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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE HIV ANTITRUST LITIGATION

Case No. [19-cv-02573-EMC](#)

**ORDER RE DPP AND EPP'S
MOTIONS RE CLASS NOTICE**

Docket Nos. 1436, 1440

United States District Court
Northern District of California

Currently pending before the Court are the DPP and EPP motions regarding class notice.

Each motion is addressed below.

A. DPP Motion

The Court has reviewed the DPP motion regarding class notice. The motion is unopposed, indicating that the parties agree on the class definitions and the means of notice. The Court finds the definitions appropriate and the means of notice reasonable and the best practicable. The Court, however, asks the parties to meet and confer to see if they agree to the following edits to the content of the class notice.

- Page 1. The first bolded sentence should be followed by the following sentences (also in bold and in the same large font) or something similar thereto: “If you are a member of one or both classes, your legal rights will be affected whether you act or don’t act, so please read this notice carefully. You must decide whether to remain a member of the class(es) or to exclude yourself from the class(es).” The Court assumes that these sentences will be part of the “notice headline” used in the digital publication notice.

- 1 • Pages 2-3. The option “Get More Information” should be removed from the chart
2 on page 2. The “Get More Information” content should be moved to the bullet
3 point that follows the chart so that the bullet point reads in full as follows: “These
4 rights and options – and the deadlines to exercise them – are explained in this
5 notice. If you would like to obtain more information about the Lawsuit, you can
6 review the website: [WEBSITE]. You may also send questions to the lawyers
7 identified in Question 6 of this notice.”

8 The Court also asks the parties to meet and confer to see if they can reach agreement that
9 the time to opt out will be 45 day instead of 35 days.

10 B. EPP Motion

11 The Court has reviewed the EPP motion regarding class notice. The motion is unopposed,
12 indicating that the parties agree on the class definitions and the means of notice. The Court finds
13 the definitions appropriate and the means of notice reasonable and the best practicable.¹ The
14 Court, however, asks the parties to meet and confer to see if they agree to the following edits to
15 the content of the class notice. (It is not clear from the papers what is the timing for opting out.
16 As indicated above, the Court is inclined to a period of at least 45 days.)

17 1. Exhibit B (Long-Form Notice Available on Case Website)

- 18 • Page 1. The first bolded sentence should be followed by the following sentences
19 (also in bold and in the same large font) or something similar thereto: “If you are a
20 member of one or both classes, your legal rights will be affected whether you act or
21 don’t act, so please read this notice carefully. You must decide whether to remain a
22 member of the class(es) or to exclude yourself from the class(es).”
- 23 • Page 4. In Question 1, reference is made to the EPPs’ operative complaint. It is
24 not clear whether the reference should be to Docket No. 788 instead of Docket No.
25 347.
- 26 • Pages 6-7. In Questions 7 and 13, the notice should reiterate that doing nothing

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28 ¹ The Court also takes note of the correction regarding the class representatives for the cART Drug Foundation Class.

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means staying in the class(es).

2. Exhibit C (Postcard Notice to TPPs)

- The first bolded sentence should be followed by the following sentence (also in bold and in the same large font) or something similar thereto: “You must decide whether to remain a member of the class(es) or to exclude yourself from the class(es).”
- In the section “Your Rights and Options,” the notice should reiterate that doing nothing means staying in the class(es).

3. Exhibit D (Postcard Notice to Local Government Entities)

- The first bolded sentence should be followed by the following sentence (also in bold and in the same large font) or something similar thereto: “You must decide whether to remain a member of the class(es) or to exclude yourself from the class(es).”
- In the section “Your Rights and Options,” the notice should reiterate that doing nothing means staying in the class(es).

4. Exhibit E (Press Release for PR Newswire/Short-Form Notice)

- The first bolded sentence should be followed by the following sentences (also in bold and in the same large font) or something similar thereto: “If you are a member of one or both classes, your legal rights will be affected whether you act or don’t act, so please read this notice carefully. You must decide whether to remain a member of the class(es) or to exclude yourself from the class(es).”
- In the section “Your Rights and Options,” the notice should reiterate that doing nothing means staying in the class(es).

5. Exhibit F (Digital Notice to TPPs and Individual Consumers)

- The digital banner should include a sentence along the lines of: “You must decide whether to remain a member of the class(es) or to exclude yourself from the class(es).”

United States District Court
Northern District of California

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6. Exhibit G (Publication Notice to Local Government Entities)

- The digital banner should include a sentence along the lines of: “You must decide whether to remain a member of the class(es) or to exclude yourself from the class(es).”

7. Exhibit H (Letter to AGs)


- In the second paragraph, a sentence should be included at the end along the lines of the following: “You can also contact us about whom you believe are potential members of the Classes, and we will reach out to them and send them the notice.”

C. Summary

The parties shall report back on their meet and confer efforts within two weeks of the date of this order.

IT IS SO ORDERED.

Dated: November 14, 2022


EDWARD M. CHEN
United States District Judge