

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION)	MDL 2804
OPIATE LITIGATION)	
)	Case No. 1:17-md-2804
)	
THIS DOCUMENT RELATES TO:)	Judge Dan Aaron Polster
)	
<i>ALL THIRD PARTY PAYOR ACTIONS</i>)	

**SETTLING DISTRIBUTORS' NOTICE OF FILING DECLARATION REGARDING
DISSEMINATION OF NOTICE PURSUANT TO THE
CLASS ACTION FAIRNESS ACT, 28 U.S.C. § 1715**

In connection with the Third Party Payor (“TPP”) Plaintiffs’ Motion for Final Approval of Class Action Settlement and for Attorneys’ Fees, Expenses, and Service Awards (*see* ECF No. 5694), Defendants Cencora, Inc. (f/k/a AmerisourceBergen Corporation), Cardinal Health, Inc., and McKesson Corporation (“Settling Distributors”) submit as Exhibit A the attached Declaration of Kyle S. Bingham, dated September 9, 2024, concerning Settling Distributors’ compliance with the Class Action Fairness Act, 28 U.S.C. § 1715, and the Court’s Order Granting TPP Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement (ECF No. 5616 at 5).

DATED: October 29, 2024

Respectfully submitted,

/s/ Elaine Golin

Elaine Golin (NY Bar #2887586)

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Counsel for McKesson Corporation

CERTIFICATE OF SERVICE

I hereby certify that, on October 29, 2024, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court's CM/ECF system.

By: /s/ Elaine Golin

Elaine Golin

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
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IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION)	MDL 2804
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)	Case No. 1:17-md-2804
)	
THIS DOCUMENT RELATES TO:)	
)	
ALL THIRD PARTY PAYOR ACTIONS)	

DECLARATION OF KYLE S. BINGHAM ON IMPLEMENTATION OF CAFA NOTICE

I, KYLE S. BINGHAM, hereby declare and state as follows:

1. My name is KYLE S. BINGHAM. I am over the age of 25 and I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am the Senior Director of Legal Noticing for Epiq Class Action & Claims Solutions, Inc. (“Epiq”), a firm that specializes in designing, developing, analyzing and implementing large-scale, un-biased, legal notification plans. I have overseen and handled Class Action Fairness Act (“CAFA”) notice mailings for more than 500 class action settlements.

3. Epiq is a firm with more than 25 years of experience in claims processing and settlement administration. Epiq’s class action case administration services include coordination of all notice requirements, design of direct-mail notices, establishment of fulfillment services, receipt and processing of opt-outs, coordination with the United States Postal Service (“USPS”), claims database management, claim adjudication, funds management and distribution services.

4. The facts in this Declaration are based on what I personally know, as well as information provided to me in the ordinary course of my business by my colleagues at Epiq.

CAFA NOTICE IMPLEMENTATION

5. At the direction of counsel for Defendants Cencora, Inc., Cardinal Health, Inc. and McKesson Corporation, 57 federal and state officials (the Attorney General of the United

DECLARATION OF KYLE S. BINGHAM ON IMPLEMENTATION OF CAFA NOTICE

States and the Attorneys General of each of the 50 states, the District of Columbia, and the United States Territories) were identified to receive CAFA notice.

6. Epiq maintains a list of these federal and state officials with contact information for the purpose of providing CAFA notice. Prior to mailing, the names and addresses selected from Epiq's list were verified, then run through the Coding Accuracy Support System ("CASS") maintained by the United States Postal Service ("USPS").¹

7. On September 9, 2024, Epiq sent 57 CAFA Notice Packages ("Notice"). The Notice was mailed via USPS Priority Mail to 54 officials (the Attorneys General of 48 states, the District of Columbia, and the United States Territories). As per the direction of the Office of the Nevada and Connecticut Attorneys General, the Notice was sent to the Nevada and Connecticut Attorneys General electronically via email. The Notice was also sent via United Parcel Service ("UPS") to the Attorney General of the United States. The CAFA Notice Service List (USPS Priority Mail, Email, and UPS) is included as **Attachment 1**.

8. The materials sent to the federal and state officials included a Cover Letter, which provided notice of the proposed Settlement of the above-captioned case. The Cover Letter is included as **Attachment 2**.

