

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

In Re: DISPOSABLE CONTACT LENS ANTITRUST LITIGATION	Case No. 3:15-md-2626-HES-LLL Judge Harvey E. Schlesinger Judge Virginia M. Hernandez Covington Magistrate Judge Laura L. Lambert
THIS DOCUMENT RELATES TO: All Class Actions	

**DECLARATION OF CAMERON R. AZARI, ESQ. ON IMPLEMENTATION OF
SETTLEMENT NOTICE PLAN**

I, Cameron Azari, declare as follows:

1. My name is Cameron R. Azari, Esq. I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am a nationally recognized expert in the field of legal notice, and I have served as an expert in hundreds of federal and state cases involving class action notice plans.

3. I am a Senior Vice President with Epiq Class Action & Claims Solutions, Inc. (“Epiq”) and the Director of Legal Notice for Hilsoft Notifications (“Hilsoft”), a firm that specializes in designing, developing, analyzing, and implementing large-scale legal notification plans. Hilsoft is a business unit of Epiq.

4. This declaration will describe the implementation of the Settlement Notice Plan (“Notice Plan” or “Plan”) here for the Johnson & Johnson Vision Care, Inc. (“JJVCI”) and Alcon Vision, LLC f/k/a Alcon Laboratories, Inc. (“Alcon”) Settlements in *In re Disposable Contact Lens Antitrust Litigation*, Case No. 3:15-md-2626-HES-JRK, in the United States District Court for the Middle District of Florida, Jacksonville Division.

5. I previously executed my *Declaration of Cameron R. Azari, Esq. on Settlement Notice Plan* on April 20, 2022, in which I detailed Hilsoft’s class action notice experience and attached Hilsoft’s *curriculum vitae*. I also provided my educational and professional experience

relating to class actions and my ability to render opinions on overall adequacy of notice programs. Subsequently, I executed my *Declaration of Cameron R. Azari, Esq. in Response to Settlement Class Member Inquiry* on July 15, 2022.

6. For the three previous Settlements – one for CooperVision, Inc. (“CVI”), one for Bausch & Lomb Inc. (“B&L”), and one for ABB Optical Group, LLC (“ABB”) – and also for the Notice of an order certifying Litigation Classes asserting claims against Alcon, JJVCI, and ABB in *In re Disposable Contact Lens Antitrust Litigation*, I previously executed numerous declarations. These included my *Declaration of Cameron R. Azari, Esq. on Notice Plan* executed on August 8, 2019, related to the Settlement with CooperVision, Inc. and my *Supplemental Declaration of Cameron R. Azari, Esq. on Notice Plan* executed on September 17, 2019, related to the Settlement with Bausch & Lomb Inc. In both declarations, I detailed Hilsoft’s class action notice experience and attached Hilsoft’s *curriculum vitae* and provided my educational and professional experience relating to class actions and my ability to render opinions on overall adequacy of notice programs. In addition, I executed my *Declaration of Cameron R. Azari, Esq. on Implementation and Adequacy of Notice Plan* on January 16, 2020, and executed my *Supplemental Declaration of Cameron R. Azari, Esq. on Implementation and Adequacy of Notice Plan* on February 6, 2020. In both declarations, I detailed the implementation of the Notice Program and provided administration statistics.

7. Subsequently, I executed my *Declaration of Cameron R. Azari, Esq. on Notice Plan* on October 22, 2020, related to the Settlement with ABB regarding the Notice Plan. In addition, I executed my *Declaration of Cameron R. Azari, Esq. on Implementation of Notice Plan* on February 26, 2021, and executed my *Supplemental Declaration of Cameron R. Azari, Esq. on Implementation of Notice Plan* on April 12, 2021. In both declarations, I detailed the implementation of the Notice Program and provided administration statistics.

8. The facts in this declaration are based on my personal knowledge, as well as information provided to me by my colleagues in the ordinary course of my business at Hilsoft and Epiq.

OVERVIEW

9. On May 9, 2022, the Court issued the *Order Preliminarily Approving Settlements with Johnson & Johnson Vision Care, Inc. and Alcon Vision, LLC, Approving Notice Plan, and Preliminarily Certifying Settlement Classes* (“Order”). In the Order, the Court approved Epiq as the Claims Administrator and approved the Notice Plan. The court also certified the following Settlement Classes for each of the JJVCI and Alcon Settlements:

All persons and entities residing in the United States who made retail purchases of disposable contact lenses manufactured by Alcon, JJVCI, CVI, or B&L during the Settlement Class Period for their own use and not for resale, where the prices for such contact lenses were subject to a "Unilateral Pricing Policy" and the purchase occurred during the period when the Unilateral Pricing Policy was in effect.

Excluded from the Settlement Class are any purchases from 1-800 Contacts of disposable contact lenses subject to B&L's Unilateral Pricing Policy, where the purchase occurred on or after July 1, 2015. Also excluded from the Settlement Class are Defendants, their parent companies, subsidiaries and affiliates, any alleged co-conspirators, all governmental entities, and any judges or justices assigned to hear any aspect of this action.

10. From review of the Settlement Agreements, I understand that “Settlement Class Period” is defined as the period June 1, 2013, to December 4, 2018.

11. After the Order was entered, we began to implement the Notice Plan to provide notice to the Settlement Classes. This declaration will detail the notice activities undertaken and explain how and why the Notice Plan was comprehensive and well-suited to the Settlement Classes. This declaration will also discuss the administration activity to date. The facts in this declaration are based on what I personally know, as well as information provided to me in the ordinary course of my business by my colleagues from Hilsoft and Epiq, who worked with us to implement the notification effort.

CAFA NOTICE

12. On April 29, 2022, Epiq sent 57 CAFA Notice Packages (“CAFA Notice”) on behalf of Defendants Johnson & Johnson Vision Care, Inc. (“JJVCI”) and Alcon Vision, LLC f/k/a Alcon Laboratories, Inc. (“Alcon”) as required by the federal Class Action Fairness Act of 2005

(CAFA), 28 U.S.C. § 1715. The CAFA Notice was mailed via United States Postal Service (“USPS”) certified mail to 56 officials (Attorneys General of each of the 50 states, the District of Columbia, and the United States Territories), and sent via United Parcel Service (“UPS”) to the Attorney General of the United States. Details regarding the CAFA Notice mailing are provided in the *Declaration of Stephanie J. Fiereck, Esq. on Implementation of CAFA Notice*, dated May 5, 2022, which is included as **Attachment 1**.

NOTICE PLAN SUMMARY

13. Rule 23 of the Federal Rules of Civil Procedure directs that the best notice practicable under the circumstances must include “individual notice to all members who can be identified through reasonable effort.”¹ The Notice Plan, which was modeled after the Notice Plan implemented for the prior settlements in the litigation, satisfies this requirement. The Notice Plan provided for emailing and/or mailing individual notice to all Settlement Class Members who are reasonably identifiable. Address updating (both prior to mailing and on undeliverable pieces) and re-mailing protocols met or exceeded those used in other class action settlements. Because undeliverable remailing efforts are still in process, I will provide the Court with a supplemental declaration prior to the Final Approval Hearing, which will include the final combined calculated reach (individual notice combined with media) of the Notice Plan as implemented. The extensive media plan detailed below reached approximately 70% of potential Settlement Class Members (defined as “adults aged 18 years old and older who have purchased disposable contact lenses”). Based on the extensive individual notice efforts via email and mail, combined with the media plan, the actual reach of the notice was at least 70%.

