

**IN THE COURT OF COMMON PLEAS OF  
ALLEGHENY COUNTY, PENNSYLVANIA**

RAJESH PATEL, Individually and on Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

VIATRIS INC., PFIZER INC.,  
MICHAEL GOETTLER,  
SANJEEV NARULA, BRYAN SUPRAN,  
MARGARET M. MADDEN,  
DOUGLAS E. GIORDANO,  
ROBERT J. COURY, IAN READ, and  
JAMES KILTS,

Defendants.

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CIVIL DIVISION  
No. GD-21-13314

**LEAD PLAINTIFF'S MEMORANDUM OF  
LAW IN SUPPORT OF MOTION FOR  
AUTHORIZATION TO DISTRIBUTE NET  
SETTLEMENT FUND TO AUTHORIZED  
CLAIMANTS**

CLASS ACTION

Filed on behalf of:

PLAINTIFF RAJESH PATEL

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[Additional counsel appear on signature page]



Stipulation and Agreement of Settlement, dated January 18, 2024 (the “Stipulation”),<sup>1</sup> previously approved by the Court, Defendants have no interest in the relief sought by this motion.<sup>2</sup>

If entered by the Court, the proposed Distribution Order will, among other things: (i) approve the Claims Administrator’s administrative recommendations to accept or reject claims submitted in connection with the previously approved Settlement; (ii) authorize the distribution of the Net Settlement Fund to Settlement Class Members whose claims have been accepted as valid, pursuant to the distribution plan proposed by the Claims Administrator; (iii) establish a final bar date beyond which late claims will not be allowed; (iv) approve payment of the Claims Administrator’s fees and expenses; and (v) authorize the destruction of Claim Forms after the distribution is complete. Lead Plaintiff does not request oral argument of this motion.

## **I. THE NOTICE PROGRAM AND APPROVAL OF THE SETTLEMENT**

Pursuant to the Stipulation, Defendants agreed to pay, or cause to be paid, \$16,000,000 to settle the claims against them in the Action and related claims. The Court granted preliminary approval of the Settlement by an order dated February 16, 2024 (“Preliminary Approval Order”)

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<sup>1</sup> All capitalized terms not otherwise defined herein have the same meanings as set forth in the Stipulation.

<sup>2</sup> See Stipulation ¶2.3 (“The Settlement is non-recapture, i.e. it is not a claims-made settlement. Upon the occurrence of the Effective Date, no Defendant, Released Defendants’ Parties, or any other Person or entity who or which paid any portion of the Settlement Amount (including, without limitation, any Defendants’ insurance carriers), shall have any right to the return of the Settlement Fund or any portion thereof for any reason whatsoever.”); ¶4.4 (“The Released Defendants’ Parties shall have no role in, or any liability, obligation, or responsibility for . . . the administration of the Settlement, or the distribution of the Settlement Fund. . . . The Released Defendants’ Parties take no position as to the adequacy of the administration of claims in connection with the distribution of the Settlement Fund.”); ¶6.3 (“Defendants shall have no involvement in the solicitation or review of Proofs of Claim and shall have no involvement in the administration process itself, which shall be conducted by the Claims Administrator in accordance with this Stipulation, the Plan of Allocation, and any orders that may be entered by the Court.”).

and granted final approval by the Order and Final Judgment Approving the Class Action Settlement and Plan of Allocation (“Judgment”) dated June 12, 2024.

In accordance with the Preliminary Approval Order, A.B. Data mailed the Notice of (I) Pendency of Class Action and Proposed Settlement; (II) Settlement Fairness Hearing; and (III) Motion for Attorney’s Fees and Reimbursement of Expenses (“Notice”) and the Proof of Claim and Release Form (“Claim Form”) (collectively, the Notice and Claim Form are referred to as the “Notice Packet”) to nominees and potential Class Members. Distribution Decl. ¶2.<sup>3</sup>

The Effective Date of the Settlement has occurred (*see* Stipulation ¶10.1), and the Claims Administrator has processed all claims. Accordingly, with the Court’s authorization, the Net Settlement Fund may be distributed to Authorized Claimants (*see* Stipulation ¶¶4.10, 4.14).

