

**If You Are A Third-Party Payor and Made Reimbursements For Bextra and/or Celebrex, On or Before July 29, 2005, You May Be Able To Receive a Payment**

*A Court has authorized this Notice.*

*It is not a solicitation from a lawyer. You are not being sued.  
The Court expresses no views as to the merits of Plaintiffs' claims.*

- There is a Proposed Class Action Settlement with Pfizer Inc. (“Pfizer”) concerning the prescription drugs Bextra and Celebrex. You may have previously received information about this case. The name of the lawsuit is *In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation*, No. M:05-cv-01699-CRB, pending in the United States District Court for the Northern District of California.
- This lawsuit claims that Pfizer falsely marketed the drugs Bextra and Celebrex as having greater benefits than less expensive pain medicines and in contradiction to the drugs’ Food and Drug Administration approved labeling.
- Pfizer has agreed to pay a total of \$89 million to settle this lawsuit. Pfizer denies any wrongdoing and denies all of the claims in the lawsuit, but it is settling to avoid the cost and distraction of further litigation.
- The total Settlement Amount will be divided so that consumers will receive a 30% share of the Settlement Amount and Third-Party Payors (“TPPs”) will receive a 70% share.

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

**A Summary of Your Rights and Choices:**

<b>You May:</b>		<b>Due Date:</b>
<b>Do Nothing</b>	If you do nothing, you will not receive a payment from the Proposed Settlement. You will give up your right to sue Pfizer for money damages or other relief of any nature whatsoever arising out of any conduct, events or transactions concerning Bextra or Celebrex that have been alleged or that could have been alleged in any litigation. <b>See Question 10.</b>	<u><i>N/A</i></u>
<b>File a Claim</b>	<b><i>Submit a Claim Form:</i></b> This is the only way for you to receive a payment from the Proposed Settlement. <b>See Question 8.</b>	<b><i>Postmarked by October 23, 2009</i></b>
<b>Exclude Yourself</b>	<b><i>Get out of the Class:</i></b> You may write and ask to get out of the Class and keep your right to sue Pfizer on your own about the claims in the lawsuit. <b>See Question 12.</b>	<b><i>Postmarked by June 30, 2009</i></b>
<b>Object to or Comment on the Proposed Settlement</b>	If you do not exclude yourself, you may appear and speak at the Final Approval Hearing on your own or through your own lawyer to object or comment on the Proposed Settlement. <b>See Questions 13 and 20.</b>	<b><i>Received by July 20, 2009</i></b>

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## BASIC INFORMATION

### 1. Why did I get this Notice?

You were mailed this Notice because records indicate you are a TPP who may provide pharmaceutical coverage for your insureds. Or, you may have requested this Notice after seeing the Summary Notice in a publication.

This Notice explains:

- What the lawsuit and Proposed Settlement are about.
- What the lawsuit claims and what Pfizer says about the claims.
- Who is affected by the Proposed Settlement.
- Who represents the Class in the lawsuit.
- What your legal rights and choices are.
- How and by when you need to act.

### 2. What is the lawsuit about?

Bextra was approved for marketing and sale in the United States on November 16, 2001, and was withdrawn from the market on April 7, 2005. Celebrex was approved for marketing and sale on December 31, 1998 and remains on the market. On July 29, 2005, the Celebrex label was amended to add a black box warning that the federal Food & Drug Administration (“FDA”) determined should be added to the labels for all NSAIDs regarding gastrointestinal and cardiovascular risks.

This lawsuit claims:

- a) That Pfizer falsely marketed Bextra and Celebrex as having benefits greater than “non-selective” Non-Steroidal Anti-Inflammatory Drugs (NSAIDs) like ibuprofen or naproxen;
- b) That the marketing of Bextra and Celebrex was inconsistent with their FDA-approved labels; and
- c) That this allegedly false marketing cause plaintiffs to pay a greater price for Bextra and/or Celebrex instead of less expensive alternative NSAIDs or no medication at all.

The Celebrex claims included substantial additional obstacles above the obstacles faced by Bextra claims. These obstacles included that Celebrex is still on the market and many TPPs continue to pay for it. These factors made the potential for recovery for Celebrex claims significantly less than the Bextra claims. The settlement class includes TPPs that paid for Bextra and/or Celebrex prescriptions. TPPs that reimbursed or paid for Bextra only or reimbursed or paid for both Bextra and Celebrex are included in the TPP Subclass if willing to accept a settlement award based on payments for Bextra in exchange for release of all claims for both Bextra and Celebrex.

