

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re Mylan N.V. Securities Litigation

Case No. 1:16-CV-07926 (JPO)

**NOTICE OF PENDENCY OF CLASS ACTION**

**PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY. YOUR RIGHTS MAY BE AFFECTED BY PROCEEDINGS IN THIS ACTION.**

**TO: ALL PURCHASERS AND ACQUIRERS OF MYLAN N.V. OR MYLAN INC. COMMON STOCK DURING THE PERIOD FROM FEBRUARY 21, 2012 THROUGH AND INCLUDING MAY 24, 2019.**

**Excluded from the Class are the Defendants, officers and directors of Mylan N.V. or Mylan Inc. (“Mylan”) and members of their immediate families and their legal representatives, heirs, successors or assigns, and any entity in which Defendants have or had controlling interest.**

**PLEASE NOTE: THIS CASE HAS NOT BEEN SETTLED. THIS NOTICE IS INTENDED ONLY TO INFORM YOU THAT A CLASS ACTION IS CURRENTLY IN PROGRESS. THERE IS NO CLAIM FORM TO BE MAILED.**

This Notice is issued pursuant to Rule 23 of the Federal Rules of Civil Procedure and the Order of the United States District Court for the Southern District of New York (the “Court”), entered April 6, 2020, certifying the above action as a Class Action. The purpose of this Notice is to inform you of: (a) the pendency of the captioned class action before the Honorable J. Paul Oetken in the United States District Court for the Southern District of New York (the “Action”); (b) the certification of the Class defined above, of which you may be a member (“Class Member”); and (c) your right to be excluded from the Class. This Action has not been settled and continues to be litigated. Accordingly, no claim form need be filed at this time.

If you purchased or otherwise acquired shares of Mylan common stock during the period of February 21, 2012 through May 24, 2019, both dates inclusive, you may be a member of the Class. As a Class Member, you will be bound by the result of any trial of the Action, any judgment entered by the Court, and any determination made by the Court, unless you timely mail a request for exclusion, as described below, postmarked no later than 60 days after the Notice Date.

**DESCRIPTION OF THE ACTION**

**Summary of the Action**

The Class Representatives in this action are Menorah Mivtachim Insurance Ltd Menorah Mivtachim Insurance Ltd., Menorah Mivtachim Pensions and Gemel Ltd., Phoenix Insurance Company Ltd., Meitav DS Provident Funds and Pension Ltd., whom the Court has appointed to represent the Class.

The Defendants in this action are Mylan and certain of Mylan’s former members of management and directors (collectively, the “Defendants”).

The Third Amended Class Action Complaint (“Complaint”) alleges three categories of misconduct on the part of Mylan that make statements by Defendants to investors false and misleading: (1) Mylan knowingly misclassified the EpiPen for the purposes of the MDRP; (2) Mylan offered anticompetitive rebates on EpiPen in order to eliminate competition and inflate

the price of the EpiPen; and (3) Mylan was a central participant in a massive cartel among generic drug companies that allocated the markets for, and fixed the prices of, generic drugs. This is an action for violations of Section 10(b) of the Exchange Act and Rule 10b-5 promulgated thereunder and Section 20(a) of the Exchange Act.

The Defendants emphatically deny all claims and wrongdoing asserted in the Complaint and any liability arising out of the conduct alleged therein. The Defendants deny that the EpiPen was misclassified for purposes of the MDRP; that its rebates on EpiPen were anticompetitive; or that it participated in a cartel or conspired to allocate the markets for, or fix the prices of, generic drugs. The Defendants further deny that any of the Defendants made any materially false or misleading statements regarding the alleged misconduct. The Defendants filed an answer to the Complaint on April 27, 2020, denying all material allegations and asserting multiple defenses.

The Court has not made any determination about whether the Defendants engaged in any alleged misconduct or wrongdoing.

### **Prosecution of the Action**

On October 11, 2016, Plaintiff Stef Van Duppen initiated this action against Defendant Mylan and certain of Mylan's former officers. Dkt. No. 1. Separately, Plaintiff Landon W. Perdue filed an action against Defendant Mylan and certain of Mylan's former officers and directors, on October 13, 2016. *See Perdue v. Mylan N.V.*, No. 16 Civ. 8000, Dkt. No. 1. On January 9, 2017, the Court consolidated the two cases for pre-trial purposes, appointed Lead Plaintiffs, and approved Lead Counsel. Dkt. No. 26.

On June 17, 2019, the Lead Plaintiffs filed the operative Complaint adding new allegations, added as defendant an additional former Mylan executive and extended the Class Period. Dkt. No. 114. In response, Defendants moved for partial dismissal (Dkt. No. 123) and Lead Plaintiffs moved for class certification. Dkt. No. 129.

By order, entered on April 6, 2020 the Court certified the Class, appointed the Lead Plaintiffs as the Class Representatives and Pomerantz LLP as Class Counsel. Dkt. No. 140. Certification of the Class means that the action was legally recognized as a Class Action pursuant to Rule 23 of the Federal Rules of Civil Procedure. The class definition is as follows:

All persons or entities that purchased Mylan N.V. and/or Mylan N.V.'s predecessor, Mylan Inc., common stock between February 21, 2012 and May 24, 2019, both dates inclusive (the "Class Period"), excluding Defendants, current and former officers and directors of Mylan, members of their immediate families and their legal representatives, heirs, successors or assigns, and any entity in which Defendants have or had a controlling interest.