## **II. CLAIMS ADMINISTRATION PROCESS**

Under the terms of the Stipulation and the Notice, all Settlement Class Members wishing to participate in the distribution of the Net Settlement Fund were required to submit Claim Forms no later than July 2, 2024. As set forth in the accompanying Distribution Declaration, A.B. Data received and processed 321,714 Claim Forms. Distribution Decl. ¶33. All Claim Forms received through October 15, 2025, a date prior to the finalization of the claim determinations and the preparation of the Distribution Declaration, have been processed and reviewed. *Id.*

A.B. Data has prepared detailed reports of: (i) Authorized Claimants who submitted timely and eligible claims (Exhibit D); (ii) Authorized Claimants who submitted late, but otherwise eligible claims (Exhibit E); and (iii) all wholly rejected or ineligible claims (Exhibit F). These reports are annexed to the Distribution Declaration. Based on these determinations, A.B. Data,

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<sup>3</sup> The efforts undertaken by A.B. Data in providing notice of the Settlement to the Class Members is detailed in the previously submitted Affidavit of Jack Ewashko Regarding Mailing and Publication of Notice, dated May 8, 2024.

in consultation with Lead Counsel, recommends that a distribution to the claimants listed in Exhibits D and E be authorized for payment.

**A. Procedures and Review**

With respect to A.B. Data's extensive review process, among the 321,714 Claim Forms received and processed, 3,449 were "hard-copy" or "paper" Claim Forms (submitted by mail) and 4,223 were "online" claims (uploaded using the Settlement website). *Id.* ¶8. Among the Claim Forms received and processed, 314,042 were submitted electronically by institutional investors with hundreds or thousands of transactions ("Electronic Claims") to A.B. Data's Electronic Claim Filing Team ("ECF Team"). *Id.* ¶14. The paper Claim Forms were opened and scanned into an electronic database created for this Settlement. *Id.* ¶9. The data from all the Claim Forms was entered into the database created for the Settlement, evaluated, and processed according to a complex coding procedure to identify the types and conditions of the Claim Forms. *Id.* ¶¶9-18.

Many of the claims initially submitted were incomplete or had one or more defects or conditions of ineligibility (*e.g.*, not signed, not properly documented, or not indicating that the claimant held shares of MYL common stock, which were exchanged for Viatris ("VTRS") shares directly in the stock-for-stock exchange conducted pursuant to the offering materials issued in connection with the November 2020 merger of Mylan N.V. and Upjohn, Inc. to form VTRS). *Id.* ¶20.

If a paper or online claim was determined to be defective or ineligible, A.B. Data mailed a letter to the claimant describing the defect(s) or condition(s) of ineligibility with his, her, or its Claim Form and advising what, if anything, was necessary to cure the defect(s) in the Claim Form ("Deficiency Notice"). *Id.* ¶21. The Deficiency Notice advised the claimant that the submission of the appropriate information and/or documentary evidence to complete the claim had to be sent

within twenty (20) days from the date of the Deficiency Notice or the claim would be recommended for rejection to the extent the deficiency or condition of ineligibility was not cured. *Id.* Claimants were also advised that they could request Court review of A.B. Data's administrative determinations if they wished to contest the rejection of their claims. *Id.* An example of such a letter is attached as Exhibit A of the Distribution Declaration.