Pfizer denies any wrongdoing. It asserts that its marketing practices were truthful and not misleading, and conformed to the FDA-approved label that described benefits of Bextra and Celebrex not offered by other, and less expensive, pain medications. Pfizer is settling this lawsuit to avoid the costs and distraction of continued litigation.

### 3. Why is this a class action?

In a class action lawsuit, one or more people called “class representatives” sue on behalf of people who have similar claims. The people together are a “class” or “class members.” A court must determine if a lawsuit should proceed as a class action. If it does, a trial then decides the lawsuit for everyone in the class.

Sometimes, the parties may settle without a trial. The Parties here have agreed to a Proposed Settlement that includes a national class of TPPs who reimbursed, or incurred obligations to reimburse for the drugs at issue.

### 4. Why is there a Proposed Settlement?

A settlement is an agreement between a plaintiff and a defendant following extended negotiation. Settlements conclude litigation but this does not mean that the court has ruled in favor of the plaintiff or the defendant. A settlement allows both parties to avoid the cost and risk of a trial and permits both parties to establish a just, fair and final resolution that is best for all involved. The class representatives and their attorneys decide that a settlement is the best result for all class members and the court is asked to approve the settlement as fair, reasonable and adequate.

If the Court approves the proposed settlement, then Pfizer will no longer be legally responsible for the claims made in this lawsuit. The lawyers representing the Class (“Class Counsel”) and Pfizer have engaged in extensive, arms-length negotiations regarding the issues presented in this lawsuit and the possible terms of a settlement. The Parties want to settle the claims in this lawsuit and Class Counsel believes the Proposed Settlement is fair, reasonable and adequate and in the best interests of the Class.

#### **5. Who is a Class Member?**

Generally speaking, you are a Class Member if you are a TPP that reimbursed for the prescription drugs Bextra and/or Celebrex on or before July 29, 2005.

A TPP is an entity that is:

- a) A party to a contract, issuer of a policy, or sponsor of a plan; and
- b) At risk, under such contract, policy, or plan, to pay or reimburse all or part of the cost of prescription drugs dispensed to covered natural persons. TPPs include insurance companies, union health and welfare benefit plans and self-insured employers. Entities with self-funded plans that contract with a health insurance company or other entity to serve as a third-party claims administrator to administer their prescription drug benefits qualify as TPPs. Private plans that cover government employees and/or retirees are also included.

There are a number of other people who are not included in the Class. These people include:

- The Defendants and their present or former, direct and indirect, parents, subsidiaries, divisions, partners and affiliates;
- The United States government, its officers, agents, agencies and departments; the States of the United States and their respective officers, agents, agencies and departments; and all other local governments and their officers, agents, agencies and departments; and
- Entities that own or operate businesses referred to commonly as pharmacy benefit managers (“PBMs”) and third party administrators (“TPAs”). These PBMs and TPAs, as part of their business operation, contract with Third-Party Payors to perform certain services in the administration and management of prescription drug benefit plans. The Class includes the ultimate Third-Party Payors providing the prescription drug benefit and not the PBMs and TPAs with which those Third-Party Payors contract to administer or manage the prescription benefit on behalf of the Class Members, unless such PBMs or TPAs are the fiduciary of the Third-Party Payors or by contract assumed, in whole or in part, the insurance risk of that prescription drug benefit during the period through July 29, 2005.

#### **6. How do I know if I am included in the Proposed Settlement?**

You are a Class Member and will be included in the Proposed Settlement if you reimbursed for Bextra and/or Celebrex on or before July 29, 2005.

### **BENEFITS OF THE PROPOSED SETTLEMENT – WHAT YOU GET**

#### **7. What does the Proposed Settlement provide?**

TPPs will share in 70% of the Settlement Amount after deduction for attorneys’ fees and expenses awarded by the Court.

#### **8. How do I file a claim?**

Attached to this Notice is a Claim Form. *You must fill out the Claim Form and submit it to the Claims Administrator, postmarked by October 23, 2009*, and addressed to:

Bextra and Celebrex Claims Administrator  
c/o Rust Consulting, Inc.  
P.O. Box 24675  
West Palm Beach, FL 33416

As part of your claim, you must provide the backup information and certifications requested on the Claim Form.