14. Because data was not available for a significant portion of the Settlement Classes, an extensive media Notice Plan is in the process of being implemented to reach potential Settlement Class Members. In order to quantify the performance of the media Notice Plan to the selected target audience (defined as “adults aged 18 years old and older who have purchased

¹ FRCP 23(e)(2)(B).

disposable contact lenses”), data sources and tools that are commonly employed by experts in this field were used to analyze the reach² of the media portion of this Notice Plan. Under the Notice Plan, Settlement Class Members who already made a timely and valid claim in the CVI, B&L, and/or ABB Settlements do not need to make a new claim to receive compensation from the Alcon or JJVCI Settlements.

15. In my opinion, the Notice Plan as designed and implemented to date has reached the greatest practicable number of potential Settlement Class Members through the use of individual notice and media. In my opinion, the Notice Plan as implemented was the best notice practicable under the circumstances of this case and satisfied the requirements of due process, including its “desire to actually inform” requirement.³

NOTICE PLAN

Individual Notice

16. Epiq previously received 21 files with records of potential Settlement Class Members, including available names, addresses, and email addresses as part of the individual notice efforts for two of the previous Settlements – one for CVI and one for B&L – and also for the Notice of an order certifying Litigation Classes asserting claims against Alcon, JJVCI, and ABB in *In re Disposable Contact Lens Antitrust Litigation*. Based on discussions between Epiq and the parties, rules and requirements were formulated to clean, analyze, de-duplicate, roll-up, and upload these files into a “Notice Database.”

17. The Notice Database contains 2,491,168 unique potential Settlement Class member records that have a mail or email address. Of the 2,445,387 records, 1,981,773 have a valid mail or email address for whom Notice was sent. The Notice Database was used to provide individual notice to the Settlement Classes for the JJVCI and Alcon Settlements. In addition to the Notice

² Reach is defined as the percentage of a class exposed to a notice, net of any duplication among people who may have been exposed more than once. Notice “exposure” is defined as the opportunity to read a notice.

³ *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 315 (1950) (“But when notice is a person’s due, process which is a mere gesture is not due process. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it. The reasonableness and hence the constitutional validity of any chosen method may be defended on the ground that it is in itself reasonably certain to inform those affected . . .”).

Database, individual notice was provided to 82,163 potential Settlement Class Members with an email address who filed a claim as part of the three previous Settlements (these Settlement Class member records were not included in Epiq's initial Notice Database).

Email Notice

18. On June 23, 2022, Epiq sent an Email Notice to 1,492,298 potential Settlement Class Members for whom a facially valid email address is available. Prior to sending the Email Notice, Epiq completed a verification process of the 2,445,387 existing email addresses, which resulted in 1,492,298 emails, which were validated prior to sending the Email Notice. Industry standard best practices were followed for the Email Notice efforts. The Email Notice was drafted in such a way that the subject line, the sender, and the body of the message overcome SPAM filters and ensure readership to the fullest extent reasonably practicable. The Email Notice used an embedded html text format. This format provided easy to read text without graphics, images and other elements that could increase the likelihood that the message could be blocked by Internet Service Providers (ISPs) and/or SPAM filters. The Email Notices were sent from an IP address known to major email providers as one not used to send bulk "SPAM" or "junk" email blasts. Each Email Notice was transmitted with a digital signature to the header and content of the Email Notice, which allowed ISPs to programmatically authenticate that the Email Notices are from our authorized mail servers. Each Email Notice was transmitted with a unique message identifier. If an item was returned as undeliverable, commonly referred to as a "bounce," the reason was noted. For any Email Notice for which a bounce code was received indicating that the message was undeliverable, for reasons such as an inactive or disabled account, the recipient's mailbox was full, technical auto-replies, etc., at least two additional attempts were made to deliver the Notice by email. After completion of the initial Email Notice effort, 122,813 Email Notices were undeliverable after multiple attempts ("hard bounces" and "soft bounces").

19. For Email Notices that bounced back as undeliverable after multiple attempts and for email addresses that were not validated and were not sent an Email Notice, a Postcard Notice was sent to Settlement Class Members for whom an associated physical address exists.

20. The Email Notice included an embedded link to the case website. By clicking the link, recipients were able to easily access a more detailed Notice, the Settlement Agreements, and other information about the Settlements, as well as file a claim online. The Email Notice is included as **Attachment 2**.

Direct Mail

21. On June 23, 2022, Epiq sent 489,475 Postcard Notices to all records with an associated physical address and without a valid email address. The Postcard Notice was sent via USPS first class mail. Prior to mailing, all mailing addresses were checked against the National Change of Address (“NCOA”) database maintained by the USPS.⁴ Any addresses that were returned by the NCOA database as invalid were updated through a third-party address search service. In addition, the addresses were certified via the Coding Accuracy Support System (“CASS”) to ensure the quality of the zip code, and verified through Delivery Point Validation (“DPV”) to verify the accuracy of the addresses. This address updating process is standard for the industry and for the majority of promotional mailings that occur today. The Postcard Notice is included as **Attachment 3**.

22. Subsequently, on July 19, 2022, Epiq sent 74,131 Postcard Notices to all records with an associated physical mailing address with an undeliverable Email Notice after multiple attempts or with an email address that was not validated and was not sent an Email Notice. The Postcard Notice was sent via USPS first class mail.

23. The return address on the Postcard Notices is a post office box maintained by Epiq. The USPS automatically forwards Postcard Notices with an available forwarding address order that has not expired (“Postal Forwards”). For Postcard Notices returned as undeliverable, Epiq remails the Notice to any new address available through postal service information (for example, to the address provided by USPS on returned pieces for which the automatic forwarding order has

⁴ The NCOA database contains records of all permanent change of address submissions received by the USPS for the last four years. The USPS makes this data available to mailing firms and lists submitted to it are automatically updated with any reported move based on a comparison with the person’s name and known address.

expired, but which is still during the period in which the USPS returns the piece with the address indicated).

24. Epiq also obtains better addresses by using a third-party lookup service. Upon successfully locating better addresses, Postcard Notices are promptly re-mailed. As of July 21, 2021, the USPS has sent 5,215 Postal Forwards. As of July 21, 2021, Epiq has received 2,752 undeliverable Postcard Notices and re-mailed 243 Postcard Notices for those addresses where a forwarding address was provided, or address research identified a new address. Address updating and re-mailing for undeliverable Postcard Notices is ongoing.

Media Plan

25. In accordance with the timeline for the Settlements, Epiq is currently implementing the Media Plan, which is now well underway. I will provide a supplemental declaration to the Court once all aspects of the Media Plan have been fully implemented.

Consumer Publication

26. On July 1, 2022, a Publication Notice appeared once in the national edition of *People* magazine (on page 30), as a 1/3-page ad unit. *People* is the number one consumer publication in the United States. The Publication Notice is included as **Attachment 4**. The tear sheet is included as **Attachment 5**.

Internet Banner Notices

27. Internet advertising has become a standard component in legal notice programs. The internet has proven to be an efficient and cost-effective method to target and provide measurable reach of persons covered by a settlement. According to GfK MRI syndicated research, over 97% of adults who wear contact lenses are online.⁵ Accordingly, Banner Notices are running on select websites where Settlement Class Members may visit regularly, and utilizes networks based on cost efficiency, timing, and their contribution to the overall reach of the target. Banner Notices are image-based graphic displays available on desktops and mobile devices. These ads

⁵ MRI-Simmons 2021 Survey of the American Consumer®.

are used in legal noticing to notify people of a settlement relevant to them. The text of the Banner Notice allows users to identify themselves as potential Settlement Class Members and directly link them to the case website for more information.