9. The cover letter was accompanied by a CD, which included the following:

- a. **Per 28 U.S.C. § 1715(b)(1) – Complaint and Any Amended Complaints:**
 - United Food Class Action Complaint (filed November 9, 2017);
 - Sheet Metal Workers Class Action Complaint (filed November 9, 2017);

¹ CASS improves the accuracy of carrier route, 5-digit ZIP®, ZIP + 4® and delivery point codes that appear on mail pieces. The USPS makes this system available to mailing firms who want to improve the accuracy of postal codes, i.e., 5-digit ZIP®, ZIP + 4®, delivery point (DPCs), and carrier route codes that appear on mail pieces.

- Plaintiffs’ Original Class Action Complaint (filed October 9, 2018); and
 - Louisiana Assessors’ Insurance Fund Class Action Complaint (filed October 25, 2018).
- b. **Per 28 U.S.C. § 1715(b)(3) – Notification to Class Members:**
- Proposed Long-Form Notice (*Exhibit B to the Joint Declaration*);
 - Proposed Postcard Notice (*Exhibit C to the Joint Declaration*); and
 - Proposed Claim Form (*Exhibit D to the Joint Declaration*).
- c. **Per 28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:** The following documents were included:
- Third Party Payor Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement and Direction of Notice Under Federal Rule of Civil Procedure 23(e);
 - Joint Declaration of Paul J. Geller and Elizabeth J. Cabraser in Support of Third Payor Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement and Direction of Notice Under Federal Rule of Civil Procedure 23(e);
 - Class Action Settlement Agreement Among Third Party Payors and Settling Distributors (*Exhibit A to the Joint Declaration*);
 - List of Actions (*Exhibit A to the Class Action Settlement Agreement*);
 - Non-Exhaustive List of Plaintiff-Class Members (*Exhibit B to the Class Action Settlement Agreement*);
 - Aetna Affiliates (*Exhibit C to the Class Action Settlement Agreement*);
 - Anthem Affiliates (*Exhibit D to the Class Action Settlement Agreement*);
 - Cigna Affiliates (*Exhibit E to the Class Action Settlement Agreement*);

- Humana Affiliates (*Exhibit F to the Class Action Settlement Agreement*);
- UnitedHealth Affiliates (*Exhibit G to the Class Action Settlement Agreement*);
- Proposed Claim Form (*Exhibit H to the Class Action Settlement Agreement*);
- [Proposed] Order Granting Third Party Payor Plaintiffs' Motion for Preliminary Approval of Class Action Settlement and Direction of Notice Under Rule of Civil Procedure 23(e) (*Exhibit I to the Class Action Settlement Agreement*);
- [Proposed] Final Order and Judgment Granting Third Party Payor Plaintiffs' Motion for Final Approval of Class Action Settlement, and Award of Attorneys' Fees and Expenses and Settlement Class Representative Service Awards (*Exhibit J to the Class Action Settlement Agreement*);
- Declaration of Eric J. Miller in Support of Third Party Payor Plaintiffs' Unopposed Motion for Preliminary Approval of Settlement (*Exhibit E to the Joint Declaration*);
- Expert Report of Professor Meredith Rosenthal Regarding Allocation of Settlement Proceeds (*Exhibit F to the Joint Declaration*); and
- Order Granting Third Party Payor Plaintiffs' Motion for Preliminary Approval of Class Action Settlement and Direction of Notice Under Rule of Civil Procedure 23(e) (Sept. 3, 2024).

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 9, 2024.


