

**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>	)	

**JOINT DECLARATION OF ELIZABETH J. CABRASER AND PAUL J. GELLER
IN SUPPORT OF THIRD PARTY PAYOR PLAINTIFFS' MOTION FOR: (1) FINAL
APPROVAL OF CLASS ACTION SETTLEMENT WITH ALLERGAN, JANSSEN,
TEVA, AND SETTLING PHARMACIES; AND (2) AWARD OF ATTORNEYS' FEES
AND EXPENSES AND SETTLEMENT CLASS REPRESENTATIVE SERVICE
AWARDS**

We, Elizabeth J. Cabraser and Paul J. Geller, declare and state as follows:

1. I, Elizabeth J. Cabraser, am an attorney admitted to practice in the state of California. I am a founding partner of Lieff Cabraser Heimann & Bernstein, LLP ("Lieff Cabraser") and a member of the firm's Executive Committee. This declaration is based upon my personal knowledge unless otherwise indicated. If called upon to testify as to the matters stated herein, I could and would competently do so.

2. I, Paul J. Geller, am an attorney admitted to practice in the state of Florida. I am the managing partner of Robbins Geller Rudman & Dowd LLP's ("Robbins Geller") Boca Raton, Florida office, a founding partner of the firm, a member of its Executive and Management

Committees, and head of the firm's Consumer Practice Group. This declaration is based upon my personal knowledge unless otherwise indicated. If called upon to testify as to the matters stated herein, I could and would competently do so.

3. We submit this Joint Declaration in support of Third Party Payor ("TPP") Plaintiffs' Motion for: (1) Final Approval of Class Action Settlement with Allergan, Janssen, Teva, and Settling Pharmacies; and (2) Award of Attorneys' Fees and Expenses and Settlement Class Representative Service Awards.

4. We are Interim Co-Lead Settlement Class Counsel in this action, along with James R. Dugan, II of The Dugan Law Firm, APLC ("The Dugan Firm"). Mr. Geller's firm represents Settlement Class Representatives Cleveland Bakers and Teamsters Health and Welfare Fund and Pipe Fitters Local Union No. 120 Insurance Fund. Ms. Cabraser's firm represents Settlement Class Representatives American Federation of State, County and Municipal Employees District Council 37 Health & Security Plan and Pioneer Telephone Cooperative, Inc. Employee Benefits Plan. Mr. Dugan's firm represents Settlement Class Representatives United Food and Commercial Workers Health and Welfare Fund of Northeastern Pennsylvania and Sheet Metal Workers Local No. 25 Health & Welfare Fund.

5. We are all members of the Plaintiffs' Executive Committee ("PEC") in this MDL, and Mr. Geller and Ms. Cabraser are also members of the Court-appointed Settlement Negotiating Committee.

I. Settlement History and Notice Plan

6. Together with TPP Plaintiffs' Motion for Preliminary Approval of Class Action Settlements Between the TPP Plaintiffs and Defendants Allergan, Janssen, Teva, CVS, Walgreens, and Walmart and Direction of Notice Under Federal Rule of Civil Procedure 23(e) (ECF 6600),

we previously filed a joint declaration containing information about the litigation history and notice program (ECF 6600-1). Familiarity with that declaration is presumed.

7. These Settlements were the products of extensive arm's-length negotiations. The parties to the proposed TPP Class Settlements engaged in settlement negotiations conducted by Mr. Fouad Kurdi, who successfully mediated previous opioids settlements, including the TPP class settlement in *In re McKinsey & Co., Inc. National Prescription Opiate Consultant Litig.*, MDL No. 2996 (N.D. Cal.), and the TPP class settlement with the Distributor Defendants. On January 21, 2025, Janssen and PEC members of the Court-appointed Settlement Negotiating Committee—Paul J. Geller and Elizabeth J. Cabraser, with their partners Mark J. Dearman, Dory P. Antullis, Eric B. Fastiff, and Dan Drachler, as well as PEC member James R. Dugan, II—and outside counsel for large insurers mediated TPP claims. Allergan and Mr. Geller, Ms. Cabraser, Mr. Dugan, their colleagues, and outside counsel for large insurers also agreed to mediate TPP claims on February 12, 2025. These mediations took place before Mr. Kurdi and culminated in an in-person mediation (Allergan) in Boca Raton, Florida and a Zoom mediation (Janssen). Although no settlement was reached on those days, Mr. Kurdi continued to work with the parties. In tandem with these negotiations, Interim Settlement Class Counsel negotiated a settlement with Teva—which purchased the related Actavis Generic Entities in 2016—and with the Settling Pharmacies, via Mr. Kurdi as an intermediary.