28. The Banner Notices are being displayed on the selected advertising networks *Google Display Network* and *Yahoo Audience Network*. Combined, these ad networks cover 90% of the United States' population that is online. Banner Notices are targeted to adults 18 years old and older ("adults 18+") and other specific targets listed in the table below, and Banner Notices are also targeted (remarketed) to people who visited the case website after clicking on a Banner Notice. Additionally, online ads were translated into Spanish and are being targeted to Spanish speakers via the *Google Display Network*.

29. Banner Notices are also being displayed on the social media sites *Facebook* and *Instagram*. *Facebook* is the leading social networking site in the United States and combined with *Instagram* covers over 300 million users in the United States. Banner Notices are being placed online as detailed in the chart below.

Online Banners	Targeting	Language	Ad Sizes	Impressions
<i>Google Display Network</i>	A18+	English & Spanish	728x90, 300x250, 300x600 & 970x250	80,000,000
<i>Google Display Network</i>	Custom Affinity Audiences: Contact Lenses	English & Spanish	728x90, 300x250, 300x600 & 970x250	65,000,000
<i>Google Display Network</i>	Custom Intent Audiences: Contact Lenses	English & Spanish	728x90, 300x250, 300x600 & 970x250	65,000,000
<i>Yahoo Audience Network</i>	A18+	English	728x90, 300x250, 300x600 & 970x250	62,500,000
<i>Facebook</i>	A18+	English	Newsfeed & Right Hand Column	50,000,000
<i>Facebook</i>	Interest: Vision	English	Newsfeed & Right Hand Column	23,500,000
<i>Facebook</i>	Interest: Eyewear	English	Newsfeed & Right Hand Column	23,500,000
<i>Facebook</i>	Interest: Johnson & Johnson; Interest: Alcon	English	Newsfeed & Right Hand Column	18,000,000

<i>Instagram</i>	A18+	English	Newsfeed	15,000,000
<i>Instagram</i>	Interest: Vision	English	Newsfeed	8,000,000
<i>Instagram</i>	Interest: Eyewear	English	Newsfeed	8,000,000
<i>Instagram</i>	Interest: Johnson & Johnson; Interest: Alcon	English	Newsfeed	9,000,000
<i>Total</i>				427,500,000

30. Combined, approximately 427.5 million adult impressions will be generated by the Banner Notices, which are running from June 23, 2022, through July 22, 2022.⁶ Clicking on a Banner Notice links the reader to the case website where they can obtain detailed information about the Settlements.

Internet Sponsored Search Listings

31. To facilitate locating the case website, sponsored search listings have been acquired online through the highly-visited internet search engines: *Google, Yahoo!*, and *Bing*. When search-engine visitors search on common keyword combinations to identify the Settlements, the sponsored search listing typically appears at the top of the page prior to the search results or in the upper right-hand column of the web-browser screen. The sponsored search listings are displayed nationwide and link directly to the case website.

32. The sponsored search listings began on June 23, 2022, and will continue to run through the August 22, 2022, exclusion request, objection, and claim filing deadlines. As of July 21, 2022, the sponsored search listings have been displayed 36,272 times, which resulted in 6,652 clicks that displayed the case website. A complete list of search terms is included as **Attachment 6**. Examples of the sponsored search listing as displayed on each search engine are included as **Attachment 7**.

⁶ The third-party ad management platform, ClickCease is being used to audit the digital Banner Notice ad placements. This type of platform tracks all Banner Notice ad clicks to provide real-time ad monitoring, fraud traffic analysis, blocks clicks from fraudulent sources, and quarantines dangerous IP addresses. This helps reduce wasted, fraudulent or otherwise invalid traffic (*e.g.*, ads being seen by ‘bots’ or non-humans, ads not being viewable, etc.).

Informational Release

33. To build additional reach and extend exposures, on June 23, 2022, a party-neutral Informational Release was issued broadly over PR Newswire to approximately 5,000 general media (print and broadcast) outlets, including local and national newspapers, magazines, national wire services, television, and radio broadcast media across the continental United States and U.S. Territories as well as approximately 4,500 websites, online databases, internet networks, and social networking sites. In addition, the Informational Release in Spanish was issued to the Hispanic newswire.

34. The Informational Release included the address of the case website and the toll-free telephone number. The Informational Release (in English and Spanish) is included as **Attachment 8**.

Case Website, Toll-free Telephone Number, and Postal Mailing Address

35. On June 22, 2022, the existing website for the three previous Settlements with the easy to remember domain name (www.ContactLensSettlement.com) was updated with information regarding the JJVCI and Alcon Settlements. Settlement Class Members are able to obtain detailed information about the case and review key documents, including the Long Form Notice, the Settlement Agreements, the Complaint and the Preliminary Approval Order, as well as answers to frequently asked questions (“FAQs”). The case website address was displayed prominently on all notice documents. Visitors to the case website are able to easily file an online claim. The Long Form Notice is included as **Attachment 9**. From June 22, 2022, to July 21, 2022, there have been 376,709 unique visitor sessions to the website and 1,019,105 website pages presented.

36. On June 22, 2022, the existing toll-free telephone number (877-253-3649) for the three previous Settlements was updated with information regarding the JJVCI and Alcon Settlements. The toll-free telephone number allows Settlement Class Members to call for additional information, listen to answers to FAQs, and request that a Notice be mailed to them. The toll-free telephone number was prominently displayed in the Notice documents as well. From June 22, 2022, to July 21, 2022, the toll-free telephone number has handled 845 calls representing

2,797 minutes of use.

37. A post office box for correspondence about the Settlements continues to be available to allow Settlement Class Members to contact the administrator by mail with any specific requests or questions, including requests for exclusion.

Corrective/Reminder Email Notice

38. After the individual notice and media notice efforts were initiated as described above, Epiq coordinated with counsel for the parties to confer whether a claim stimulation notice effort should be implemented to increase the claim filing rate and maximize participation in the Settlements by Settlement Class Members. This discussion coincided with the discovery that a single link to the Claim Form at the Settlement Website included in the initial Email Notice directed Settlement Class members to an older version of the webpage. See my *Declaration of Cameron R. Azari, Esq, in Response to Settlement Class Member Inquiry* for a complete discussion of this issue and its proposed resolution.

39. On July 21, 2022, Epiq sent 1,381,742 Corrective/Reminder Email Notices to all potential Settlement Class Members who were sent the initial Email Notice and it was not returned as a hard bounce undeliverable after multiple attempts.

40. The Corrective/Reminder Email Notice used concise text to notify the Settlement Class Members that they can still file a Claim Form before the August 22, 2022, deadline. The Reminder Notice also prominently alerted Settlement Class Members that the initial Email Notice previously sent included a single link to the Claim Form that directed Settlement Class Members to an older version of the webpage, which has since been updated. The Reminder Email Notice is included as **Attachment 10**.

Exclusion Requests and Objections

41. The deadline for Settlement Class Members to request exclusion or to object is August 22, 2022. As of July 21, 2022, Epiq has received six requests for exclusion. Of the six requests for exclusion for the JJVCI and Alcon Settlements, none have already requested exclusion from the ABB, BL and CVI Settlements. As of July 21, 2022, I am not aware of any objections

that have been filed. I will provide a supplemental declaration to the Court prior to the Final Approval Hearing to provide information regarding the requests for exclusions and any objections to the Settlement.

