

If You Paid for TriCor® or Any Cholesterol Drug Containing Fenofibrate You May Be Entitled to Money from a Class Action Settlement

*This Notice is being provided by Order of the U.S. District Court.
It is not a solicitation from a lawyer. You are not being sued.*

- A proposed settlement has been reached in a class action lawsuit regarding the price that individuals and insurers paid for TriCor® and other prescription drugs containing fenofibrate. The lawsuit, *In re TriCor Indirect Purchasers Antitrust Litigation*, Civil Action No. 05-360 (SLR), is pending in the U.S. District Court for the District of Delaware.
- The lawsuit claims that the companies that manufacture and market TriCor® hurt competition. As a result, the lawsuit claims, a class of Consumers and Third-Party Payors (“TPPs”) such as health insurers and employee benefit plans paid too much for the products. The defendants deny the claims.
- *No question is raised about the safety or effectiveness of TriCor® or other fenofibrate drugs.*
- The settlement provides a cash payment of \$65.7 million and settles the lawsuit.

A Summary of Your Rights and Choices:

*Your Legal Rights Are Affected Even If You Do Not Act.
Read This Notice Carefully.*

You May:	Brief Explanation:	Due Date:
<i>Do Nothing</i>	You are automatically part of the Class Action if you fit the Class description below. However, if you do not file a claim, you will not receive any payment from the settlement. See Question 10	<u><i>N/A</i></u>
<i>File a Claim</i>	<i>Submit a Claim Form</i> This is the only way you will receive any payment from the settlement. See Question 8	<i>Postmarked by September 15, 2009</i>
<i>Exclude Yourself</i>	<i>Get out of the Settlement</i> You may exclude yourself from the settlement and keep your right to sue at your own expense. If you do so, you will not receive any payment from the settlement. See Questions 12	<i>Postmarked by September 15, 2009</i>
<i>Object to the Settlement</i>	<i>Object or comment on the Settlement.</i> If you do not exclude yourself, you may object to or comment on the settlement at a hearing to determine whether the Court should approve the settlement as fair to the Class. The Court has appointed lawyers to represent the Class. See Question 14	<i>Postmarked by September 15, 2009</i>

**THESE RIGHTS AND OPTIONS
– AND THE DEADLINES TO EXERCISE THEM –
ARE EXPLAINED IN THIS NOTICE.**

BASIC INFORMATION

1. What is fenofibrate?

Fenofibrate is the active ingredient in certain medications that are used to treat high cholesterol and high triglyceride levels. Prescription drugs that contain fenofibrate include TriCor®, Lofibra, Antara, Triglide and any generic version of these products.

2. What is this Notice about?

You received this Notice because you requested it or records indicate that you bought or paid for a prescription drug containing fenofibrate on or after April 9, 2002. You may be entitled to money as part of the settlement proposed to resolve this Class Action. You are not being sued.

This Notice explains:

- What the Class Action and the settlement are about.
- Who is affected by the settlement.
- Who represents you and the Class in the Class Action.
- What your legal rights and choices are.
- How and by when you need to act.

3. Who are the Defendants?

Defendants are Abbott Laboratories, Fournier Industrie et Sante, and Laboratoires Fournier, S.A.

4. What is the Class Action about?

The Class Action alleges that Defendants violated federal and state antitrust and consumer protection laws regarding the sale of TriCor® and generic fenofibrates. The Class Action alleges that this resulted in consumers and TPPs paying too much for prescription fenofibrate drug products.

No question is raised about the safety or effectiveness of TriCor® or other prescription fenofibrate drug products.

Defendants deny any wrongdoing and liability. They agreed to the settlement to resolve the controversy and to avoid the burden and expense of further litigation.

5. Who is a member of the Class?

You are a member of the Class if you fit the definition below:

All persons or entities in the United States and its territories who purchased, paid and/or reimbursed for fenofibrate products, including TriCor® tablets and TriCor® capsules, intended for consumption by themselves, their families, or their members, employees, plan participants and beneficiaries or insureds between April 9, 2002 and May 8, 2009.

