

## **If you purchased Traditional Blood Reagents on or after November 4, 2000, a class action lawsuit may affect you.**

*A federal court authorized this notice. This is not a solicitation from a lawyer.*

- **A class has been certified in a class action lawsuit alleging claims against certain manufacturers of Traditional Blood Reagents: Ortho-Clinical Diagnostics, Inc. (“Ortho”) and Immucor, Inc. (“Immucor”) (collectively, the “Defendants”). If you purchased Traditional Blood Reagents directly from one or both of the Defendants between November 4, 2000 and October 19, 2015, you may be a member of the class described below. Other requirements apply—see Section 2.1 on Page 3 to see if this notice applies to you.**
- This notice describes a class action lawsuit, pending in the United States District Court for the Eastern District of Pennsylvania, in which the Plaintiffs allege that certain blood reagents manufacturers conspired to fix prices in violation of federal antitrust law.
- The lawsuit claims that, as a result of Defendants’ alleged conduct, the prices paid by individuals and entities for Traditional Blood Reagents were higher than they otherwise would have been. The lawsuit seeks treble damages (triple the amount of actual damages), attorneys’ fees and costs from Defendants. The Defendants deny that any of their conduct was unlawful. The Court has not yet heard or resolved the merits of Plaintiffs’ claims, or determined whether Plaintiffs’ or Defendants’ contentions are true. A trial of this case has not yet been scheduled.
- In 2012, Immucor settled the lawsuit and paid \$22,000,000 for the benefit of a class of purchasers of Traditional Blood Reagents. The Court has entered final approval of the Immucor settlement Immucor as a Defendant.. More information regarding the Immucor settlement is available on Page 4 and at [www.bloodreagentsantitrustlitigation.com](http://www.bloodreagentsantitrustlitigation.com).
- The lawsuit continues against the non-settling Defendant, Ortho, on behalf of a class, or group of people, that might include you. The continuing lawsuit affects persons and entities in the United States who purchased Traditional Blood Reagents directly from either Defendant between November 4, 2000 and October 19, 2015 (the “Litigation Class”).

### **TO DETERMINE WHETHER YOU ARE AFFECTED BY THE PENDING CLASS ACTION LAWSUIT, PLEASE SEE SECTION 2.1 ON PAGE 3.**

Your rights and options – **and the deadlines to exercise them** – are explained in this notice.

Please contact [www.bloodreagentsantitrustlitigation.com](http://www.bloodreagentsantitrustlitigation.com) or the Blood Reagents Antitrust Litigation Administrator at 1-855-231-9423 for court documents about the settlement with Immucor and the pending lawsuit against the non-settling Defendant, Ortho, frequently asked questions, and more information.

### **DO NOT CONTACT THE COURT OR DEFENDANTS IF YOU HAVE QUESTIONS REGARDING THIS NOTICE**

### **PART 1: GENERAL INFORMATION**

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| <b>WHAT IS THIS NOTICE ABOUT?</b> |
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#### ***1.1 Why has this notice been issued?***

This notice explains your legal rights and options regarding the pending class action lawsuit that continues against the non-settling Defendant, Ortho.

QUESTIONS? VISIT [WWW.BLOODREAGENTSANTITRUSTLITIGATION.COM](http://WWW.BLOODREAGENTSANTITRUSTLITIGATION.COM), OR CALL TOLL-FREE, 1-855-231-9423