This Notice is being sent to notify you that you may be a member of the Class whose rights could be affected by this Action. It is not an expression of any opinion by the Court concerning the merits of the Action. There is no assurance that a judgment in favor of the Class will be granted. This Notice is intended to advise you of the pendency of the Action and of your rights with respect to the Action, including the right either to remain a Class Member or to exclude yourself from the Class.

### **INSTRUCTIONS TO CLASS MEMBERS**

If you fit the description of a Class Member, you have a choice whether or not to remain a member of the Class on whose behalf this Action is being maintained.

If you wish to remain a Class Member, you are not required to do anything at this time. If you do nothing, you will remain a Class Member and will be bound by the result of any judgment, before or after trial, whether favorable or unfavorable. If you choose to remain in the Class, you

will not be able to pursue a lawsuit on your own with regard to any of the issues that were or could have been decided in this Action. If you remain in the Class, you are not personally responsible for any expenses or attorneys' fees. If there is a recovery, you may be entitled to share in the proceeds, less costs, expenses, plaintiff reimbursement award and attorneys' fees as the Court may allow out of any recovery.

There is no settlement or judgment in the Action at this time. In the event of recovery, you will only be able to share in a recovery in this Action if you are a member of the Class and were damaged thereby.

The Class is represented by:

Jeremy Lieberman, Esq.  
Pomerantz LLP  
600 Third Avenue  
20th Floor  
New York, New York 10016  
Telephone: 212-661-1100

If you desire to be excluded from the Class, you must state so **in writing**. Your request for exclusion must state: the name and address of the person or entity requesting exclusion, that such person or entity requests exclusion from the Class in this Action, the number of Mylan shares purchased or acquired and the date the Mylan shares were purchased or acquired, and must be signed by that person or entity requesting exclusion from the Class. Requests for exclusion must be transmitted by first class mail or overnight delivery service to the Notice Administrator at the following address:

Mylan Securities Litigation  
c/o JND Legal Administration  
PO Box 91375  
Seattle, WA 98111

**To be effective, your Request for exclusion must be postmarked no later than 60 days after Notice Date.**

If you wish to participate in this Action, do not request exclusion. If you exclude yourself from the Class, you will not be bound by any judgment or decision by the Court in this Action, but you will also not be entitled to share in the benefits of any judgment favorable to the Class or from any Court-approved settlement that may be entered into on behalf of the Class. If you request exclusion, you would be entitled to pursue any individual remedy which you may have, but only at your own expense.

### **YOUR RIGHT TO APPEAR**

If you do not request exclusion from the Class in the manner set forth above, you may, if you so desire, enter an appearance through an attorney of your own choice. If you wish, you may also consult with your own counsel concerning your rights in this Action.

If you do not timely request exclusion from the Class in writing postmarked by 60 days after Notice Date, you will be considered a Class Member, and you will be bound by any judgment in this Action and will not be able to pursue any individual remedy which you may have.

### **NOTICE TO BANKS, BROKERS AND OTHER NOMINEES**

If you held any Mylan common stock purchased or acquired during the Class Period as nominee for a beneficial owner, then, within ten (10) days after you receive this Notice, you must

either: (1) request from the Notice Administrator sufficient copies of the Postcard Notice to forward to all such beneficial owners or (2) provide a list of the names and addresses of such beneficial owners to the Notice Administrator, preferably in an MS Excel data table setting forth: (a) title/registration, (b) street address, (c) city/state/zip; on electronic mailing labels in MS Word file (label size Avery #5162), or printed out on physical mailing labels. If you choose the second option, the Notice Administrator will send a copy of the Postcard Notice to the beneficial owners. Upon full compliance with these directions, such nominees may seek reimbursement of their reasonable expenses actually incurred, by providing the Notice Administrator with proper documentation supporting the expenses for which reimbursement is sought.

Copies of this Notice may be obtained from the website, [www.mylansecuritieslitigation.com](http://www.mylansecuritieslitigation.com), by calling the Notice Administrator toll-free at 1-888-383-0351, emailing the Notice Administrator at [info@mylansecuritieslitigation.com](mailto:info@mylansecuritieslitigation.com), or by contacting the Notice Administrator at:

Mylan Securities Litigation  
c/o JND Legal Administration  
PO Box 91375  
Seattle, WA 98111

#### **EXAMINATION OF PAPERS AND INQUIRIES**

For further information about the Action, you may contact Class Counsel at the addresses listed above or consult the pleadings and other papers filed in the Action at the Office of the Clerk of the United States District Court for the Southern District of New York, 40 Foley Square, New York, NY 10007, during normal business hours of each business day. If you have an account with PACER, you may consult the pleadings and other papers via Electronic Case Filing at the website of the Southern District of New York, <https://ecf.nysd.uscourts.gov>.

If you have any questions concerning this case or your membership in the Class please contact the Notice Administrator at:

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c/o JND Legal Administration  
PO Box 91375  
Seattle, WA 98111  
[info@mylansecuritieslitigation.com](mailto:info@mylansecuritieslitigation.com)  
[www.mylansecuritieslitigation.com](http://www.mylansecuritieslitigation.com)  
Telephone: 1-888-383-0351

**INQUIRIES SHOULD NOT BE DIRECTED TO THE COURT, THE CLERK'S OFFICE, THE DEFENDANTS, OR DEFENDANTS' COUNSEL.**

Dated: March 25, 2021

**By Order of the Court  
United States District Court Southern  
District of New York**