8. On November 26, 2025, Allergan, Teva, and Interim Settlement Class Counsel accepted a mediator's proposal from Mr. Kurdi. On February 6, 2026, the Settling Pharmacies and Interim Settlement Class Counsel also accepted a mediator's proposal from Mr. Kurdi. And in March 2026, Janssen and Interim Settlement Class Counsel accepted a mediator's proposal from

Mr. Kurdi. Following the acceptance of the mediator's proposals, the parties engaged in months of additional negotiations to reduce the settlements to writing.

9. On June 16, 2026, the Court preliminarily approved the class Settlements between TPP Plaintiffs and the Settling Defendants ("Preliminary Approval Orders"), amending the claims deadline on June 18, 2026. *See* ECF 6607, 6608, 6609, and 6610. The Court appointed us (Paul Geller and Elizabeth Cabraser) and Mr. Dugan as Interim Co-Lead Settlement Class Counsel, and we, as well as our colleagues Mark Dearman of Robbins Geller and Eric Fastiff of Lieff Cabraser, as Interim Settlement Class Counsel. The Court also approved A.B. Data, Ltd. ("A.B. Data") as Notice and Claims Administrator for the Settlement.

10. Attached hereto as **Exhibit A** is the Declaration of Professor William B. Rubenstein. Professor Rubenstein is a Professor at Harvard Law School and leading national expert on class action law. His declaration describes the MDL 2804 allocation formula and its use in the *McKinsey* political subdivision class settlement and the Court-approved TPP-Distributors class settlement, explains how the prior MDL 2804 settlements informed the instant Settlements, and offers further support for the legitimacy of the proposed allocation formula.

II. Progress on Court-Approved Notice Program

11. On July 13, 2026, pursuant to the Preliminary Approval Order, Interim Settlement Class Counsel filed the Declaration of Michael J. Heuring Regarding Dissemination of Notice ("Heuring Declaration") (ECF 6630, 6630-1). As stated in the Heuring Declaration, A.B. Data timely completed the Court-approved notice program by the notice date of June 29, 2026. The Heuring Declaration describes implementation of the notice program to potential TPP Class Members.

12. To date, ahead of the objection and opt-out deadline of August 13, 2026, A.B. Data has received no opt-out requests and no objections.

13. In our opinion, the Court-approved notice program, as implemented by A.B. Data, satisfies due process and gives ample opportunity for TPPs to decide whether to opt out or object to the Settlement by the August 13, 2026 deadline.

14. Interim Co-Lead Settlement Class Counsel will oversee the completion of the notice program, keep the settlement website current, and report to the Court on completion of the notice program prior to the Fairness Hearing.

III. Interim Settlement Class Counsel

15. Throughout this litigation, the vast majority of the work to represent TPP plaintiffs in this case and with respect to these particular Settlements has been performed by our three firms, Lief Cabraser, Robbins Geller, and The Dugan Law Firm. Paul Geller, Elizabeth Cabraser, and James R. Dugan, II are Court-appointed members of the PEC (see ECF 34, 37), and Geller and Cabraser are also members of the Settlement Negotiating Committee (*see* ECF 37, 118). Beyond the TPP cases, Geller and Cabraser have worked together (along with others) to negotiate and implement at least nine global settlements in this MDL, bringing over \$50 billion in abatement funds to communities throughout the country. Dugan has worked with Geller and Cabraser to negotiate and implement these TPP settlements with nine defendants across the three defendant groups, securing \$480 million in settlements to TPPs.

16. Interim Settlement Class Counsel have significant experience in TPP litigation and opioid litigation, and we have undertaken substantial work to prosecute opioid cases against many defendant groups. We have collectively undertaken an enormous amount of work, effort, and

expense in this MDL on behalf of the TPP Settlement Class, and we will continue to do so through administration of the Settlements and any appeals.

IV. Common Benefit and Hours, Lodestar, and Expenses

17. For this case, Class Counsel worked entirely on contingency and advanced both their time and the required expenses. We, and others in our firms, devoted thousands of hours and advanced whatever expenses were necessary to investigate and successfully resolve this case, all with no guarantee of reimbursement. In so doing, Class Counsel declined opportunities to work on other cases in order to devote the necessary time, resources, and energy to this case.

