

Public Employees' Retirement System of Mississippi v. Mylan N.V.

COURT: United States District Court for the Western District of Pennsylvania
CASE NUMBER: 2:20-cv-955
CLASS PERIOD: 02/16/2016 - 05/07/2019
CASE LEADERS: Katherine M. Sinderson, Abe Alexander
CASE TEAM: Kate Aufses

On June 26, 2020, Bernstein Litowitz Berger & Grossmann LLP (“BLB&G”) filed a class action lawsuit for violations of the federal securities laws against Mylan N.V. (“Mylan” or the “Company”) and certain of the Company’s senior executives (collectively, “Defendants”) on behalf of investors in Mylan common stock between February 16, 2016 and May 7, 2019 (the “Class Period”). The case was filed in the U.S. District Court for the Western District of Pennsylvania.

Mylan is the second largest generic drug manufacturer in the world with roughly 55 manufacturing and R&D facilities globally. During the Class Period, Mylan’s largest U.S. manufacturing facility was located in Morgantown, West Virginia. The claims against Mylan arise from the Company’s misrepresentations and omissions regarding rampant abuses of federal quality control regulations, including at the Morgantown facility. Under a scheme implemented by Mylan’s President, Rajiv Malik, Mylan chemists manipulated quality control test data in order to create the facade that Mylan’s drugs had achieved passing quality control results. In November 2016, a whistleblower reported Mylan’s conduct to the U.S. Food & Drug Administration (“FDA”).

The truth began to be revealed on June 27, 2018, when Mylan revealed that the FDA had investigated the Morgantown plant in the Spring of 2018—the second FDA investigation of that plant in less than two years. According to the FDA, the Morgantown plant exhibited “significant deficiencies in [its] cleaning process[es],” “numerous instances of a lack of oversight,” and “multiple instances” of Mylan chemists re-cleaning and re-swabbing quality control testing machines “multiple times until passing results were obtained.” As a result of these violations, Mylan was ultimately forced to reveal that it would be dramatically “restructuring” its Morgantown facility, including by terminating hundreds of employees, and reported a surprise quarterly loss on May 7, 2019, which the Company attributed, in part, to the Morgantown “restructuring.” The disclosures concerning Mylan’s misconduct and its impact on the Company’s business and financial condition caused the value of Mylan stock to decline dramatically, resulting in significant damages to investors.

The complaint is based on an extensive investigation and a careful evaluation of the merits of this case. To view the complaint, click on the Case Documents tab on the left-hand side of the page. BLB&G filed this action on behalf of the Public Employees’ Retirement System of Mississippi, and the case is captioned *Public Employees’ Retirement System of Mississippi v. Mylan N.V.*, No. 2:20-cv-955 (W.D. Pa.). Our amended complaint will be due November 13, 2020. Defendants motion to dismiss our amended complaint will be due January 19, 2021. Our opposition to Defendants’ motion to dismiss will be due March 16, 2021, and Defendants’ reply will be due April 3, 2021.

Case Documents

- November 13, 2020 - Consolidated Class Action Complaint

- June 26, 2020 - Mylan N.V. Initial Complaint
- June 26, 2020 - Mylan N.V. PSLRA Notice