Excluded from the Class are: (a) Defendants and their respective subsidiaries and affiliates and (b) all government entities (except for government-funded employee benefit funds), and (c) all persons or entities that purchased fenofibrate products for purposes of resale or directly from any of the Defendants to the extent and solely to the extent of such purchases for purposes of resale or such direct purchases. Also excluded are certain health plans that separately settled with Defendants.

BENEFITS YOU GET FROM THE SETTLEMENT

6. What does the proposed settlement provide?

The settlement provides that Defendants will pay \$65,700,000.00 into a Settlement Fund. The fund will be divided into two parts: \$33,333,334.00 for consumers and \$32,366,666.00 for TPPs. The Settlement provides a release of all claims by members of the Class. The full release language is found in the Claim Form at the end of this Notice package. Attorneys' fees, litigation costs and expenses, any incentive award to class representatives, and cost of notice and administration will be paid from the Settlement Fund.

Class Counsel conducted a thorough investigation of the law and facts in the Class Action. The Settlement is a result of arms-length negotiations among the parties. Class Counsel compared the benefits of settlement to the risks of going to trial and concluded that the settlement is fair, reasonable, adequate, and in the best interests of the Class.

Complete details are found in the Settlement Agreement, which is available at www.TriCorSettlement.com. It is also on file with the Clerk, United States District Court for the District of Delaware, 844 North King Street, Wilmington, DE 19801.

7. How do I know if I am included in the settlement being proposed?

Consumers: You are automatically included in the settlement if you paid some or all of the purchase price for a prescription fenofibrate drug product between April 9, 2002 and May 8, 2009.

Third-Party Payers: You are automatically included in the settlement if you paid some or all of the purchase price, or reimbursed an insured or health plan participant or beneficiary for some or all of the purchase price, for a prescription fenofibrate drug product between April 9, 2002 and May 8, 2009.

If you do not want to be included, you must exclude yourself. Details on how to exclude yourself are found in Question 12.

8. What do I need to do to get a payment?

To receive payment, you must submit a valid claim form postmarked by **September 15, 2009** to the claims administrator at the following address:

TriCor Indirect Purchasers Antitrust Litigation
c/o Rust Consulting, Inc.
P.O. Box 24797
West Palm Beach, FL 33416

A claim form is included with this Notice.

9. How are payments determined?

Consumers: The Settlement Fund amount available for Consumers is \$33,333,334.00 and is called the Consumer Settlement Pool. A portion of the Court-approved awards for attorneys' fees, litigation costs and expenses, and the cost of notice and administration will be deducted from this amount. The remaining amount will be paid to consumers. Consumers who submit a valid claim form (or who are identified by the Claims Administrator based on available purchase data) will receive payment based on the amount they paid for prescription fenofibrate drug products in proportion to what was paid by all consumers who submit claims.

Third-Party Payers: The Settlement Fund amount available for TPPs is \$32,366,666.00 and is called the TPP Settlement Pool. A portion of the Court-approved deductions for attorneys' fees, litigation costs and expenses, and the cost of notice and administration will be deducted from this amount. The remaining amount will be paid to TPPs based on the amount they paid for prescription fenofibrate drug products in proportion to what was paid by all TPPs who submit claims.

Defendants have also settled with and paid a group of Settling Health Plans ("SHPs") under a separate agreement. Class Counsel negotiated a reconciliation procedure with those SHPs to try to ensure that payments to them are approximately proportionate to the amounts paid to the class member TPPs net of attorney fees. Once claims from TPP class members are submitted, the SHPs' claims will be reconciled with the claims of TPP class members. As a result, the SHPs may receive payments from the TPP Settlement Pool or they may contribute a portion of the amounts paid to them by Defendants to the TPP Settlement Pool.

REMAINING IN THE CLASS

10. What happens if I do nothing?

If you do nothing, you will automatically be considered part of the Class. For details on how to opt out, see Question 12. However, you must submit a valid claim form postmarked by **September 15, 2009** to the claims administrator to receive any money from the Settlement.

11. If I remain in the Class, what claims am I settling?

If the Court approves the settlement, the Class Action will be dismissed and the Class may not sue the Defendants for the same claims. You and all members of the Class will release all claims concerning the conduct challenged in this lawsuit in exchange for participating in the settlement fund. The full text of the release is included in the Claim Form at the end of this Notice.

