

In re Allergan Generic Drug Pricing Securities Litigation

COURT: United States District Court for the District of New Jersey
CASE NUMBER: 16-cv-9449
CLASS PERIOD: 10/29/2013 - 11/02/2016
CASE LEADERS: John C. Browne, Lauren A. Ormsbee
CASE TEAM: Michael Mathai, Erika Connolly

This is a securities fraud class action on behalf of a class of persons and entities who purchased or otherwise acquired the common and/or preferred stock of Allergan plc (formerly doing business as Actavis plc) (“Allergan”) between October 29, 2013 and November 2, 2016, both dates inclusive (the “Class Period”), and were damaged thereby.

Lead Plaintiffs Have Settled the Action for \$130 Million

The Court-appointed Lead Plaintiffs Union Asset Management Holding AG and Sjunde AP-Fonden (“Lead Plaintiffs”), on behalf of themselves and the Settlement Class, have reached a proposed settlement of the Action for \$130,000,000 in cash.

On November 17, 2021, the Court conducted the Settlement Hearing to consider final approval of the Settlement, the proposed Plan of Allocation, and Lead Counsel’s motion for attorneys’ fees and expenses. On November 22, 2021, the Court entered a Judgment finally approving the Settlement and orders approving the proposed Plan of Allocation for the proceeds of the Settlement and awarding attorney’s fees and litigation expenses to Plaintiffs’ Counsel.

If you are a member of the Settlement Class, you may be eligible for a payment from the Settlement. The Settlement Class consists of the following three subclasses (except for certain persons and entities who are excluded from the Settlement Class by definition or pursuant to request):

(1) as to claims arising under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (“Exchange Act”), all persons and entities who purchased or otherwise acquired Allergan plc (before June 15, 2015, known as Actavis plc) common and/or preferred stock between October 29, 2013 and November 2, 2016, both dates inclusive, and were damaged thereby;

(2) as to claims arising under Section 14(a) of the Exchange Act in connection with the merger between Actavis plc and Forest Laboratories, Inc. (*i.e.*, Forest Merger), all persons and entities who held Forest common stock as of May 2, 2014, and were entitled to vote on the Forest Merger, and acquired shares of Allergan common stock in the Forest Merger and were damaged thereby; and

(3) as to claims arising under Section 14(a) of the Exchange Act in connection with the merger between Actavis plc and Allergan, Inc. (*i.e.*, Actavis Merger), all persons and entities who held Allergan, Inc. common stock as of January 22, 2015, and were entitled to vote on the Actavis Merger, and acquired shares of Allergan common stock in the Actavis Merger and were damaged thereby.

Please read the Notice to fully understand your rights and options. Copies of the Notice and Claim Form can be found on the Case Documents section of this page. You may also visit the Settlement website, www.AllerganDrugPricingSecuritiesLitigation.com, for more information about the proposed Settlement.

If you are a member of the Settlement Class, in order to be potentially eligible to receive a payment from the Settlement, you must submit a Claim Form by mail *postmarked no later than December 27, 2021*, or online using the Settlement website, www.AllerganDrugPricingSecuritiesLitigation.com, *no later than December 27, 2021*.

Payments to eligible claimants will be made only after any appeals are resolved, and after the completion of all claims processing. Please be patient, as this process will take some time to complete.

IMPORTANT DEADLINE:

SUBMIT A CLAIM FORM POSTMARKED (IF MAILED), OR ONLINE, NO LATER THAN DECEMBER 27, 2021. This is the only way to be eligible to receive a payment from the Net Settlement Fund. If you are a Settlement Class Member and you remain in the Settlement Class, you are bound by the Settlement and barred from asserting any Released Plaintiffs' Claims (defined in ¶ 35 in the Notice) that you have against Defendants and the other Defendants' Releasees (defined in ¶ 36 in the Notice), so it is in your interest to submit a Claim Form.

The Litigation

This case asserts claims against Allergan and its top executives for violation of Sections 10(b) and 14(a) of the Securities Exchange Act of 1934. Specifically, Lead Plaintiffs allege that Defendants reported robust financial results to the market, attributed those results to entirely legitimate business factors and conditions, and assured investors that both the Company's pricing practices and the generic drug market in which it operated were highly competitive. The Complaint alleges that, in truth, Allergan's financial results were driven in material part by the Company's collusion with competitors to dramatically increase the prices of at least six generic drugs. The Complaint further alleges that the truth about Allergan's price fixing scheme was revealed to investors in two disclosures on August 6, 2015 and November 3, 2016.

On February 2, 2017, the Court appointed Union Asset Management as co-Lead Plaintiff for the action along with Sjunde AP-Fonden. On May 1, 2017, Lead Plaintiffs filed an initial Amended Complaint. Defendants moved to dismiss that complaint. That motion was fully briefed when, on October 31, 2017, a consortium of 46 state Attorneys General filed a complaint charging Allergan as an alleged co-conspirator in an antitrust price-fixing conspiracy. This complaint described several "smoking gun" calls, emails and text between Allergan executives and other co-conspirators. On November 28, 2017, Lead Plaintiffs filed a Second Amended Complaint, which included newly-discovered information, including information revealed in the Attorneys General's complaint.

Defendants filed a renewed motion to dismiss on January 22, 2018. The motion was fully briefed in April 2018, and was argued on April 11, 2019.

On August 6, 2019, the Court denied Defendants' motion to dismiss, and discovery in the case commenced. Plaintiffs' motion for class certification was filed March 20, 2020, and was fully briefed on January 14, 2020. Fact discovery closed on March 31, 2021, with expert discovery scheduled to close on October 29, 2021.

Case Documents

- Proof of Claim and Release Form
- Notice of (I) Pendency of Class Action and Proposed Settlement; (II) Settlement Hearing; and (III) Motion for an Award of Attorneys' Fees and Litigation Expenses ("Notice")
- November 21, 2021 - Judgment Approving Class Action Settlement
- November 21, 2021 - Order Approving Plan of Allocation of Net Settlement Fund
- November 21, 2021 - Order Awarding Attorneys' Fees and Litigation Expenses
- November 10, 2021 - Reply Memorandum of Law in Further Support of A) Lead Plaintiffs' Motion for Final Approval of Settlement and Plan of Allocation; and B) Lead Counsel's Motion for an Award of Attorneys' Fees and Litigation Expenses
- November 10, 2021 - Declaration of John C. Browne in Support of the Reply Memorandum of Law in Further Support of A) Lead Plaintiffs' Motion for Final Approval of Settlement and Plan of Allocation; and B) Lead Counsel's Motion for an Award of Attorneys' Fees and Litigation Expenses
- October 13, 2021 - Lead Plaintiffs' Motion for Final Approval of Settlement and Plan of Allocation
- October 13, 2021 - Lead Counsel's Motion for an Award of Attorneys' Fees and Litigation Expenses
- October 13, 2021 - Joint Declaration of Matthew L. Mustokoff and John C. Browne in Support of (A) Lead Plaintiffs' Motion for Final Approval of Settlement and Plan of Allocation; and (B) Lead Counsel's Motion for an Award of Attorneys' Fees and Litigation Expenses
- July 9, 2021 - Stipulation and Agreement of Settlement
- July 30, 2021 - Order Preliminarily Approving Settlement and Authorizing Dissemination of Notice of Settlement
- November 28, 2017 - Consolidated Second Amended Class Action Complaint