

CONSUMER FREQUENTLY ASKED QUESTIONS

How do I request a reissue of my Settlement check?

If you received your check and would like to request a reissue, please write “VOID” on the check and return it to us, along with a letter requesting the reissue to the Claims Administrator at:

BMS Class 1
BMS AWP Class 1 Settlement Administrator
P.O. Box 2364
Faribault, MN 55021-9064

BMS Class 3
BMS AWP Class 3 Settlement Administrator
P.O. Box 2366
Faribault, MN 55021-9066

The check I received was damaged or lost? Can you reissue a new check?

Yes. Please send a letter of request stating that your check was damaged or you lost your check. Please include your name, address, and claim number (if available) to the Claims Administrator at:

BMS Class 1
BMS AWP Class 1 Settlement Administrator
P.O. Box 2364
Faribault, MN 55021-9064

BMS Class 3
BMS AWP Class 3 Settlement Administrator
P.O. Box 2366
Faribault, MN 55021-9066

The person listed on the check is deceased. What do I do?

Please go to the financial institution first as they may cash the check if documentation regarding the status of the account holder and your status as the beneficiary/executor is presented. If the bank will not cash the check, please write “VOID” on the check and return it to us, along with a letter of instruction and proof of beneficiary/executor. This would include a COPY of the death certificate. If you are listed as the surviving spouse on the Death Certificate, this is all the evidence we need to reissue the check to you.

If you are NOT listed on the death certificate, we need a COPY of court documents that list you as the estate executor or equivalent.

What is the time frame for you to reissue my check?

Please allow 6 to 8 weeks for reissues.

How were payments determined?

If you are a Class 1 claimant, meaning you made percentage co-payments through Medicare Part B, your payment was determined by a series of calculations based on the BMS drugs you purchased, the years in which they were purchased, the amount that was paid for the drugs, and how many Class Members filed valid claims. You can refer to the Revised Notice found on this website for more detailed information.

If you are a Class 3 claimant, meaning you made full cash payments or percentage co-payments through private health insurance, the amount of money you were eligible to receive depended on which option you chose on your Claim Form.

If you selected “Easy Refund”, you received a one-time payment of approximately \$120.00.

If you selected “Full Refund”, your award amount was dependant on which BMS drugs you purchased and how many Class Members filed valid claims. You can refer to the Revised Notice found on this Settlement Website for more detailed information.

Why were taxes taken out of my check?

Federal regulations require us to issue IRS 1099 forms to all class members who receive a gain of over \$600 as part of this settlement. Before making payments, we mailed Substitute W9 form to class members who were to receive a gain of over \$600. If we did not receive a response, 28% of your payment was withheld for Federal taxes and if you live in California, 7% for State taxes. These funds were paid to the IRS.

Can I get my taxes back?

No, unfortunately it is too late. We are obligated to send the funds to the IRS the day after we mail settlement checks.

Why does my 1099 show a different amount than my check?

The 1099 lists only the amount gained on your claim, as that is the amount reported to the IRS. For example, if you claimed \$4,000 and received a \$12,000 settlement payment, your 1099 would show a gain amount of \$8,000. The gain amount is the taxable amount.

What Is The Lawsuit About?

The Average Wholesale Price (“AWP”) is used to set reimbursement amounts that are paid by a) Medicare and its beneficiaries, b) private health insurers, and c) consumers making percentage co-payments under private health insurance plans. The lawsuit claims that BMS reported false and inflated AWP’s for the drugs covered in this Settlement. BMS denies any wrongdoing, and the Settlement is not an admission of wrongdoing or an indication that any law was violated.

The name of the lawsuit is *In re: Pharmaceutical Industry Average Wholesale Price Litigation*, Docket No. 01-CV-12257-PBS, MDL No. 1456.

How Do I Know If I Am Included In The Settlement?

You are part of the Settlement if you made, or are obligated to make:

- A percentage co-payment through Medicare or a private health insurance plan for a BMS Drug from January 1, 1991 through December 31, 2004.
- A full cash payment for a BMS Drug from January 1, 1991 through December 31, 2004.

A spouse of a deceased class member who made such a co-payment or cash payment or a legal representative of a deceased class member’s estate may file a claim.

Excluded from the Settlement are (1) consumers who made flat co-payments, who were reimbursed fully for their payments, or who have the right to be fully reimbursed, and (2) BMS and certain related entities as defined in the Settlement Agreement. Also excluded from the Settlement are all federal, state, and local government entities in the United States, except any such governmental agencies or programs that made or incurred an obligation to make a reimbursement for a Class Drug as part of a health benefit plan for their employees, but only with respect to such payment.

You are not a member of a Class if you made flat co-payments, if insurance paid all of your co-payment, or if you were never obligated to make a co-payment at all.

Can I Get Money Back?

You can get a refund if you paid a *percentage co-payment or full cash payment* for any of the BMS drugs from January 1, 1991 through December 31, 2004. A percentage co-payment varies with the cost of the drug. You cannot get a refund if you paid a flat co-payment. Unfortunately, the claims filing deadline has passed.

What Do I Need To Do To Get A Payment?

The official court-ordered deadline for filing a claim has passed.

What If I Do Not Want to Be Included In The Settlement?

The deadline to exclude yourself from the Settlement has passed. Exclusion requests had to be postmarked no later than November 19, 2010.

May I Object To, Or Comment On, The Settlement?

The deadline to object to the Settlement has passed.

Do I Have A Lawyer Representing My Interests In This Case?

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

Hagens Berman Sobol Shapiro LLP
www.hbsslaw.com
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101

Spector Roseman & Kodroff, PC
www.srk-law.com
1818 Market Street, Suite 2500
Philadelphia, PA 19103

Wexler Toriseva Wallace LLP
www.wtwlaw.us
55 W. Monroe, Suite 3300
Chicago, IL 60603

Edelson & Associates LLC
45 West Court Street
Doylestown, PA 18901

These lawyers are called Class Counsel. You won't be charged personally for these lawyers. Class Counsel will ask the Court to award them a fee of up to 33 1/3% plus interest and litigation expenses.

Did the Court Grant Final approval of the Settlement?

Yes, on July 19, 2011 the Court granted final approval to the Settlement.

Where Do I Obtain More Information?

More details and all other legal documents that have been filed with the Court in this lawsuit are available. They can be viewed and copied at any time during regular office hours at the Office of the Clerk of Court, John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Suite 2300, Boston, Massachusetts 02210.

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

- Visit the BMS Settlement website at www.BMSAWPSettlement.com.
- Call toll-free **1-877-690-7097**
- Write to: BMS Class 1
BMS AWP Class 1 Settlement Administrator
P.O. Box 2364
Faribault, MN 55021-9064

BMS Class 3
BMS AWP Class 3 Settlement Administrator
P.O. Box 2366
Faribault, MN 55021-9066

Please do not contact the Court or the Judge.