If an "Electronic Claim," *i.e.*, large claims with many transactions that are submitted to A.B. Data's ECF Team, which specializes in handling such claims, was determined to be defective or ineligible, A.B. Data notified the filer of the deficiencies or conditions of ineligibility by emailing a Status Spreadsheet, which listed the specific claims that were incomplete, along with a list of the specific portions of claims that were incorrect or incomplete so that the conditions could be cured. *Id.* ¶¶23-25. The email advised the filer that any deficient transactions or claims that remain uncured would remain rejected, and informed the filer that it could, on behalf of the claimant, request that the Court review A.B. Data's administrative determination if it wished to contest the rejection. *Id.* ¶24. An example of such an email and spreadsheet are attached as Exhibits B and C to the Distribution Declaration.

A.B. Data carefully reviewed claimants' and electronic filers' responses to the deficiency notifications and worked with them to resolve deficiencies where possible. *Id.*, ¶¶22, 28. The process was designed to cure as many deficient claims as possible and advise claimants of their rights. *Id.* ¶20.

The administration was also subject to A.B. Data's rigorous quality assurance reviews and screening for potentially fraudulent filers. *Id.* ¶¶31-32. A.B. Data's Quality Assurance Department conducted comprehensive reviews to ensure accuracy and completeness of all processed claims. *Id.* ¶31. The quality-assurance process included verifying signatures from

authorized individuals, identifying and rejecting duplicate claims, confirming excluded persons/entities did not submit claims, auditing claim forms and supporting documentation for completeness, ensuring all deficiency/ineligibility notices were sent, auditing deficient, invalid, and zero-loss claims, and testing the accuracy of the calculation program used to determine Recognized Losses. *Id.*

For fraud detection, A.B. Data employed multiple safeguards, including database screening, that checked all claims against A.B. Data's database of known questionable filers, which includes individuals and entities investigated by government agencies for fraudulent claim filing as well as names from previous settlements where fraud was detected. *Id.* ¶32. A.B. Data also performed cross-reference searches by name, aliases, address, and city/ZIP code to identify suspicious patterns, and all claims processors were trained to identify potentially inauthentic documentation and flag questionable claims for management review. *Id.*

## **B. Recommended Dispositions of the Claims**

### **1. Lead Counsel Recommends that the Claims Administrator's Eligibility Determinations Be Approved**

Of the 321,714 claims received through October 15, 2025, 22,987 have been determined by A.B. Data to be eligible in whole or in part to receive a payment from the Net Settlement Fund. *Id.* ¶¶33-35 and Exs. D and E thereto. A total of 298,727 claims were administratively rejected, after exhaustion of the deficiency process explained above (*Id.* ¶33, 36 and Ex. F thereto) for the following reasons: 163,376 claims were from claimants who did not hold shares of MYLAN common stock; 16,898 claims did not result in a Recognized Loss pursuant to the Court-approved Plan of Allocation; 118,062 claims were Replaced Claims (*i.e.*, claims that received a Deficiency Notice and the claimant subsequently submitted an updated claim which replaced the original); 320 claims were duplicates; 51 claims that were withdrawn by the claimants; 19 E-claim

Placeholders claims; and 1 claim on behalf of an excluded party. *Id.* ¶36. High claim rejection rates are typical in securities class action settlements, particularly where class members may be uncertain about their eligibility or where institutional investors submit initial claims that are subsequently replaced with corrected versions, as happened here. *Id.*

It is respectfully requested that the Court authorize distribution of the Net Settlement Fund to the 22,987 eligible claimants (including those that filed after the claim deadline but on or before October 15, 2025, as set forth below) identified by A.B. Data and reject those designated for rejection.

**2. Lead Counsel Recommends that the Court Accept Late-Filed But Otherwise Valid Claims**

A.B. Data received and processed 112,134 claims that were received or postmarked after the Court-established claim deadline of July 2, 2024, but on or before October 15, 2025. *Id.* ¶¶29, 35. Among these, 8,833 are, but for their late submission, otherwise valid. *Id.* Although these claims were late, they were received while processing was ongoing. *Id.* ¶29. The processing of these late claims did not delay the claims administration, nor will it delay the distribution of the Net Settlement Fund. *Id.* Lead Counsel believes that it is appropriate to allow payment of these otherwise eligible claims received while claim processing was being completed and respectfully requests that these Claim Forms be approved as eligible for payment.