## ***1.2 What is the lawsuit about?***

This lawsuit was filed by F. Baragaño Pharmaceuticals, Inc.; Community Medical Center Health Care System; Professional Resources Management of Crenshaw LLC d/b/a Crenshaw Community Hospital; Douglas County Hospital; Health Network Laboratories, L.P.; Larkin Community Hospital; Legacy Health System; Mary Hitchcock Memorial Hospital, Inc.; Regional Medical Center Board d/b/a Northeast Alabama Regional Medical Center; Sacred Heart Hospital of the Hospital Sisters of the Third Order of St. Francis; St. Anthony's Memorial Hospital, of the Hospital Sisters of the Third Order of St. Francis; St. Elizabeth's Hospital of the Hospital Sisters of the Third Order of St. Francis; St. Francis Hospital of the Hospital Sisters of the Third Order of St. Francis; St. John's Hospital of the Hospital Sisters of the Third Order of St. Francis; St. Joseph's Hospital, Breese, of the Hospital Sisters of the Third Order of St. Francis; St. Joseph's Hospital of the Hospital Sisters of the Third Order of St. Francis (Chippewa Falls); St. Joseph's Hospital, of the Hospital Sisters of the Third Order of St. Francis (Highland); St. Mary's Hospital Medical Center of Green Bay, Inc.; St. Mary's Hospital, Streator, of the Hospital Sisters of the Third Order of St. Francis; St. Mary's Hospital, Decatur, of the Hospital Sisters of the Third Order of St. Francis; St. Nicholas Hospital of the Hospital Sisters of the Third Order of St. Francis; St. Vincent Hospital of the Hospital Sisters of the Third Order of St. Francis; Schuylkill Medical Center - East Norwegian Street; Schuylkill Medical Center - South Jackson Street; and Warren General Hospital (collectively, "Plaintiffs" or "Class Representatives") individually and as representatives of all persons in the United States who purchased Traditional Blood Reagents directly from the Defendants. The lawsuit asserts that, as a result of the alleged conduct of the Defendants, the prices paid for Traditional Blood Reagents were higher than they otherwise would have been. The Plaintiffs seek to recover three times the actual damages that they allege Defendants' conduct caused, as well as attorneys' fees and costs. The Defendants deny Plaintiffs' allegations. The Court has not yet heard or resolved the merits of Plaintiffs' claims, or determined whether Plaintiffs' or Defendants' contentions are true.

## ***1.3 What are blood reagents and Traditional Blood Reagents?***

Blood reagents are products designed and manufactured to test, match, detect, screen, diagnose and/or otherwise identify certain properties of the cell and serum components of human blood. "Traditional Blood Reagents," as used herein, are primarily used to test blood manually in test tubes. In contrast, proprietary blood reagents, as used herein, are primarily used to test blood in automated and/or semi-automated platforms. Proprietary reagents sold by Defendants include, but are not limited to, Ortho's ID-MTS gel products and Immucor's Capture products. For the purposes of this litigation, the definition of Traditional Blood Reagents does not include Ortho's 0.8% red blood cell reagents and the certified class includes purchases of only Traditional Blood Reagents the certified class does not include purchases of proprietary blood reagents and/or Ortho's 0.8% red blood cell reagents.

## ***1.4 Who are the Defendants in this case?***

The Defendants are Immucor and Ortho.

## ***1.5 What is a class action lawsuit?***

In a class action, people or entities called class representatives sue on behalf of people or entities that have similar claims. All these entities make up the class and are called class members. The Court then resolves the issues for all class members, except for those who exclude themselves from the class. U.S. District Court Judge Jan E. DuBois in the U.S. District Court for the Eastern District of Pennsylvania is overseeing this lawsuit.

## ***1.6 What is the current status of the lawsuit?***

Several lawsuits were originally filed beginning in May 2009, and the cases were consolidated before Judge DuBois in the Eastern District of Pennsylvania. The Court certified this lawsuit as a class action on August 22, 2012 for all purposes, including trial and any future settlements, and appointed the named Plaintiffs and the law firm of Spector Roseman Kodroff & Willis, PC to represent the class. On October 25, 2012, the Third Circuit Court of Appeals accepted Ortho's appeal of the District Court's class certification decision, and on April 8, 2015, the Third Circuit vacated the District Court's decision because it relied, in part, on a Third Circuit decision that the Supreme Court reversed in 2013. On remand from the Third Circuit, the District Court re-certified the lawsuit as a class action on October 19, 2015.

The Plaintiffs reached a settlement with Immucor in the amount of \$22,000,000 on January 11, 2012, which was granted final approval by the Court on September 6, 2012. As a result of this settlement, Immucor was dismissed from the case. A trial of this case against the non-settling Defendant, Ortho, has not yet been scheduled. In addition to a trial on issues common to the class, there may be separate proceedings to make a formal decision regarding any individualized issues relating to damages and to Plaintiffs' and the other class members' claims of fraudulent concealment.