EXCLUDING YOURSELF FROM THE CLASS (“OPTING OUT” OF THE SETTLEMENT)

12. What if I don’t want to be in the Class?

If you decide to exclude yourself from the settlement, you will be free to sue Defendants on your own for their conduct related to the marketing of TriCor®. However, you will not receive any money from the settlement, and you will no longer be represented by the Class Counsel. If you want to receive money from the settlement, do not exclude yourself.

13. How do I exclude myself from the Class?

You can exclude yourself from the Class by sending a written “Request to Opt Out” to the Claims Administrator so that it is postmarked by **September 15, 2009**. Your written request should include:

- Your name, address, telephone number, and the statement that you want to opt out of the settlement, and
- The case name and number: *In re TriCor Indirect Purchasers Antitrust Litigation*, Civil Action No. 05-360 (SLR).

Claim Forms or Opt Out Requests must be sent to the following address:

TriCor Indirect Purchasers Antitrust Litigation
c/o Rust Consulting, Inc.
P.O. Box 24797
West Palm Beach, FL 33416

OBJECTING TO THE SETTLEMENT

14. May I object to the settlement?

Yes. If you are a member of the Class, and you have not requested to opt out of the settlement, you may object to any aspect of the settlement, the fairness or adequacy of Class Counsel’s representation, or the requests for attorneys’ fees and expenses.

15. How do I object to the settlement?

To object to the settlement, you (or your lawyer if you have one) must file a written objection with the Clerk of the Court, United States District Court for the District of Delaware, 844 North King Street, Wilmington, DE 19801. This must be postmarked by **September 15, 2009**. Your written objection can include any supporting materials, papers or briefs that you want the Court to consider. Your written objection should include:

- Your name, address, telephone number, and an explanation of your objection, and
- The case name and number: *In re TriCor Indirect Purchasers Antitrust Litigation*, Civil Action No. 05-360 (SLR).

Any documentation that you file with the Court must also be mailed on or before **September 15, 2009** to the following:

Pamela Tikellis
CHIMICLES & TIKELLIS LLP
P.O. Box 1035
Wilmington, DE 19801
Liaison Counsel for Plaintiffs

Jeffrey I. Weinberger
Stuart N. Senator
Munger, Tolles & Olson LLP
355 South Grand Avenue
Los Angeles, CA 90071
*Counsel for Defendant Abbott
Laboratories*

William Baer
James Cooper
Arnold & Porter LLP
555 Twelfth Street, NW
Washington, DC 20004-1206
*Counsel for Defendants Fournier
Industrie et Sante and Laboratoires
Fournier S.A.*

Objections filed with the Court *after September 15, 2009* will *not* be considered.

Any lawyer representing a Class member for the purpose of making objections must also file a Notice of Appearance with the Clerk of the Court no later than **September 25, 2009**, and must also serve copies by mail to counsel listed above.

16. What is the difference between objecting to the settlement and excluding myself from the Class?

To object to the settlement, you must remain a member of the Class. An objection allows your views on the settlement to be heard in Court. You will be bound by the terms and conditions of the settlement if the settlement is approved, even if the Court rules against your objection.

When you exclude yourself, or opt out, you are no longer a member of the Class. You will not be subject to the terms and conditions of the settlement. You lose the right to object to the settlement and you will not receive any payment from the settlement. However, you keep your right to sue the Defendants for the same claims in another lawsuit.

THE LAWYERS REPRESENTING YOU

17. Do I have a lawyer representing my interests in this Class Action?

Yes. The Court has appointed lawyers to represent you and other Class members. These lawyers are called Class Counsel. You will not be charged for these lawyers. They will ask the Court to approve an award for fees and expenses. The following law firms represent the Class:

LABATON SUCHAROW LLP

Bernard Persky
Christopher J. McDonald
140 Broadway
New York, NY 10005

SPECTOR ROSEMAN KODROFF & WILLIS, P.C.