However, there must be a final cutoff date after which no more Claim Forms will be accepted for processing and inclusion in the Initial Distribution of the Net Settlement Fund. Acceptance of additional Claim Forms or responses to letters regarding a Claim Form's deficiencies or ineligibility received during the finalization of the administration and the preparation of this Declaration would necessarily require a delay in the distribution. Accordingly, it is respectfully requested that this Court order that no Claim Form received or adjusted in

response to a letter regarding a Claim Form’s deficiencies or ineligibility after October 15, 2025, be eligible for payment in the Initial Distribution. *Id.* 30.

### **3. No Claimants are Seeking Court Review of A.B. Data’s Administrative Determinations**

Throughout the claims administration process, claimants were informed of their right to seek court review of any adverse determination. *Id.* ¶¶21, 24. Despite processing 321,174 claims and sending Deficiency Notices to thousands of claimants, no claimants are seeking court review of A.B. Data’s eligibility determinations. *Id.* ¶¶20, 22, 28. This absence of challenges demonstrates the thoroughness and fairness of the claims review process and supports the Court’s authorization of the proposed distribution.

## **III. DISTRIBUTION OF THE NET SETTLEMENT FUND**

The Claims Administrator, in consultation with Lead Counsel, has developed a distribution plan for the Net Settlement Fund that will allow for the fair distribution of the Settlement proceeds, pursuant to the Plan of Allocation and Stipulation, until the fund is exhausted. *See* Distribution Decl. ¶¶40-42.

The key components of the distribution plan provide for: (i) the initial distribution of the Net Settlement Fund to all Authorized Claimants whose Claim Forms are valid and whose *pro rata* payment amount meets or exceeds \$10.00; (ii) additional distributions of unclaimed funds to Authorized Claimants who cash their distribution checks, until it is no longer economically feasible to make further distributions; and (iii) any unclaimed balance that still remains will be contributed to the Pennsylvania Interest on Lawyers Trust Account Board. *See* Distribution Decl. ¶42.

More specifically, A.B. Data will conduct an initial distribution (the “Initial Distribution”) of the Net Settlement Fund, after deducting the payments previously allowed, including the costs

of the Initial Distribution, and after payment of any taxes, the costs of preparing appropriate tax returns, and any escrow fees. *Id.* ¶42(a). A.B. Data will, pursuant to the terms of the Plan of Allocation, eliminate from the Initial Distribution any Authorized Claimant whose *pro rata* share of the Net Settlement Fund is less than \$10.00. *Id.* ¶42(a)(ii). The remaining Authorized Claimants' distribution amounts will be calculated by dividing the total updated Net Settlement Fund by the Recognized Loss of all remaining Authorized Claimants. *Id.* ¶42(a)(iii). After the Initial Distribution, any unclaimed balance will be distributed in subsequent distributions. *Id.* ¶42(b).

With respect to additional distributions, after A.B. Data has made reasonable and diligent efforts to have Authorized Claimants cash their Initial Distribution checks, but no earlier than six (6) months after the Initial Distribution, A.B. Data will conduct a second distribution of the Net Settlement Fund (the "Second Distribution") in which any unclaimed amounts remaining in the Net Settlement Fund after the Initial Distribution, after deducting A.B. Data's fees and expenses incurred in connection with administering the Settlement for which it has not yet been paid (including the estimated costs of such Second Distribution), and after the payment of any taxes, the costs of preparing appropriate tax returns, and any escrow fees, will be distributed in an equitable and economic fashion to Authorized Claimants in the Initial Distribution who cashed their Initial Distribution checks. *Id.* ¶42(b). Additional re-distributions, after deduction of costs and expenses as described above and subject to the same conditions, may occur thereafter until Lead Counsel, in consultation with A.B. Data, determines that further re-distribution is not cost-effective. *Id.*

If any balance still remains in the Net Settlement Fund that, after further distributions, is not cost-effective to reallocate, the remaining balance, after payment of any unpaid fees and

expenses incurred in administering the Settlement, shall be contributed to the Pennsylvania Interest on Lawyers Trust Account Board. *Id.* ¶42(c).