## **PART 2: THE LITIGATION CLASS**

### **SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THE CLASS ACTION LAWSUIT:**

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| Remain a Class Member by Doing Nothing | You do not need to do anything at this time to remain a member of the Litigation Class. You will be bound by any decision of the Court in this case, and you will give up your rights to sue Ortho about the same legal claims involved in this case. By remaining in the Litigation Class, you make yourself eligible to receive a share of any money that may be recovered by the Litigation Class. |
| Exclude Yourself                       | If you exclude yourself from the Litigation Class, you will <u>not</u> be bound by the decisions of the Court and will <u>not</u> be entitled to receive any money that may be recovered for the Litigation Class in the future.  |
| Hire Your Own Lawyer                   | You may, but are not required to, hire your own lawyer at your expense to advise you of your rights in the class action lawsuit. You have the right to enter an appearance in the case through your lawyer if you wish.   |

### **WHO IS AFFECTED BY THE CLASS ACTION LAWSUIT?**

#### ***2.1 How do I know if I am part of the pending class action lawsuit?***

The Litigation Class includes persons and entities that purchased Traditional Blood Reagents in the United States directly from either of the Defendants, Ortho or Immucor, during the period from November 4, 2000 through October 19, 2015.

Even if you meet these requirements, you are not a member of the Litigation Class if you are a federal governmental entity, a Defendant, or a Defendant's parent, subsidiary, or affiliate.

### **EXCLUDING YOURSELF FROM THE CLASS ACTION LAWSUIT**

If you do not want to remain a member of the Litigation Class, or if you want to be able to start your own lawsuit or be part of a different lawsuit against Ortho involving the same claims as in this lawsuit, then you must take steps to remove yourself from the Litigation Class. This is called "excluding yourself" or "opting out" of the class.

#### ***2.2 How do I exclude myself from the Litigation Class?***

If you want to exclude yourself from the Litigation Class, you must mail a written request to be excluded from the Litigation Class to the Blood Reagents Antitrust Litigation Administrator at the following address: Blood Reagents Antitrust Litigation, P.O. Box 43058, Providence RI 02940-3058. The written request must include your name and address and specifically state that you request exclusion from the Litigation Class. The written request must be received no later than April 6, 2016. If you elect to be excluded from the Litigation Class, you will not be legally bound by any judgment or decision in this case and will remain free to pursue any legal rights you may have against Ortho. If you are excluded from the Litigation Class, you will not receive any money or other benefits which are awarded to the Litigation Class if the case is successful, and you will not be allowed to object to any settlement.

**If you wish to remain in the Litigation Class, you do not need to do anything at this time.**

### **THE LAWYERS REPRESENTING THE CLASS**

#### ***2.3 Do I have a lawyer in this case?***

The Court has appointed the following law firm to represent the Litigation Class (called "Class Counsel"):

**SPECTOR ROSEMAN KODROFF & WILLIS, P.C.**  
1818 Market Street, Suite 2500  
Philadelphia, PA 19103  
(215) 496-0300

You will not be personally charged for the services of these attorneys in litigating this case against the Defendants. If you want to be represented by your own lawyer, you may hire one at your own expense. You have the right to enter an appearance in the case through your lawyer if you wish.

#### ***2.4 How will the lawyers be paid?***

Attorneys for the class are undertaking this litigation on a completely contingent fee basis, and are not requesting an award of attorneys' fees at this time. Class Counsel will, at a later time, seek Court approval of an award of reasonable attorneys' fees to be paid from settlement funds and any damages awarded in this case.

Class Counsel previously sought, and the Court approved, an award of \$500,000 from the Immucor Settlement Fund to cover ongoing costs of litigation, all of which has been spent pursuing certification of the Litigation Class. As a result, Class Counsel intends to seek an award of an additional \$2,000,000 from the Immucor Settlement Fund to cover continuing costs of litigation, including trial preparation. The Court can approve or deny such a request.