Claims Processing

42. The deadline for Settlement Class Members to file a claim is August 22, 2022. As of July 21, 2022, Epiq has received 26,518 Claim Forms (290 paper Claim Forms and 26,228 web Claim Forms) for the Alcon and JJVCI Settlements. Epiq has received a total of 108,678 Claims across all Settlements. Since there is still one month for Settlement Class Members to file a claim before the claim filing deadline, these numbers are preliminary. As the claim filing deadline approaches, it is expected that additional claims will be filed by Settlement Class Members. As standard practice, Epiq is in the process of conducting a complete review and audit of all claims received.

CONCLUSION

43. In class action notice planning, execution, and analysis, we are guided by due process considerations under the United States Constitution, by state and local rules and statutes, and by case law pertaining to the recognized notice standards under Rule 23. This framework directs that the notice program be optimized to reach the class and, in a class action notice situation such as this, that the notice or notice program itself not limit knowledge of the availability of benefits—nor the ability to exercise other options—to class members in any way. All of these requirements are being met in this case.

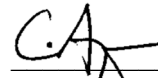
44. Using the combination of individual notice to known Settlement Class Members and nationwide print and online media, the Notice Plan will effectively reach at least 70% of the Settlement Class (purchasers of disposable contact lenses). In 2010, the Federal Judicial Center issued a Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide. This Guide states that, "the lynchpin in an objective determination of the adequacy of a proposed notice effort is whether all the notice efforts together will reach a high percentage of the class. It

is reasonable to reach between 70–95%.”⁷ Here, we have developed and are implementing a Notice Plan that will achieve a reach within that standard.

45. The Notice Plan described above provided the best notice practicable under the circumstances of this case, conformed to all aspects of the Rule 23, and comported with the guidance for effective notice set out in the Manual for Complex Litigation, Fourth.

46. The Notice Plan schedule afforded sufficient time to provide full and proper notice to Settlement Class Members before the opt-out and objection deadlines.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 22, 2022, at Beaverton, Oregon.



Cameron R. Azari

⁷ FED. JUDICIAL CTR., JUDGES’ CLASS ACTION NOTICE AND CLAIMS PROCESS CHECKLIST AND PLAIN LANGUAGE GUIDE 3 (2010), available at <https://www.fjc.gov/content/judges-class-action-notice-andclaims-process-checklist-and-plain-language-guide-0>.

Attachment 1

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

In Re: DISPOSABLE CONTACT LENS ANTITRUST LITIGATION	Case No. 3:15-md-2626-HES-LLL Judge Harvey E. Schlesinger Judge Virginia M. Hernandez Covington Magistrate Judge Laura L. Lambert
THIS DOCUMENT RELATES TO: All Class Actions	

**DECLARATION OF STEPHANIE J. FIERECK, ESQ. ON IMPLEMENTATION OF
CAFA NOTICE**

I, STEPHANIE J. FIERECK, ESQ., hereby declare and state as follows:

1. My name is Stephanie J. Fiereck, Esq. I am over the age of 21 and I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am the Director of Legal Noticing for Hilsoft Notifications (“Hilsoft”), a firm that specializes in designing, developing, analyzing, and implementing large-scale legal notification plans. Hilsoft is a business unit of Epiq Class Action & Claims Solutions, Inc. (“Epiq”), the proposed class notice administrator in this case. I have overseen and handled Class Action Fairness Action (“CAFA”) notice mailings for more than 350 class action settlements.

3. Epiq is a firm with more than 25 years of experience in claims processing and settlement administration. Epiq’s class action case administration services include coordination of all notice requirements, design of direct-mail notices, establishment of fulfillment services, receipt and processing of opt-outs, coordination with the United States Postal Service (“USPS”), claims database management, claim adjudication, funds management and distribution services.

DECLARATION OF STEPHANIE J. FIERECK, ESQ. ON IMPLEMENTATION OF CAFA NOTICE

4. The facts in this Declaration are based on what I personally know, as well as information provided to me in the ordinary course of my business by my colleagues at Epiq.

CAFA NOTICE IMPLEMENTATION

5. At the direction of counsel for Defendants Johnson & Johnson Vision Care, Inc. (“JJVCI”) and Alcon Vision, LLC f/k/a Alcon Laboratories, Inc. (“Alcon”), 57 officials, which included the Attorney General of the United States and the Attorneys General of each of the 50 states, the District of Columbia and the United States Territories were identified to receive the CAFA notice.

6. Epiq maintains a list of these state and federal officials with contact information for the purpose of providing CAFA notice. Prior to mailing, the names and addresses selected from Epiq’s list were verified, then run through the Coding Accuracy Support System (“CASS”) maintained by the United States Postal Service (“USPS”).¹

7. On April 29, 2022, Epiq sent 57 CAFA Notice Packages (“Notice”). The Notice was mailed by USPS certified mail to 56 officials, including the Attorneys General of each of the 50 states, the District of Columbia and the United States Territories. The Notice was also sent by United Parcel Service (“UPS”) to the Attorney General of the United States. The CAFA Notice Service List (USPS Certified Mail and UPS) is included hereto as **Attachment 1**.

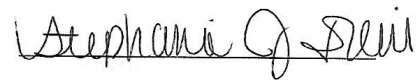
8. The materials sent to the Attorneys General included a cover letter, which provided notice of the proposed settlement of the above-captioned case. The cover letter and Exhibit 1 are included hereto as **Attachment 2**.

9. The cover letter was accompanied by a CD, which included the following:

¹ CASS improves the accuracy of carrier route, 5-digit ZIP®, ZIP + 4® and delivery point codes that appear on mail pieces. The USPS makes this system available to mailing firms who want to improve the accuracy of postal codes, i.e., 5-digit ZIP®, ZIP + 4®, delivery point (DPCs), and carrier route codes that appear on mail pieces.

- a. Plaintiffs' Corrected Consolidated Class Action Complaint filed in *In re Disposable Contact Lens Antitrust Litigation*, Case No. 3:15-md-02626-HES-LLL (Dkt. No. 135), on November 23, 2015, and Plaintiffs' Interlineation to Corrected Consolidated Class Action Complaint filed on March 1, 2017 (Dkt. No. 395), which are the operative consolidated complaints in the MDL.
- b. A copy of the following proposed forms of notice (which were submitted to the Court with the Declaration of Cameron R. Azari (Dkt. No. 1337-4)): (1) Long Form Notice; (2) Email Notice; (3) Publication Notice; (4) Postcard Notice; and (5) Banner Notices.
- c. A copy of the Settlement Agreement between (1) plaintiffs and JJVCI and (2) plaintiffs and Alcon, respectively (Dkt Nos. 1337-2 and 1337-1).
- d. Geographic Distribution of Class Members and Proportionate Share of Claims Report (of the 40 million potential Settlement Class Members, defendants had state by state data available for approximately 1.5 million potential Settlement Class Members based on records obtained from the class notice process pertaining to earlier settlements by two other defendants in the case, CooperVision, Inc. and Bausch & Lomb Inc. This data for the 1.5 million potential Settlement Class Members was used to create the Geographic Distribution of Class Members and Proportionate Share of Claims Report).

I declare under penalty of perjury that the foregoing is true and correct. Executed on
May 5, 2022.


Stephanie J. Fiereck, Esq.

