state-wide class of software purchasers	up to \$174,500,000 in vouchers	vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools	Microsoft to pay fee agreed upon or otherwise awarded by court; notice indicates request not to exceed \$59.4 million

Microsoft Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>Arthur v. Microsoft Corp.</i> , No. CI 01-126 (Dist. Ct. Dodge County, Neb.)	Abuse of monopoly power and unlawful tie-in of internet browser software	Civil action by federal and state authorities; direct purchaser actions	state-wide class of software purchasers	up to \$22,600,000 in vouchers	vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools	Notice says that Microsoft agreed to pay fee not to exceed \$2,712,000
<i>In re New Mexico Indirect Purchasers Microsoft Corporation Antitrust Litig.</i> , No. D0101CV20001697 (1 st Jud. Dist., N.M.)	Abuse of monopoly power and unlawful tie-in of internet browser software	Civil action by federal and state authorities; direct purchaser actions	state-wide class of software purchasers	up to \$31,500,000 in vouchers	vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools	Microsoft to pay fee agreed upon or otherwise awarded by court; notice indicates request not to exceed 25% of Face Value of Settlement
<i>MJM Investigations Inc. v. Microsoft Corp.</i> , Nos. 00 CVS 4073 and 00 CVS 1246 (N.C. Business Court, Raleigh, N.C.)	Abuse of monopoly power and unlawful tie-in of internet browser software	Civil action by federal and state authorities; direct purchaser actions	state-wide class of software purchasers	up to \$89,194,765 in vouchers	vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to N.C. Dept. of Public Institution	Microsoft to pay fee agreed upon or otherwise awarded by court; notice indicates request not to exceed \$22.25 million
<i>Howe v. Microsoft Corp.</i> , No. 00-C-00328 (Dist. Ct., Grand Forks County, N.D.)	Abuse of monopoly power and unlawful tie-in of internet browser software	Civil action by federal and state authorities; direct purchaser actions	state-wide class of software purchasers	up to \$9,000,000 in vouchers	vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools	[information not available on website]

Microsoft Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>In re South Dakota Microsoft Antitrust Litig.</i> , (Cir. Ct. 6 th Jud. Cir., Hughes County, S.D.)	Abuse of monopoly power and unlawful tie-in of internet browser software	Civil action by federal and state authorities; direct purchaser actions	state-wide class of software purchasers	up to \$9,330,000 in vouchers	vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools	[information not available on website]
<i>Sherwood v. Microsoft Corp.</i> , 99 C 3562 (Cir. Court, Davidson County, Tenn.)	Abuse of monopoly power and unlawful tie-in of internet browser software	Civil action by federal and state authorities; direct purchaser actions	state-wide class of software purchasers	up to \$64,000,000 in vouchers	vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to Tennessee Commissioner of Education	Notice indicates award of \$8 million
<i>Elkins v. Microsoft Corp.</i> , No. 165-4-01 (Sup. Ct. Windham County)	Abuse of monopoly power and unlawful tie-in of internet browser software	Civil action by federal and state authorities; direct purchaser actions	state-wide class of software purchasers	up to \$9,700,000 in vouchers	vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools	Microsoft to pay fee agreed upon or otherwise awarded by court; notice indicates request not to exceed \$3.5 million
<i>West Virginia ex rel. McCraw v. Microsoft Corp.</i> , No. 01-C-197	Abuse of monopoly power and unlawful tie-in of internet browser software	Civil action by federal and state authorities; direct purchaser actions	state-wide class of software purchasers	up to \$18,000,000 in vouchers	vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools	[information not available on website]

Microsoft Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>Capp v. Microsoft Corp.</i> , No. 00CV637, <i>Spence v. Microsoft Corp.</i> , No. 00CV3042; and <i>Bettendorf v. Microsoft Corp.</i> , No. 03CV563 (Cir. Ct. Milwaukee Cty., Wisc.)	Abuse of monopoly power and unlawful tie-in of internet browser software	Civil action by federal and state authorities; direct purchaser actions	state-wide class of software purchasers	up to \$223,896,000 in vouchers	vouchers can be redeemed for cash in connection with purchases of qualifying hardware or software; half the value of unclaimed benefits distributed to disadvantaged schools	Approximately \$14 million to three different groups. <i>See Bettendorf v. Microsoft Corp.</i> , No. 2008AP3215, 2009 WL 4984079 (Wis. App. Dec. 22, 2009).
Total of Microsoft indirect purchaser settlements listed above:			up to \$2,130,520,765 in vouchers*			

*There may be settlements in some other states not listed.