Jeffrey L. Kodroff
Theodore M. Lieverman
1818 Market Street, Suite 2500
Philadelphia, PA 19103

CAFFERTY FAUCHER LLP

Patrick E. Cafferty
Bryan L. Clobes
1717 Arch Street, Suite 3610
Philadelphia, PA 19103

HAGENS BERMAN SOBOL SHAPIRO LLP

Thomas M. Sobol
David S. Nalven
55 Cambridge Parkway, Suite 301
Cambridge, MA 02142

CHIMICLES & TIKELLIS LLP

Pamela S. Tikellis
Nicholas Chimicles
One Rodney Square
Wilmington, DE 19899

18. How will the lawyers be compensated?

Class Counsel will request an award from the Court for attorneys' fees and expenses not to exceed one third of the Settlement Fund and reimbursement of costs and expenses not to exceed \$2,000,000.00. Class Counsel can make a further request for additional attorneys' fees and expenses incurred as a result of administration of the settlement. All awards for attorneys' fees and expenses shall be paid from the Settlement Fund after the Court approves them.

19. Should I get my own lawyer?

You do not need to hire your own lawyer, but if you hire a lawyer to speak for you or appear in Court, your lawyer must file a Notice of Appearance (*see* Question 15 above). If you hire your own lawyer, you will have to pay for that lawyer on your own.

20. When and where will the Court decide whether to grant final approval of the settlement?

The Court will hold a Fairness Hearing on **October 9, 2009, at 1:30 P.M.**, at the United States District Court for the District of Delaware, 844 North King Street, Wilmington, DE 19801. The Court may reschedule the Fairness Hearing without further notice to the Class.

The purpose of the Fairness Hearing is to:

- Decide if the settlement is fair, reasonable and adequate and in the best interests of the Class, if it should be approved, and if a judgment should be entered;
- Decide if the Class has been fairly and adequately represented by the plaintiffs who brought the Class Action and by Class Counsel, who have represented the plaintiffs in the Class Action;
- Approve the plan of allocation of the Settlement Fund;
- Consider Class Counsel's requests for award of attorneys' fees and reimbursement of expenses;
- Consider any requests for incentive awards for the Class Action plaintiffs who represented the Class, in a total amount not to exceed \$175,000.00;
- Consider all comments or objections; and
- Consider any other issues the Court thinks are necessary.

21. Must I attend the Fairness Hearing?

No. Attendance is not required, even if you mailed a written response. Class Counsel is prepared to answer questions on your behalf. Class members who filed and served a written objection may appear at the Fairness Hearing, in person or through an attorney hired at their own expense.

22. Can I attend the Fairness Hearing?

Yes, anyone can attend the Fairness Hearing and watch. If you want to appear at the Fairness Hearing and object, in person or through an attorney hired at your own expense, you need to file and serve a written Notice of Intent to Object with the Court no later than **September 15, 2009**. Copies must be served on the law firms listed in Question 15. The Notice of Intent to Object must contain the following information:

- The name, address and telephone number of the Class member and, if applicable, the name, address and telephone number of the Class member's attorney (who must file a Notice of Appearance),
- The objection, including any supporting papers, and
- The name and address of any witnesses to be presented at the Fairness Hearing, together with a statement as to the matters on which they wish to testify and a summary of the proposed testimony.

If you do not file and serve a Notice of Intent to Object by **September 15, 2009**, you cannot object at the Fairness Hearing. Any lawyer representing a Class member for the purpose of making objections must also file a Notice of Appearance with the Clerk of the Court no later than **September 25, 2009**, and must also serve copies by mail to counsel listed above in question 15.

23. Where do I get more information?

This Notice contains a summary of relevant court papers. Complete copies of public pleadings, Court rulings and other filings are available for review and copying at the Clerk's office. The address is United States District Court for the District of Delaware, 844 North King Street, Wilmington, DE 19801. Judge Sue L. Robinson for the United States District Court for the District of Delaware is overseeing the Class Action. You can also review relevant Decisions and Orders on the website at www.TriCorSettlement.com.

Please do not contact the Court or the Judge.

For more information,

- Visit the TriCor Website at [**www.TriCorSettlement.com**](http://www.TriCorSettlement.com)
- Call the Claims Administrator, toll free: 1-877-567-3014
- Write to: TriCor Indirect Purchaser Claims Administrator
c/o Rust Consulting, Inc.
P.O. Box 24797
West Palm Beach, FL 33416
- Email: info@TriCorSettlement.com

DATED: May 8, 2009

BY ORDER OF THE COURT