Attachment 1

CAFA Notice Service List

USPS Certified Mail

Company	FullName	Address1	Address2	City	State	Zip
Office of the Attorney General	Treg Taylor	PO Box 110300		Juneau	AK	99811
Office of the Attorney General	Steve Marshall	501 Washington Ave		Montgomery	AL	36104
Office of the Attorney General	Leslie Carol Rutledge	323 Center St	Suite 200	Little Rock	AR	72201
Office of the Attorney General	Mark Brnovich	2005 N Central Ave		Phoenix	AZ	85004
Office of the Attorney General	CAFA Coordinator	Consumer Law Section	455 Golden Gate Ave Ste 11000	San Francisco	CA	94102
Office of the Attorney General	Phil Weiser	Ralph L Carr Colorado Judicial Center	1300 Broadway 10th Fl	Denver	CO	80203
Office of the Attorney General	William Tong	165 Capitol Ave		Hartford	CT	06106
Office of the Attorney General	Karl A. Racine	400 6th St NW		Washington	DC	20001
Office of the Attorney General	Kathy Jennings	Carvel State Office Bldg	820 N French St	Wilmington	DE	19801
Office of the Attorney General	Ashley Moody	State of Florida	The Capitol PL-01	Tallahassee	FL	32399
Office of the Attorney General	Chris Carr	40 Capitol Square SW		Atlanta	GA	30334
Department of the Attorney General	Holly T. Shikada	425 Queen St		Honolulu	HI	96813
Iowa Attorney General	Thomas J Miller	1305 E Walnut St		Des Moines	IA	50319
Office of the Attorney General	Lawrence G Wasden	700 W Jefferson St Ste 210	PO Box 83720	Boise	ID	83720
Office of the Attorney General	Kwame Raoul	100 W Randolph St		Chicago	IL	60601
Indiana Attorney General's Office	Todd Rokita	Indiana Government Center South	302 W Washington St 5th Fl	Indianapolis	IN	46204
Office of the Attorney General	Derek Schmidt	120 SW 10th Ave 2nd Fl		Topeka	KS	66612
Office of the Attorney General	Daniel Cameron	700 Capitol Avenue	Suite 118	Frankfort	KY	40601
Office of the Attorney General	Jeff Landry	PO Box 94005		Baton Rouge	LA	70804
Office of the Attorney General	Maura Healey	1 Ashburton Pl		Boston	MA	02108
Office of the Attorney General	Brian E. Frosh	200 St Paul Pl		Baltimore	MD	21202
Office of the Attorney General	Aaron Frey	6 State House Station		Augusta	ME	04333
Department of Attorney General	Dana Nessel	PO Box 30212		Lansing	MI	48909
Office of the Attorney General	Keith Ellison	445 Minnesota St	Suite 1400	St Paul	MN	55101
Missouri Attorney General's Office	Eric Schmitt	207 West High Street	PO Box 899	Jefferson City	MO	65102
Mississippi Attorney General	Lynn Fitch	Department of Justice	PO Box 220	Jackson	MS	39205
Office of the Attorney General	Austin Knudsen	215 N Sanders Third Floor	PO Box 201401	Helena	MT	59620
Attorney General's Office	Josh Stein	9001 Mail Service Ctr		Raleigh	NC	27699
Office of the Attorney General	Drew H. Wrigley	State Capitol	600 E Boulevard Ave Dept 125	Bismarck	ND	58505
Nebraska Attorney General	Doug Peterson	2115 State Capitol	PO Box 98920	Lincoln	NE	68509
Office of the Attorney General	John Formella	NH Department of Justice	33 Capitol St	Concord	NH	03301
Office of the Attorney General	Matthew J. Platkin	25 Market Street	PO Box 080	Trenton	NJ	08625
Office of the Attorney General	Hector Balderas	408 Galisteo St	Villagra Bldg	Santa Fe	NM	87501
Office of the Attorney General	Aaron Ford	100 N Carson St		Carson City	NV	89701
Office of the Attorney General	CAFA Coordinator	28 Liberty Street	15th Floor	New York	NY	10005
Office of the Attorney General	Dave Yost	30 East Broad Street	14th Floor	Columbus	OH	43215
Office of the Attorney General	John O'Connor	313 NE 21st St		Oklahoma City	OK	73105
Office of the Attorney General	Ellen F Rosenblum	Oregon Department of Justice	1162 Court St NE	Salem	OR	97301
Office of the Attorney General	Josh Shapiro	16th Fl Strawberry Square		Harrisburg	PA	17120
Office of the Attorney General	Peter F Neronha	150 S Main St		Providence	RI	02903
Office of the Attorney General	Alan Wilson	PO Box 11549		Columbia	SC	29211
Office of the Attorney General	Jason Ravnsborg	1302 E Hwy 14 Ste 1		Pierre	SD	57501
Office of the Attorney General	Herbert H. Slatery III	PO Box 20207		Nashville	TN	37202
Office of the Attorney General	Ken Paxton	300 W 15th St		Austin	TX	78701
Office of the Attorney General	Sean D. Reyes	PO Box 142320		Salt Lake City	UT	84114
Office of the Attorney General	Jason S. Miyares	202 North Ninth Street		Richmond	VA	23219
Office of the Attorney General	TJ Donovan	109 State St		Montpelier	VT	05609
Office of the Attorney General	Bob Ferguson	800 Fifth Avenue	Suite 2000	Seattle	WA	98104
Office of the Attorney General	Josh Kaul	PO Box 7857		Madison	WI	53707
Office of the Attorney General	Patrick Morrissey	State Capitol Complex	Bldg 1 Room E 26	Charleston	WV	25305
Office of the Attorney General	Bridget Hill	109 State Capital		Cheyenne	WY	82002
Department of Legal Affairs	Fainu'ulei Falefatu Ala'ilima-Utu	Executive Office Building 3rd Floor	PO Box 7	Utulei	AS	96799
Attorney General Office of Guam	Leevin T Camacho	Administration Division	590 S Marine Corps Dr Ste 901	Tamuning	GU	96913
Office of the Attorney General	Edward Manibusan	Administration Bldg	PO Box 10007	Saipan	MP	96950
PR Department of Justice	Domingo Emanuelli Hernández	PO Box 9020192		San Juan	PR	00902
Department of Justice	Denise N. George	34-38 Kronprindsens Gade	GERS Bldg 2nd Fl	St Thomas	VI	00802

CAFA Notice Service List

UPS

Company	FullName	Address1	Address2	City	State	Zip
US Department of Justice	Merrick B. Garland	950 Pennsylvania Ave NW		Washington	DC	20530

Attachment 2

NOTICE ADMINISTRATOR
HILSOFT NOTIFICATIONS
10300 SW Allen Blvd
Beaverton, OR 97005
P 503-350-5800
DL-CAFA@epiqglobal.com

April 29, 2022

VIA UPS (TO U.S. DEP'T OF JUSTICE) AND USPS CERTIFIED MAIL (ALL OTHER RECIPIENTS)

Class Action Fairness Act – Notice to Federal and State Officials

Dear Sir or Madam:

Pursuant to the “Class Action Fairness Act,” (“CAFA”), 28 U.S.C. §1715, please find enclosed information on behalf of Defendants Johnson & Johnson Vision Care, Inc. (“JJVCI”) and Alcon Vision, LLC f/k/a Alcon Laboratories, Inc. (“Alcon”) relating to proposed settlements of a class action lawsuit that resolves all of plaintiffs’ claims against JJVCI and Alcon, respectively, in the below action.