### 9. How much will I get?

How much you receive from this Proposed Settlement depends on the volume and amount of claims submitted by other Class Members. You will receive your pro rata share of the total available for distribution to the TPP Subclass, but no more than the amount of your claim.

For example, if the amount you paid for Bextra (or for Celebrex if you only paid for Celebrex) was 5% of the total allowed claims, you would be entitled to a payment of 5% of the Settlement Amount allocated to TPPs. Assuming, for purposes of illustration only, that the Settlement Amount were \$40 million, your payment would be \$2 million. Of course, if you choose to opt out, you will not receive any payment.

## REMAINING IN THE CLASS

### 10. What claims am I giving up?

If the Proposed Settlement is approved, generally speaking, you give up any right you may otherwise have to sue Pfizer related to any claims made or that could have been made in this lawsuit.

Specifically, you release any claim relating to the purchase, price, payment, reimbursement, use, prescription, marketing, manufacture, distribution, sale, promotion, research, design, development, supply and/or ingestion of Celebrex and/or Bextra during the Class Period that Class Members ever had, currently have, or may subsequently have in any capacity against Pfizer and/or Pfizer's associated or affiliated companies.

This means that you cannot sue Pfizer for money damages or other relief of any nature whatsoever arising out of any conduct, events or transactions concerning Bextra or Celebrex that have been alleged or that could have been alleged in any litigation. This includes claims whether known or unknown, suspected or unsuspected, contingent or non-contingent. All claims will be released forever whether or not the facts were concealed or hidden, without regard to the subsequent discovery or existence of such different or additional facts.

### 11. What entities am I releasing?

The Released Entities include: Pfizer Inc., its parent companies, subsidiaries, and affiliates, and their past, present and future officers, directors, trustees, employees, agents, attorneys, shareholders, predecessors, successors and assigns.

## EXCLUSION FROM THE PROPOSED SETTLEMENT

### 12. Is it possible to exclude myself from the Proposed Settlement?

Any Class Member who wishes to exclude/opt out itself from the Class **must submit a written request to be so excluded to the Claims Administrator postmarked by June 30, 2009**. You will then be excluded from the Proposed Settlement. If you request to be excluded, the Court asks that you complete the **TPP Opt Out Information Request form** accompanying this Notice and return it to the Claims Administrator with your written request. If you request to be excluded but do not return the TPP Opt Out Information Request form, you may be subject to court-ordered subpoena to obtain the requested information.

## OBJECTING TO OR COMMENTING ON THE PROPOSED SETTLEMENT

### 13. May I object to, or comment on, the Proposed Settlement?

Yes. If you have comments about, or disagree with, any aspect of the Proposed Settlement, you may express your views to the Court through a written response to the Proposed Settlement. The written response should include your name, address, telephone number and a brief explanation of your reasons for objection. The document **must** be signed to ensure the Court's review. **Your written comment or objection must be received by July 20, 2009 and mailed to:**

Clerk of Court  
United States District Court  
Northern District of California  
San Francisco Division  
450 Golden Gate Avenue, 16<sup>th</sup> Floor  
San Francisco, CA 94102

You must also serve a copy of any objection or comment on or before July 20, 2009 upon:

Steve W. Berman  
Hagens Berman Sobol Shapiro LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101  
*Lead Class Settlement Counsel*

Loren Brown  
DLA Piper  
1251 Avenue of the Americas  
New York, NY 10020  
*Counsel for Pfizer*

In addition, your document must clearly state that it relates to the following Civil Action Number: No. M:05-cv-01699-CRB (N.D. Cal.). If you object to or comment on the Proposed Settlement, you will be subject to the jurisdiction of the Court.

**14. What is the difference between objecting to the Proposed Settlement and excluding myself from the Proposed Settlement?**

An objection to the Proposed Settlement is made when you wish to remain a Class Member and be subject to the Proposed Settlement but disagree with some aspect of the Proposed Settlement. An objection allows your views to be heard in Court. In contrast, exclusion means that you are no longer a Class Member and ultimately do not want to be subject to the Proposed Settlement's terms and conditions. Once excluded, you lose any right to object to the Proposed Settlement or to the attorneys' fees because the case no longer affects you.