KYLE S. BINGHAM

Attachment 1

CAFA Notice Service List

USPS Priority Mail

Appropriate Official	FullName	Address1	Address2	City	State	Zip
Office of the Attorney General	Treg Taylor	1031 W 4th Ave	Suite 200	Anchorage	AK	99501
Office of the Attorney General	Steve Marshall	501 Washington Ave		Montgomery	AL	36104
Office of the Attorney General	Tim Griffin	323 Center St	Suite 200	Little Rock	AR	72201
Office of the Attorney General	Kris Mayes	2005 N Central Ave		Phoenix	AZ	85004
Office of the Attorney General	CAFA Coordinator	Consumer Protection Section	455 Golden Gate Ave Suite 11000	San Francisco	CA	94102
Office of the Attorney General	Phil Weiser	Ralph L Carr Colorado Judicial Center	1300 Broadway Fl 10	Denver	CO	80203
Office of the Attorney General	Brian Schwalb	400 6th St NW		Washington	DC	20001
Office of the Attorney General	Kathy Jennings	Carvel State Bldg	820 N French St	Wilmington	DE	19801
Office of the Attorney General	Ashley Moody	State of Florida	The Capitol PL-01	Tallahassee	FL	32399
Office of the Attorney General	Chris Carr	40 Capitol Square SW		Atlanta	GA	30334
Department of the Attorney General	Anne E Lopez	425 Queen St		Honolulu	HI	96813
Iowa Attorney General	Brenna Bird	Hoover State Office Building	1305 E Walnut St	Des Moines	IA	50319
Office of the Attorney General	Raul Labrador	700 W Jefferson St Ste 210	PO Box 83720	Boise	ID	83720
Office of the Attorney General	Kwame Raoul	500 South Second Street		Springfield	IL	62701
Office of the Indiana Attorney General	Todd Rokita	Indiana Government Center South	302 W Washington St Rm 5	Indianapolis	IN	46204
Office of the Attorney General	Kris Kobach	120 SW 10th Ave 2nd Fl		Topeka	KS	66612
Office of the Attorney General	Russell Coleman	700 Capitol Ave Suite 118		Frankfort	KY	40601
Office of the Attorney General	Liz Murrill	PO Box 94005		Baton Rouge	LA	70804
Office of the Attorney General	Andrea Campbell	1 Ashburton Pl 20th Fl		Boston	MA	02108
Office of the Attorney General	Anthony G Brown	200 St Paul Pl		Baltimore	MD	21202
Office of the Attorney General	Aaron Frey	6 State House Station		Augusta	ME	04333
Department of Attorney General	Dana Nessel	PO BOX 30212	525 W. Ottawa St.	Lansing	MI	48909
Office of the Attorney General	Keith Ellison	445 Minnesota St Ste 1400		St Paul	MN	55101
Missouri Attorney General's Office	Andrew Bailey	207 West High Street	PO Box 899	Jefferson City	MO	65102
Mississippi Attorney General	Lynn Fitch	PO Box 220		Jackson	MS	39205
Office of the Attorney General	Austin Knudsen	215 N Sanders 3rd Fl	PO Box 201401	Helena	MT	59620
Attorney General's Office	Josh Stein	9001 Mail Service Ctr		Raleigh	NC	27699
Office of the Attorney General	Drew H Wrigley	600 E Boulevard Ave Dept 125		Bismarck	ND	58505
Nebraska Attorney General	Mike Hilgers	2115 State Capitol	PO Box 98920	Lincoln	NE	68509
Office of the Attorney General	John Formella	NH Department of Justice	33 Capitol St	Concord	NH	03301
Office of the Attorney General	Matthew J Platkin	25 Market Street	PO Box 080	Trenton	NJ	08625
Office of the Attorney General	Raul Torrez	408 Galisteo St	Villagra Bldg	Santa Fe	NM	87501
Office of the Attorney General	CAFA Coordinator	28 Liberty Street 15th Floor		New York	NY	10005
Office of the Attorney General	Dave Yost	30 E Broad St Fl 14		Columbus	OH	43215
Office of the Attorney General	Gentner Drummond	313 NE 21st St		Oklahoma City	OK	73105
Office of the Attorney General	Ellen F Rosenblum	Oregon Department of Justice	1162 Court St NE	Salem	OR	97301
Office of the Attorney General	Michelle A Henry	16th Fl Strawberry Square		Harrisburg	PA	17120
Office of the Attorney General	Peter F Neronha	150 S Main St		Providence	RI	02903
Office of the Attorney General	Alan Wilson	PO Box 11549		Columbia	SC	29211
Office of the Attorney General	Marty Jackley	1302 E Hwy 14 Ste 1		Pierre	SD	57501
Office of the Attorney General	Jonathan Skrmetti	PO Box 20207		Nashville	TN	37202
Office of the Attorney General	Ken Paxton	PO Box 12548		Austin	TX	78711
Office of the Attorney General	Sean D Reyes	Utah State Capitol Complex	350 North State Street Ste 230	Salt Lake City	UT	84114
Office of the Attorney General	Jason S Miyares	202 N 9th St		Richmond	VA	23219
Office of the Attorney General	Charity R Clark	109 State St		Montpelier	VT	05609
Office of the Attorney General	Bob Ferguson	800 5th Ave Ste 2000		Seattle	WA	98104
Office of the Attorney General	Josh Kaul	PO Box 7857		Madison	WI	53707
Office of the Attorney General	Patrick Morrissey	State Capitol Complex Bldg 1 Room E 26	1900 Kanawha Blvd E	Charleston	WV	25305
Office of the Attorney General	Bridget Hill	109 State Capital		Cheyenne	WY	82002
Department of Legal Affairs	Fainu'ulei Falefatu Ala'ilima-Utu	3rd Floor PO Box 7	Territory of American Samoa	Pago Pago	AS	96799
Attorney General Office of Guam	Douglas Moylan	ITC Bldg.	590 S Marine Corps Dr Ste 901	Tamuning	GU	96913
Office of the Attorney General	Edward Manibusan	PO Box 10007		Saipan	MP	96950
PR Department of Justice	Domingo Emanuelli Hernández	PO Box 9020192		San Juan	PR	00902
Department of Justice	Gordon C. Rhea	3438 Kronprindsens Gade	GERS BLDG 2nd Floor	St Thomas	VI	00802