- **Case:** *In Re: Disposable Contact Lens Antitrust Litigation*, MDL Number 2626, Docketed as Case No. 3:15-cv-2626-HES-LLL.
- **Court:** United States District Court for the Middle District of Florida, Jacksonville Division.
- **Defendant:** Johnson & Johnson Vision Care, Inc. (“JJVCI”) and Alcon Vision, LLC f/k/a Alcon Laboratories, Inc. (“Alcon”).
- **Requirements of 28 U.S.C. §1715(b)(1)–(8):** This notice provides the information required by 28 U.S.C. § 1715(b). To the extent documents are referenced and required by §1715, copies of such documents are contained on the enclosed CD:
 1. Plaintiffs’ Corrected Consolidated Class Action Complaint filed in *In re Disposable Contact Lens Antitrust Litigation*, Case No. 3:15-md-02626-HES-LLL (Dkt. No. 135), on November 23, 2015, and Plaintiffs’ Interlineation to Corrected Consolidated Class Action Complaint filed on March 1, 2017 (Dkt. No. 395), which are the operative consolidated complaints in the MDL. *See* 28 U.S.C. § 1715(b)(1). The case numbers of the underlying actions encompassed by these consolidated complaints are noted in the attached Exhibit 1 and the pleadings are available on the internet via the Court’s PACER system.
 2. At this time, neither a Preliminary Approval Hearing nor a Final Approval Hearing has been scheduled by the Court. *See* 28 U.S.C. § 1715(b)(2).
 3. A copy of the following proposed forms of notice (which were submitted to the Court with the enclosed Declaration of Cameron R. Azari (Dkt. No. 1337-4)): (1) Long Form Notice; (2) Email Notice; (3) Publication Notice; (4) Postcard Notice; and (5) Banner Notices. *See* 28 U.S.C. § 1715(b)(3).

NOTICE ADMINISTRATOR

HILSOFT NOTIFICATIONS
10300 SW Allen Blvd
Beaverton, OR 97005
P 503-350-5800
DL-CAFA@epiqglobal.com

4. A copy of the Settlement Agreements between (1) plaintiffs and JJVCI and (2) plaintiffs and Alcon, respectively, are enclosed with this letter and were filed with the Court at Dkt. Nos. 1337-2 and 1337-1. *See* 28 U.S.C. § 1715(b)(4).
5. No contemporaneous settlement or other agreement has been made between the parties or class counsel and counsel for JJVCI or Alcon other than the enclosed Settlement Agreements. *See* 28 U.S.C. § 1715(b)(5).
6. At this point, no final judgment or notice of dismissal has been issued. *See* 28 U.S.C. § 1715(b)(6).
7. The Settlement Class is comprised of approximately 40 million indirect purchasers who did not purchase contact lenses from JJVCI and Alcon or other defendants directly. Instead, those consumers purchased contact lenses from retailers or eye doctors who are not parties to the case. As a result, it is not feasible or possible at this time for JJVCI and Alcon to provide the names of class members residing in each state and the estimated share of the claim of all such members to the entire settlement. *See* 28 U.S.C. § 1715(b)(7)(A). For the same reason, it is not feasible or possible to provide an estimate of the number of all class members residing in each state, along with the estimated proportionate share of their claims to the entire settlement. *See* 28 U.S.C. § 1715(b)(7)(B). However, of the 40 million potential Settlement Class Members, defendants do have state by state data available for approximately 1.5 million potential Settlement Class Members based on records obtained from the class notice process pertaining to earlier settlements by two other defendants in the case, CooperVision, Inc. and Bausch & Lomb Inc. Both settlements were previously approved by the Court. This data is included in the attached estimated Geographic Distribution of Class Members and Proportionate Share of Claims Report, Exhibit 2.
8. Additionally, at this time, no written judicial opinions regarding the proposed settlement and materials described above have been issued. *See* 28 U.S.C. § 1715(b)(8).

Sincerely,

Notice Administrator
On behalf of Defendants JJVCI and Alcon

Enclosures

EXHIBIT 1
LIST OF CIVIL ACTIONS ENCOMPASSED BY THE CONSOLIDATED CLASS
ACTION COMPLAINT IN
IN RE DISPOSABLE CONTACT LENS ANTITRUST LITIGATION,
CASE NO. 15-MD-2626 (M.D. FLA.)

Case Name	Case Number	District Court
<i>Alley et al v. CooperVision, Inc. et al.</i>	3:15-cv-01646	N.D. Cal.
<i>Bolen-Carson v. CooperVision, Inc., et al</i>	3:15-cv-03725	N.D. Cal.
<i>Brodsky v. CooperVision, Inc. et al.</i>	3:15-cv-01123	N.D. Cal.
<i>Buckley et al v. CooperVision, Inc. et al.</i>	3:15-cv-01212	N.D. Cal.
<i>Burt et al v. CooperVision, Inc. et al</i>	3:15-cv-00616	M.D. Fla.
<i>Cardamone v. Alcon Laboratories, Inc. et al.</i>	3:15-cv-01093	N.D. Cal.
<i>Castillo v. CooperVision, Inc. et al.</i>	3:15-cv-01408	N.D. Cal.
<i>Cesare v. CooperVision, Inc. et al.</i>	0:15-cv-60466	S.D. Fla.
<i>Collins et al v. Alcon Laboratories, Inc. et al.</i>	3:15-cv-02094	N.D. Cal.
<i>Cristiano v. CooperVision, Inc. et al.</i>	3:15-cv-02135	D.N.J.
<i>Croze v. CooperVision Inc., et al.</i>	2:15-cv-00978	E.D. La.
<i>Cunha v. Alcon Laboratories, Inc. et al.</i>	3:15-cv-01413	N.D. Cal.
<i>Dedivanaj v. CooperVision, Inc. et al.</i>	3:15-cv-01281	N.D. Cal.
<i>Denton v. CooperVision, Inc. et al.</i>	3:15-cv-00117	E.D. Tenn.
<i>Dizon-lkei et al v. Alcon Laboratories, Inc. et al.</i>	3:15-cv-01898	N.D. Cal.
<i>Dotel v. CooperVision, Inc. et al.</i>	0:15-cv-60647	S.D. Fla.
<i>Dusty Price et al v. Alcon Laboratories, Inc. et al.</i>	3:15-cv-01124	N.D. Cal.
<i>Ewald et al v. CooperVision, Inc. et al.</i>	1:15-cv-21181	S.D. Fla.
<i>Fernandes v. Alcon Laboratories, Inc. et al.</i>	3:15-cv-01045	N.D. Cal.
<i>Gaston et al v. ABB Concise Optical Group LLC et al.</i>	0:15-cv-60743	S.D. Fla.
<i>Goldblatt v. Alcon Laboratories, Inc. et al.</i>	3:15-cv-01095	N.D. Cal.
<i>Gordon v. CooperVision, Inc., et al.</i>	3:15-cv-01092	N.D. Cal.
<i>Gray et al. v. Alcon Laboratories, Inc. et al.</i>	2:15-cv-02642	D. Kan.
<i>Grossman v. Novartis Corporation et al.</i>	2:15-cv--01930	D.N.J.
<i>Hatridge v. CooperVision, Inc. et al.</i>	0:15-cv-60663	S.D. Fla.
<i>Hawkins v. Alcon Laboratories, Inc. et al.</i>	3:15-cv-01297	N.D. Cal.
<i>Heidel v. CooperVision, Inc. et al</i>	3:15-cv-00831	M.D. Fla.
<i>Hernandez et al v. Alcon Laboratories, Inc. et al.</i>	3:15-cv-01544	N.D. Cal.
<i>Hewitt et al v. Alcon Laboratories, Inc. et al.</i>	3:15-cv-01196	N.D. Cal.
<i>Hirsch et al v. CooperVision, Inc. et al</i>	0:15-cv-61055	S.D. Fla.
<i>Izumoto v. CooperVision, Inc. et al.</i>	0:15-cv-61078	S.D. Fla.
<i>Khanna v. CooperVision, Inc. et al</i>	0:15-cv-61084	S.D. Fla.
<i>Lanzarotti v. Alcon Laboratories, Inc. et al</i>	3:15-cv-03920	N.D. Cal.
<i>Larsen-Ball v. CooperVision, Inc. et al.</i>	3:15-cv-00138	E.D. Tenn.
<i>Leeds v. CooperVision, Inc. et al.</i>	1:15-cv-21316	S.D. Fla.
<i>Loera v. CooperVision, Inc. et al.</i>	1:15-cv-21033	S.D. Fla.