## THE LAWYERS REPRESENTING YOU

**15. Do I have a lawyer representing my interests in this case?**

Yes. The Court has appointed the following law firm to represent you and other Class Members:

Hagens Berman Sobol Shapiro LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101  
[www.hbsslaw.com](http://www.hbsslaw.com)

**16. How will the lawyers be compensated?**

The lawyers who were appointed by the Court to represent you in this lawsuit are called Class Counsel. You will not be charged personally for these lawyers, but they will ask the Court to award them a fee of up to 30% of the Settlement Amount. In addition, Class Counsel will request reimbursement of the expenses and costs associated with litigation of this case. The fee will be paid out of the \$89 million Settlement Amount as will any reimbursement of litigation costs and expenses awarded by the Court. More information about Class Counsel and their experience is available at the website listed above.

**17. Should I get my own lawyer?**

You don't need to hire your own lawyer. However, if you want your own lawyer to speak for you or appear in Court, you must file a Notice of Appearance. (See Question 20.) If you hire a lawyer to appear for you in this case, that will be at your own expense.

## THE COURT'S FINAL APPROVAL HEARING

**18. When and where will the Court decide on whether to grant Final Approval of the Proposed Settlement?**

The Court will hold a Final Approval Hearing on **September 25, 2009 at 10:00 a.m.** to consider whether the Proposed Settlement is fair, reasonable and adequate. At the Hearing, the Court will decide whether to approve the Proposed Settlement and the request for attorneys' fees and expenses. If comments or objections have been received, the Court will consider them at this time.

**Note: The Hearing may be postponed to a different date without additional notice. Updated information will be posted on the Bextra and Celebrex Settlement website at [www.BextraCelebrexSettlement.com](http://www.BextraCelebrexSettlement.com).**

**19. Must I attend the Final Approval Hearing?**

No. Attendance is not required, even if you properly mailed a written response. Class Counsel is prepared to answer the Court’s questions on your behalf. If you or your personal attorney still want to attend the Hearing, you are more than welcome at your expense. However, it is not necessary that either of you attend. As long as the objection is postmarked before the deadline, the Court will consider it, even if you or your attorney do not attend.

**20. May I speak at the Final Approval Hearing?**

Yes. If you want you or your own lawyer instead of Class Counsel to speak at the Final Approval Hearing, you must give the Court a paper that is called a “Notice of Appearance.” The Notice of Appearance should include the name and number of the lawsuit, and state that you wish to enter an appearance at the Final Approval Hearing. It also must include your name, address, telephone number and signature. ***Your “Notice of Appearance” must be received by August 14, 2009.*** You may not speak at the Hearing if you previously asked to be excluded from the Class and are not submitting a Claim Form now.

The Notice of Appearance must be filed with the Court at the following address:

Clerk of Court  
United States District Court  
Northern District of California  
San Francisco Division  
450 Golden Gate Avenue, 16<sup>th</sup> Floor  
San Francisco, CA 94102

You must also serve a copy of the Notice of Appearance on or before August 14, 2009 upon:

Steve W. Berman  
Hagens Berman Sobol Shapiro LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101  
*Lead Class Settlement Counsel*

Loren Brown  
DLA Piper  
1251 Avenue of the Americas  
New York, NY 10020  
*Counsel for Pfizer*

The Notice of Appearance must be filed using the following Civil Action Number: M:05-cv-01699-CRB.

**GETTING MORE INFORMATION**

**21. Where do I obtain more information?**

More details are in the Complaints filed by Class Counsel, the Answers filed by Defendants, and the other legal documents that have been filed with the Court in this lawsuit. These documents include the Settlement Agreement and Release, which sets forth in great detail the Proposed Settlement’s provisions. You can look at and copy these legal documents at any time during regular office hours at the Office of the Clerk of Court, United States District Court, Northern District of California, San Francisco Division, 450 Golden Gate Avenue, 16<sup>th</sup> Floor, San Francisco, CA 94102. These documents will also be available on the Bextra and Celebrex Settlement website at [www.BextraCelebrexSettlement.com](http://www.BextraCelebrexSettlement.com).

In addition, if you have any questions about the lawsuit or this Notice, you may:

- Visit the Bextra and Celebrex Settlement website at [www.BextraCelebrexSettlement.com](http://www.BextraCelebrexSettlement.com)
- Call toll free 1-800-547-9360
- Write to: The Bextra and Celebrex Claims Administrator, c/o Rust Consulting, Inc., P.O. Box 24675, West Palm Beach, FL 33416
- Email [info@BextraCelebrexSettlement.com](mailto:info@BextraCelebrexSettlement.com)

DATED: March 20, 2009

By Order of the United States District Court  
Northern District of California  
/s/ The Honorable Judge Charles R. Breyer