CAFA Notice Service List

Email

Appropriate Official	Contact Format	State
Office of the Attorney General for Connecticut	All documents sent to CT AG at their dedicated CAFA email inbox.	CT
Office of the Attorney General for Nevada	All documents sent to NV AG at their dedicated CAFA email inbox.	NV

CAFA Notice Service List

UPS

Appropriate Official	FullName	Address1	Address2	City	State
US Department of Justice	Merrick B. Garland	950 Pennsylvania Ave NW		Washington	DC

Attachment 2

CAFA NOTICE ADMINISTRATOR

HILSOFT NOTIFICATIONS
10300 SW Allen Blvd
Beaverton, OR 97005
P 503-350-5800
DL-CAFA@epiqglobal.com

September 9, 2024

VIA UPS OR USPS PRIORITY MAIL

Class Action Fairness Act – Notice to Federal and State Officials

Dear Federal and State Officials:

Pursuant to the Class Action Fairness Act of 2005 (“CAFA”), codified at 28 U.S.C. § 1715, please find enclosed information from Defendants Cencora, Inc., Cardinal Health, Inc., and McKesson Corporation (“Defendants”) relating to the proposed class action settlement of opioid-related litigation brought by various Third Party Payors.

- **Case:** *In re National Prescription Opiate Litigation*, Case No. 1:17-md-2804-DAP (MDL).
- **Court:** United States District Court for the Northern District of Ohio.
- **Defendants:** Cencora, Inc., Cardinal Health, Inc., and McKesson Corporation.
- **Documents Enclosed:** In accordance with the requirements of 28 U.S.C. § 1715, please find copies of the following documents associated with this action on the enclosed CD:

1. Per 28 U.S.C. § 1715(b)(1) – Complaint and Any Amended Complaints:

- Defendants are providing the initial complaints for the four federal Third Party Payor bellwether actions selected by the MDL Court. Plaintiffs’ counsel served proposed amended complaints in each of these four bellwether actions, but those proposed amended complaints were never finalized or filed on the docket, to Defendants’ knowledge.
 - United Food Class Action Complaint (filed November 9, 2017);
 - Sheet Metal Workers Class Action Complaint (filed November 9, 2017);
 - Plaintiffs’ Original Class Action Complaint (filed October 9, 2018); and
 - Louisiana Assessors’ Insurance Fund Class Action Complaint (filed October 25, 2018).
- Defendants also advise that there are many other similar initial and/or amended Third Party Payor complaints filed in the MDL and/or in various state courts; the complaints would be extremely voluminous to include here, and the four above complaints from the MDL are largely representative of the types of claims in those lawsuits. Other Third Party Payor complaints are available on the MDL docket and/or on the dockets

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of the actions listed in Appendix A to the Class Action Settlement Agreement enclosed herein. Defendants can supply additional complaints upon request.