Case Name	Case Number	District Court
<i>Lubin v. CooperVision, Inc. et al.</i>	1:15-cv-21268	S.D. Fla.
<i>Mabry et al v. CooperVision, Inc. et al.</i>	1:15-cv-00764	E.D. Mo.
<i>Machikawa et al. v. CooperVision, Inc. et al.</i>	3:15-cv-01001	N.D. Cal.
<i>Magnum v. CooperVision, Inc. et al.</i>	4:15-cv-01064	N.D. Cal.
<i>Mah et al v. ABB Concise Optical Group, LLC et al.</i>	3:15-cv-01406	N.D. Cal.
<i>Martin v. Alcon Laboratories, Inc. et al.</i>	3:15-cv-01090	N.D. Cal.
<i>Miller et al. v. Alcon Laboratories, Inc. et al.</i>	3:15-cv-01028	N.D. Cal.
<i>Morse v. Bausch + Lomb et al.</i>	3:15-cv-02072	N.D. Cal.
<i>Moy vs. CooperVision</i>	3:15-cv-01340	N.D. Cal.
<i>Neforos v. CooperVision, Inc. et al</i>	3:15-cv-00437	M.D. Fla.
<i>Ohmes et al v. Alcon Laboratories, Inc. et al.</i>	3:15-cv-01301	N.D. Cal.
<i>Pacheco et al v. CooperVision, Inc. et al</i>	4:15-cv-00300	N.D. Fla.
<i>Pardoll v. CooperVision, Inc. et al.</i>	1:15-cv-21205	S.D. Fla.
<i>Parker v. CooperVision, Inc. et al.</i>	3:15-cv-02129	N.D. Cal.
<i>Pentsak et al v. Alcon Laboratories, Inc. et al.</i>	3:15-cv-01097	N.D. Cal.
<i>Rondy-Geocaris v. CooperVision, Inc. et al.</i>	3:15-cv-01591	N.D. Cal.
<i>Sendzik v. ABB Concise Optical Group LLC et al.</i>	0:15-cv-60534	S.D. Fla.
<i>Smith v. CooperVision, Inc. et al.</i>	1:15-cv21069	S.D. Fla.
<i>Targum v. CooperVision, Inc. et al.</i>	3:15-cv-02065	N.D. Cal.
<i>Watson v. CooperVision, Inc. et al.</i>	3:15-cv-01276	N.D. Cal.
<i>Zamora-Valdes v. Novartis Corporation et al.</i>	2:15-cv-02220	D.N.J.

Attachment 2

From: donotreply_ContactLensSettlement
Sent: Tuesday, May 24, 2022 3:35 PM
To:
Subject: Court Authorized Notice of Settlement

If You Purchased Certain Disposable Contact Lenses for Your Own Use From June 1, 2013 to December 4, 2018, this Litigation and Two Class Action Settlements Could Affect Your Rights.

Two class action settlements have been reached with Alcon Vision LLC f/k/a Alcon Laboratories, Inc. (“Alcon”) and Johnson & Johnson Vision Care, Inc. (“JJVCI”), or “Vistakon.” The lawsuit alleges illegal minimum retail pricing policies by manufacturers called “Unilateral Pricing Policies,” or “UPPs,” for the distribution and sale of certain disposable contact lenses. The safety and effectiveness of contact lenses are not at issue in this lawsuit. For comprehensive information about the claims, rulings, and events in the Action, visit the [Settlement Website](#). Defendants deny they did anything wrong. The Court has not decided who is right.

In 2019, notice was provided regarding settlements with Bausch & Lomb, Inc. (“B&L”); and Cooper Vision, Inc. (“CVI”) and the certification of the Litigation Classes. In 2020, notice was provided regarding the settlement with ABB Optical Group LLC (“ABB”). Alcon and JJVCI have since each agreed to separate settlements. If you are a member of the Settlement Class(es), you can participate in the Alcon and JJVCI Settlements regardless of whether you participated in the ABB, B&L, and/or CVI Settlement(s).

You received this email because records indicate you may be a Settlement Class Member. The Alcon and JJVCI Settlement Class(es) include certain persons and entities residing in the United States who made retail purchases of disposable contact lenses subject to a UPP. For a list of the disposable contact lenses subject to a UPP and the dates of purchase included in the settlements, please visit the [Settlement Website](#).

How can I get a payment? The Alcon and JJVCI Settlements will establish Settlement Funds of \$20 million and \$55 million, respectively. If you already submitted a timely and valid claim for the ABB, B&L, and/or CVI Settlements, you do not need to submit another claim. You will automatically be included in the Alcon and JJVCI Settlements. If you did not submit a claim in the earlier settlements, you must submit a claim for the Alcon and JJVCI Settlements in order to receive compensation. You can file a claim at the website [here](#). The deadline to file a claim is **August 22, 2022**. You will not be able to share in the previous settlements if you did not submit a timely and valid Proof of Claim in those settlements. The Net Settlement Funds will be distributed once the Court grants final approval and the settlements become final. After the Court grants Final Approval, if your Claim Form submitted for any of the Settlements is determined to be complete and valid, you will receive an email (at the email address you provided on the Claim Form) prompting you to select how you would like to be paid. You can receive your payment via a variety of digital options such as digital debit card or PayPal, or you can elect to receive a check. If you do not respond to select how you would like to be paid, a physical check will be mailed to you at your mailing address on file. Please be patient.

Your other options. If you do not want to be legally bound by the settlements you must exclude yourself by **August 22, 2022**. You may object to the settlements by **August 22, 2022**. The Detailed Notice available on the website explains how to exclude yourself or object. The Court has yet to set a date and time for the fairness hearing on final approval of the settlement and any other motions for fees and costs. As soon as the Court schedules the fairness hearing, the website will be updated with the date, time, location, and means of attendance. You may appear at the hearing, yourself or through an attorney you hire, but you don't have to. For more information, call toll-free 1-877-253-3649 or visit www.ContactLensSettlement.com.

Attachment 3

Disposable Contact Lens
Settlement Administrator
PO Box 2995
Portland, OR 97208-2995



Important Notice About Two Class Action Settlements

**If You Purchased Certain
Disposable Contact
Lenses for Your Own
Use From June 1, 2013
to December 4, 2018, this
Litigation and Two Class
Action Settlements Could
Affect Your Rights.**



Two class action settlements have been reached with Alcon Vision LLC f/k/a Alcon Laboratories, Inc. (“Alcon”) and Johnson & Johnson Vision Care, Inc. (“JJVCI”), or “Vistakon.” The lawsuit alleges illegal minimum retail pricing policies by manufacturers called “Unilateral Pricing Policies,” or “UPPs,” for the distribution and sale of certain disposable contact lenses. The safety and effectiveness of contact lenses are not at issue in this lawsuit. Defendants deny they did anything wrong. The Court has not decided who is right.