Unless otherwise ordered by the Court, one year after the Initial Distribution, A.B. Data will destroy paper copies of the Claim Forms and all supporting documentation, and one year after all funds have been distributed, A.B. Data will destroy electronic copies of the same. *Id.* ¶42(d).

#### **IV. PAYMENT OF CLAIMS ADMINISTRATION EXPENSES**

A.B. Data agreed to be the Claims Administrator in exchange for payment of its fees and out-of-pocket expenses. Lead Counsel received reports on, and invoices for, the work A.B. Data performed with respect to the provision of notice and administration of the Settlement. Lead Counsel supervised A.B. Data during the claims administration process and reviewed A.B. Data's fees and expenses for accuracy to ensure A.B. Data's work was completed in accordance with the Stipulation and Preliminary Approval Order. *Id.* ¶38.

A.B. Data's total professional fees and expenses for this matter through December 31, 2025, are \$850,000.00, which includes reimbursement fees paid to banks and brokers for mailing of the Notice Packet.<sup>4</sup> A.B. Data estimates that it will incur \$27,410.00 for the Initial Distribution of the Net Settlement Fund.<sup>5</sup> Accordingly, there is an outstanding balance of \$877,410.00 payable to A.B. Data from the Settlement Fund, which includes the estimate for completing the Initial Distribution. *Id.* ¶39.

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<sup>4</sup> Lead Counsel negotiated a cap of \$850,000 on A.B. Data's professional fees and expenses up to but not including the Initial Distribution.

<sup>5</sup> Should the estimate of fees and expenses to conduct the Initial Distribution of the Net Settlement Fund exceed the actual cost, the excess will be returned to the Net Settlement Fund and will be available for subsequent distribution to Authorized Claimants.

Accordingly, in the accompanying Distribution Order ¶8, Lead Counsel seeks the Court's authorization to pay A.B. Data the requested professional fees and expenses, as well as authorization to pay future professional fees and expenses, as incurred, in connection with any future distributions of the Settlement Fund.

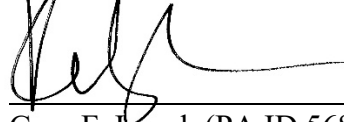
### **CONCLUSION**

For the reasons set forth above, Lead Plaintiff respectfully requests that the Court approve the Claims Administrator's recommendations and enter the proposed Distribution Order, which will: (i) approve A.B. Data's determinations accepting 22,987 claims as eligible for payment and rejecting 298,724 claims for the reasons stated; (ii) including acceptance of the 8,833 late-filed but otherwise valid claims submitted on or before October 15, 2025; (iii) establish October 15, 2025 as the final bar date for claim submissions; (iv) authorize distribution of the Net Settlement Fund to Authorized Claimants in accordance with the Distribution Plan proposed by A.B. Data; (v) authorize payment of \$877,410.00 in Notice and Administration Expenses to A.B. Data; and (vi) authorize destruction of claim materials after the distribution is complete. The comprehensive claims review process, robust quality assurance measures, and absence of any challenges to A.B. Data's determinations demonstrate that the proposed distribution is fair, reasonable, and should be approved.

Dated: March 5, 2026

Respectfully submitted,

**LYNCH CARPENTER LLP**



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing  
LEAD PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR  
AUTHORIZATION TO DISTRIBUTE NET SETTLEMENT FUND TO AUTHORIZED  
CLAIMANTS has been served on this 5<sup>th</sup> day of March, 2026 on all counsel of record via email  
to:


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