5. SORBATES

Sorbates Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>State of Illinois ex rel. Madigan v. Daicel Chemical Industries Ltd.</i> , No. 02CH19575 (Cir. Ct. Cook County, Ill.)	Horizontal price-fixing conspiracy for sorbates, an ingredient in foods, beverages and other household products	Federal criminal charges; Direct purchaser actions	state-wide class of consumer indirect purchasers of sorbates	\$1,610,000	cy pres to benefit physical education programs in disadvantaged public school districts	\$234,000 to state attorney general
<i>Orlando's Bakery v. Nutrinova Nutrition Specialties & Food Ingredients, GmbH</i> , No. 99-560-II, (Chancery Court, Davidson County, Tenn.)	Horizontal price-fixing conspiracy for sorbates, an ingredient in foods, beverages and other household products	Federal criminal charges; Direct purchaser actions	state-wide class of indirect purchasers of sorbates	\$1,450,000	claims process for business purchasers; cy pres for benefit of consumers	32%
<i>Kelley Supply, Inc. v. Eastman Chemical Co.</i> , No. 99cv001528 (Cir. Ct., Dane County, Wis.)	Horizontal price-fixing conspiracy for sorbates, an ingredient in foods, beverages and other household products	Federal criminal charges; Direct purchaser actions	multistate-class of indirect purchasers of sorbates	\$8,866,750	claims process for business purchasers; cy pres for benefit of consumers	23.6%
Total of Indirect Purchaser Sorbates Settlements listed above:				\$11,926,750		

6. MISCELLANEOUS

Miscellaneous Case	Nature of Allegations	Governmental (Civil/Criminal), Direct Purchaser or Competitor Action(s)	Type of Class	Amount of Settlement	Distribution Method	Attorneys' Fees
<i>In re California Indirect Purchaser X-Ray Film Antitrust Litig.</i> , No. 960886 (Sup. Ct. Alameda County) [1998 WL 1031494]	Defendants conspired to raise, fix and stabilize the prices of medical x-ray film	Direct purchaser actions	state-wide class of indirect purchasers of medical x-ray film	\$3,750,000	Direct distribution of cash proceeds through claims process	30%
<i>Strang v. Sumitomo Corp.</i> , (Sup. Ct. San Diego County) (gilardi.com/pdf/cps6noc.pdf)	Defendants colluded to fix, stabilize and maintain copper prices	CFTC enforcement action	multistate class of purchasers of copper products	multiple settlements aggregating \$83,350,000	Direct distribution of cash proceeds through claims process	Notices indicated fee requests of 33.33% of \$77,350,000
<i>Premier Pork, Inc. v. Rhone-Poulenc, S.A.</i> , No. CV2000-3, 2006 WL 1388464 (Scott County Kan, Dist. Ct. Jan. 31, 2006)	Defendants colluded to fix, stabilize and maintain prices for methionine		Kansas indirect purchasers of methionine	\$1,675,000	Direct distribution of cash proceeds through claims process	33.33% (of common fund less expenses)
<i>Elizabeth Blevins, et al. v. Wyeth-Ayerst Laboratories, Inc.</i> , Case No. 324380 (Sup. Ct. San Francisco, 2007) (premarinsettlement.com)	Defendant engaged in anticompetitive conduct that blocked access to alternative drug	Direct purchaser class action; competitor action	Consumers and Third-Party Payors of prescription drug Premarin purchased in California	\$5,200,000	Direct distribution of cash proceeds through claims process	25%
Total of settlements listed above:				\$93,975,000		

SETTLEMENT TOTALS

Total of indirect purchaser settlements (including those with approval pending):

Settlement Groups	Cash	Non-cash benefit	Total (cash and non-cash)
Federal Cases (including approval pending)	\$1,538,337,600	\$3,000,000 (product: prescription drugs)	\$1,541,337,600
Infant Formula Cases	\$68,120,000	\$10,464,000 (product: infant formula)	\$78,584,000
Brand-Name Drug Cases	\$89,311,000	\$150,000,000 (product: prescription drugs)	\$239,311,000
Vitamins State Cases	\$267,582,150.00		\$267,582,150.00
Microsoft Cases		\$2,130,520,765 (vouchers for hardware and software)	\$2,130,520,765
Sorbates Cases	\$11,926,750		\$11,926,750
Miscellaneous Cases	\$93,975,000		\$93,975,000
Total:	\$2,069,252,500	\$2,293,984,765	\$4,363,237,265