

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK**

BCBSM, INC., d/b/a BLUE CROSS and  
BLUE SHIELD OF MINNESOTA, on  
behalf of itself and those similarly situated,

Plaintiff,

v.

VYERA PHARMACEUTICALS, LLC,  
PHOENIXUS AG, MARTIN SHKRELI, and  
KEVIN MULLEADY,

Defendants.

Case No. 1:21-cv-1884-DLC

**~~PROPOSED~~ ORDER**  
**AUTHORIZING DISTRIBUTION OF THE NET SETTLEMENT FUND**

On June 17, 2022, this Court entered a Final Judgment and Order of Dismissal certifying the Settlement Class and granting final approval of the class Settlement between Plaintiff BCBSM, Inc. (“Plaintiff”) and Defendants Vyera Pharmaceuticals, LLC, Phoenixus AG, Martin Shkreli, and Kevin Mulleady (collectively, “Defendants”). Dkt. 160. The Court previously approved a Notice Plan and Plan of Allocation for the Settlement and appointed A.B. Data as Notice Provider and Claims Administrator. Dkt.141 at 5–7.

Under the Plan of Allocation, Dkt. 140-2 at 9–10, the money paid into the Class Settlement Fund shall be allocated on a *pro rata* basis to eligible members of the Settlement Class who submit valid claims, less deductions made for taxes, settlement administration expenses, attorneys’ fees, litigation costs, incentive awards, and any other charges authorized by the Court (the “Net Settlement Fund”). To effectuate this distribution, Settlement Class Counsel have filed a Motion for an Order Authorizing Distribution of the Net Settlement Fund (the “Motion”).

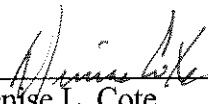
In support, Settlement Class Counsel have submitted the Declaration of Eric J. Miller, Senior Vice President of A.B. Data, which details the steps taken to process claims along with the Declaration of William V. Reiss. Settlement Class Counsel have requested that late-filed claims submitted on or before October 17, 2022 that are otherwise valid be accepted, as the equities favor distribution to these claimants.

Accordingly, and the Court being otherwise sufficiently advised,

**IT IS HEREBY ORDERED** that Settlement Class Counsel's Motion is **GRANTED** as follows:

1. The Claims Administrator's administrative determinations concerning the submitted claims are approved.
2. The two late-filed claims reflected on Exhibit F to the Miller Declaration are approved as eligible for distribution.
3. The Claims Administrator shall distribute the Net Settlement Fund on a *pro rata* basis to approved claimants and may reserve up to: (1) 5% of the Net Settlement Fund to account for any adjustments in payments or to pay additional taxes, costs, and administration fees; and (2) \$159,384.17 to cover Settlement Class Counsel's request for supplemental attorneys' fees and litigation expenses.

IT IS SO ORDERED on this 14<sup>th</sup> day of November, 2024.

  
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Hon. Denise L. Cote  
United States District Judge