**TAKING NO ACTION**

**2.5 What happens if I do nothing at all?**

If you are a member of the Litigation Class and you choose to take no action, your interests as a member of the Litigation Class will be represented by the Plaintiffs and Class Counsel and you will be bound by any decision or judgment entered by the Court. You will not be able to start or continue with a lawsuit against Ortho regarding the claims described herein. If the Litigation Class is successful at trial on issues common to the class, you will be entitled to present evidence of your Traditional Blood Reagents purchases from the Defendants within the Litigation Class Period in order to potentially recover any overcharges you may have paid (net of attorney fees and expenses, which may be determined by the Court to be payable from the recovery). In addition, you will have an opportunity to present evidence in support of a claim of fraudulent concealment, in order to toll the statute of limitations that might otherwise bar some or all of your claim to recover for any overcharges. As a member of the Litigation Class, you will not be responsible for attorneys' fees or litigation expenses.

**GETTING MORE INFORMATION**

**2.6 How can I get more information?**

This notice is only a summary of the Court's decision. You may obtain copies of the class certification opinion by visiting [www.bloodreagentsantitrustlitigation.com](http://www.bloodreagentsantitrustlitigation.com) or by calling 1-855-231-9423.

**PLEASE DO NOT CONTACT THE COURT, THE CLERK OF THE COURT OR DEFENDANTS.  
IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, PLEASE DIRECT THEM  
ONLY TO THE BLOOD REAGENTS ANTITRUST LITIGATION ADMINISTRATOR.**

**PART 3: THE IMMUCOR SETTLEMENT CLASS**

**3.1 What does the Immucor Settlement provide?**

The Plaintiffs reached a settlement agreement with Immucor in the amount of \$22,000,000, which was signed by Plaintiffs and Immucor on January 11, 2012, and granted preliminary approval by the Court on March 5, 2012. Notice of the settlement was mailed to potential settlement class members on April 19, 2012. A summary notice was also published in the April 2012 edition of *AABB News*. The notices informed settlement class members of the settlement terms with Immucor and their options with respect to the settlement. The deadline to request exclusion from the Immucor Settlement Class was June 1, 2012, and a final approval hearing was held on June 15, 2012. The Court granted final approval of the Immucor settlement and dismissed Immucor from the case on September 6, 2012. At that time, the Court also awarded Class Counsel \$500,000 of the settlement amount to cover ongoing litigation expenses, all of which has been spent pursuing certification of the Litigation Class. As a result, Class Counsel intend to seek an award of an additional \$2,000,000 from the Immucor Settlement Fund to cover continuing costs of litigation, including trial preparation. Class Counsel must file their motion for ongoing litigation expenses on or before March 23, 2016.

**3.2 If I do not like Class Counsel's request for ongoing litigation expenses, how do I tell the Court?**

If you did not request exclusion from the Immucor settlement class prior to June 1, 2012, you are a member of the Immucor Settlement Class and may object to Class Counsel's request to utilize an additional \$2,000,000 from the Immucor Settlement Fund to cover continuing costs of litigation, including trial preparation. If you wish to object to that request, you must specify, in writing, all of your objections and the basis for those objections, as well as (i) the name, address, and telephone number of the person objecting and, if represented by a lawyer, of his or her lawyer; and (ii) a statement describing any purchases of Traditional Blood Reagents you made directly from defendants from January 1, 2000 through October 19, 2015, including the dates and amounts of such purchases. You must mail your written objection to the Clerk of the Court, 601 Market Street, Philadelphia, PA 19106, so it is received and filed no later than April 6, 2016. You must also send copies of any objections to:

Jeffrey J. Corrigan  
**SPECTOR ROSEMAN KODROFF & WILLIS, P.C.**  
1818 Market Street, Suite 2500, Philadelphia, PA 19103  
Tel.: (215) 496-0300 Fax: (215) 496-6611  
COUNSEL FOR PLAINTIFFS AND CLASS COUNSEL

**3.3 Will I receive any money from the Immucor Settlement?**

If you failed to request exclusion from the Immucor settlement class in 2012, you are bound by the Court's decision with respect to that settlement and you are eligible to receive a share of the Immucor settlement amount. At a later date, Class Counsel will file with the Court a plan of distribution of the Immucor funds. After payment of any court-ordered attorneys' fees, reimbursement of litigation expenses, incentive awards to the class representatives, class notice and administration expenses (including tax-related expenses), the balance will be distributed to Immucor settlement class members. More information regarding the Immucor settlement is available at [www.bloodreagentsantitrustlitigation.com](http://www.bloodreagentsantitrustlitigation.com).

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