2. **Per 28 U.S.C. § 1715(b)(2) – Notice of Any Scheduled Judicial Hearing:** The Court has scheduled a Fairness Hearing for Monday, January 13, 2025, at 1:00 p.m.
3. **Per 28 U.S.C. § 1715(b)(3) – Notification to Class Members:**
 - Proposed Long-Form Notice (*Exhibit B to the Joint Declaration*);
 - Proposed Postcard Notice (*Exhibit C to the Joint Declaration*); and
 - Proposed Claim Form (*Exhibit D to the Joint Declaration*).
4. **Per 28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:** The following documents are included:
 - Third Party Payor Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement and Direction of Notice Under Federal Rule of Civil Procedure 23(e);
 - Joint Declaration of Paul J. Geller and Elizabeth J. Cabraser in Support of Third Payor Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement and Direction of Notice Under Federal Rule of Civil Procedure 23(e);
 - Class Action Settlement Agreement Among Third Party Payors and Settling Distributors (*Exhibit A to the Joint Declaration*);
 - List of Actions (*Exhibit A to the Class Action Settlement Agreement*);
 - Non-Exhaustive List of Plaintiff-Class Members (*Exhibit B to the Class Action Settlement Agreement*);
 - Aetna Affiliates (*Exhibit C to the Class Action Settlement Agreement*);
 - Anthem Affiliates (*Exhibit D to the Class Action Settlement Agreement*);
 - Cigna Affiliates (*Exhibit E to the Class Action Settlement Agreement*);
 - Humana Affiliates (*Exhibit F to the Class Action Settlement Agreement*);
 - UnitedHealth Affiliates (*Exhibit G to the Class Action Settlement Agreement*);
 - Proposed Claim Form (*Exhibit H to the Class Action Settlement Agreement*);
 - [Proposed] Order Granting Third Party Payor Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement and Direction of Notice

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Under Rule of Civil Procedure 23(e) (*Exhibit I to the Class Action Settlement Agreement*);

- [Proposed] Final Order and Judgment Granting Third Party Payor Plaintiffs' Motion for Final Approval of Class Action Settlement, and Award of Attorneys' Fees and Expenses and Settlement Class Representative Service Awards (*Exhibit J to the Class Action Settlement Agreement*);
 - Declaration of Eric J. Miller in Support of Third Party Payor Plaintiffs' Unopposed Motion for Preliminary Approval of Settlement (*Exhibit E to the Joint Declaration*);
 - Expert Report of Professor Meredith Rosenthal Regarding Allocation of Settlement Proceeds (*Exhibit F to the Joint Declaration*); and
 - Order Granting Third Party Payor Plaintiffs' Motion for Preliminary Approval of Class Action Settlement and Direction of Notice Under Rule of Civil Procedure 23(e) (Sept. 3, 2024).
5. **Per 28 U.S.C. § 1715(b)(5) – Any Settlement or Other Agreements:** There are no other settlements or agreements between the parties.
 6. **Per 28 U.S.C. § 1715(b)(6) – Final Judgment or Notice of Dismissal:** To date, the Court has not issued a final order, judgment, or dismissal in the above-referenced action.
 7. **Per 28 U.S.C. § 1715(b)(7) – Estimate of Class Members:** The Class consists of all entities that paid and/or were reimbursed for: (i) opioid prescription drugs manufactured, marketed, sold, distributed, or dispensed by any of the Defendants and/or Opioid Supply Chain Members for purposes other than resale; and/or (ii) paid or incurred costs for treatment related to the misuse, addiction, and/or overdose of opioid drugs, on behalf of individual beneficiaries, insureds, and/or members, during the time period from January 1, 1996 to the date of entry of the Preliminary Approval Order. For clarity, the Class includes, but is not limited to: (a) private contractors of Federal Health Employee Benefits plans; (b) plans for self-insured local governmental entities that have not settled claims in MDL No. 2804; (c) managed Medicaid plans; (d) plans operating under Medicare Part C and/or D; and (e) Taft-Hartley plans.

All Plaintiffs identified in Exhibit B to the Class Action Settlement Agreement are included in the Class. Exhibit B is a non-exhaustive list and does not purport to identify all members of the Class.

At this time, Defendants cannot feasibly determine the names of the class members residing in each state, and therefore cannot feasibly estimate the proportionate share of the claims of such members to the entire settlement pursuant to 28 U.S.C. §1715(b)(7)(A) and (B).

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8. **28 U.S.C. § 1715(b)(8) – Judicial Opinions Related to the Settlement:** To date, the Court has not issued a final order, opinion, or judgment in the above-referenced action. The Court's order granting preliminary approval of the class action settlement is enclosed herein.

If you have questions or concerns about this notice or the enclosed materials, please contact this office.

Sincerely,

CAFA Notice Administrator

Enclosures