18. Interim Settlement Class Counsel are applying for attorneys' fees of 20% of the \$180 million Settlement Fund, with this application inclusive of the common benefit assessment due under the Court's Ongoing Common Benefit Order (ECF 4428). Any attorneys' fees and expenses awarded by the Court will be paid from the Settlement Fund only if, and after, the Court grants Final Approval and the judgment becomes final.

19. The common benefit portion of any fees awarded shall be allocated by the existing Fee Panel among applicant firms that it determines did work that inured to the common benefit of the TPPs. The remaining amount awarded shall be allocated by Co-Lead Settlement Class Counsel among firms actively litigating on behalf of the TPP Class, with any appeals to such allocation going to Special Master Cohen – an approach consistent with the prior common benefit fee allocation protocol and commonly permitted in this Circuit.

20. The information in this Joint Declaration regarding Class Counsel's time and expenses is taken from time and expense reports and supporting documentation prepared and/or maintained by each firm in their ordinary course of business.

21. Interim Settlement Class Counsel and their firms have spearheaded the litigation of TPP claims in MDL 2804 since its inception over eight years ago. Throughout the course of this MDL, they have advanced substantial TPP costs and invested thousands of hours in TPP-specific work.

22. These hours were spent on work that includes the drafting, amendment, and defense of the TPP briefing bellwether complaint; commencing and completing the TPP bellwether selection process; designing the TPP bellwether case tracks; negotiating and responding to numerous TPP discovery requests; collecting and producing claims TPP data; negotiating, mediating, and settling the cases with the Settling Distributors, previously, and now with three large pharmacies, Allergan, Teva, Janssen, and their sophisticated counsel; and preserving the TPPs' class allegations.

23. As of the date of filing the instant motion, Interim Settlement Class Counsel and counsel working for the benefit of TPPs in this MDL have incurred expenses in an amount not to exceed \$1,570,205.89 while prosecuting this case on behalf of the Settlement Class. These expenses have included, for example, expert costs, eDiscovery database hosting, data vendor costs, filing fees, telephone charges, and online legal research.

24. We believe the time reflected in the calculation and the expenses for which payment is sought herein are reasonable and were necessary for the effective and efficient prosecution and resolution of the TPP cases as to Settling Defendants.

V. Settlement Class Representative Service Awards

25. The seven appointed Settlement Class Representatives – Cleveland Bakers and Teamsters Health and Welfare Fund; Pipe Fitters Local Union No. 120 Insurance Fund; Pioneer Telephone Cooperative, Inc. Employee Benefits Plan; American Federation of State, County and

Municipal Employees District Council 37 Health & Security Plan; Louisiana Assessors' Insurance Fund; United Food and Commercial Workers Health and Welfare Fund of Northeastern Pennsylvania; and Sheet Metal Workers Local No. 25 Health & Welfare Fund, include named Plaintiffs in actions centralized in this MDL, and six of them are TPP Bellwether Plaintiffs or early briefing bellwethers. The Settlement Class Representatives played an integral role in the litigation by closely consulting with counsel throughout the process. The seven Settlement Class Representatives all undertook considerable time and effort in assisting with the prosecution of this litigation, and their efforts significantly advanced the protections afforded to and benefits that will be received by all other Settlement Class Members.

26. The Settlement Class Representatives have no interests antagonistic to Settlement Class Members and will continue to protect the Class's interests in overseeing administration of the Settlement and through any appeals. They each understand their duties, have agreed to consider the interests of absent Settlement Class Members, and reviewed and uniformly endorsed the Settlement terms. They have further demonstrated their adequacy by participating actively in the case, and each has expressed continued willingness to protect the Class until the Settlement is approved and its administration completed, and through any appeals.

27. Settlement Class Representatives accordingly seek service awards of \$50,000 to the four Settlement Class Representatives that are TPP Bellwether Plaintiffs and \$10,000 to the three other Settlement Class Representatives.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 24, 2026 in Boca Raton, Florida.

/s/ Paul J. Geller

Paul J. Geller

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 24, 2026 in San Francisco, California.

/s/ Elizabeth J. Cabraser

Elizabeth J. Cabraser