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AG5212 v.01

Attachment 4

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www.ContactLensSettlement.com

1-877-253-3649

Attachment 5

DEADLY DAUGHTER-IN-LAW?

Woman Accused of Murder Plot p.54



Inside, Britney's Newlywed Life!



'He loves me for me'

THE COUNTRY REBEL GETS REAL

Miranda Lambert's Wild Ride

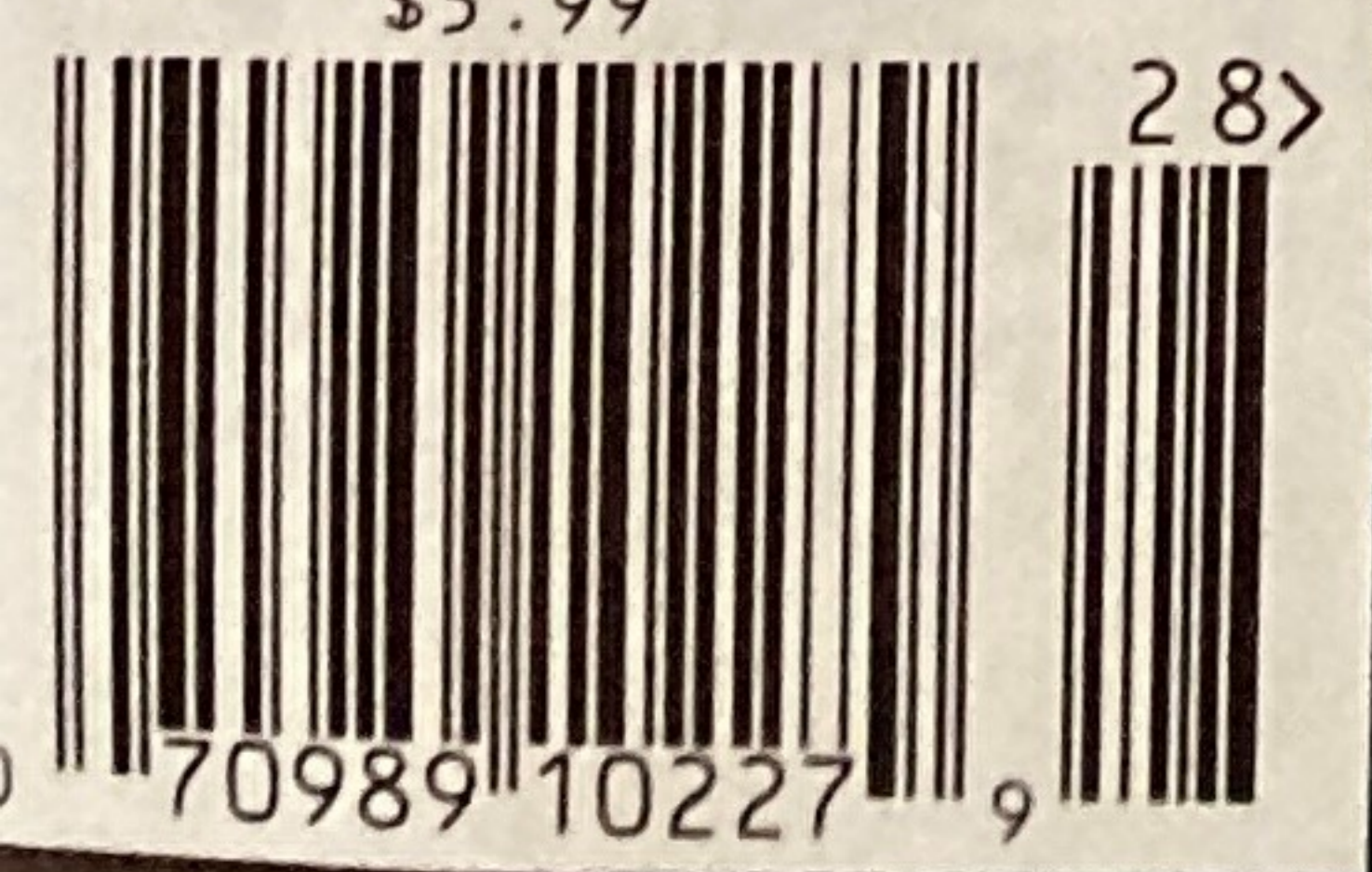
Three years after her surprise marriage to an NYPD officer, she shares what she's learned and how love grounded her: 'Without the hard stuff I wouldn't be where I am'

Plus!
Emma Thompson Talks Sex
•
Bachelorette's Ryan Sutter on His Health Mystery
•
Andy Gibb's Final Days

July 11, 2022

\$5.99

28 >



LEGAL NOTICE

If You Purchased Certain Disposable Contact Lenses for Your Own Use From June 1, 2013 to December 4, 2018, this Litigation and Two Class Action Settlements Could Affect Your Rights.

Two class action settlements have been reached with Alcon Vision LLC f/k/a Alcon Laboratories, Inc. ("Alcon") and Johnson & Johnson Vision Care, Inc. ("JJVCI"), or "Vistakon." The lawsuit alleges illegal minimum retail pricing policies by manufacturers called "Unilateral Pricing Policies," or "UPPs," for the distribution and sale of certain disposable contact lenses. The safety and effectiveness of contact lenses are not at issue in this lawsuit. Defendants deny they did anything wrong. The Court has not decided who is right.

In 2019, notice was provided regarding settlements with Bausch & Lomb, Inc. ("B&L"); and Cooper Vision, Inc. ("CVI") and the certification of the Litigation Classes. In 2020, notice was provided regarding the settlement with ABB Optical Group LLC ("ABB"). Alcon and JJVCI have since each agreed to separate settlements. If you are a member of the Settlement Class(es), you can participate in the Alcon and JJVCI Settlements regardless of whether you participated in the ABB, B&L, and/or CVI Settlement(s).

Who is Included? The Alcon and JJVCI Settlement Class(es) include certain persons and entities residing in the United States who made retail purchases of disposable contact lenses subject to a UPP. For a list of the disposable contact lenses subject to a UPP and the dates of purchase included in the settlements, please visit the website below.

How can I get a payment? The Alcon and JJVCI Settlements will establish Settlement Funds of \$20 million and \$55 million, respectively. If you already submitted a timely and valid claim for the ABB, B&L, and/or CVI Settlements, you do not need to submit another claim. You will automatically be included in the Alcon and JJVCI Settlements. If you did not submit a claim in the earlier settlements, you must submit a claim for the Alcon and JJVCI Settlements in order to receive compensation. You can file a claim at the website. The deadline to file a claim is **August 22, 2022**. You will not be able to share in the previous settlements if you did not submit a timely and valid Proof of Claim in those settlements. The Net Settlement Funds will be distributed once the Court grants final approval and the settlements become final. At that time, if you filed a valid claim, you will receive an email prompting you to select how you would like to be paid. You can receive your payment via a variety of digital options, or you can elect to receive a check. Please be patient.

Your other options. If you do not want to be legally bound by the settlements you must exclude yourself by **August 22, 2022**. You may object to the settlements by **August 22, 2022**. The Detailed Notice available on the website explains how to exclude yourself or object. The Court has yet to set a date and time for the fairness hearing on final approval of the settlement and any other motions for fees and costs. As soon as the Court schedules the fairness hearing, the website will be updated with the date, time, location, and means of attendance. You may appear at the hearing, yourself or through an attorney you hire, but you don't have to. For more information, call the toll-free number or visit the website below.

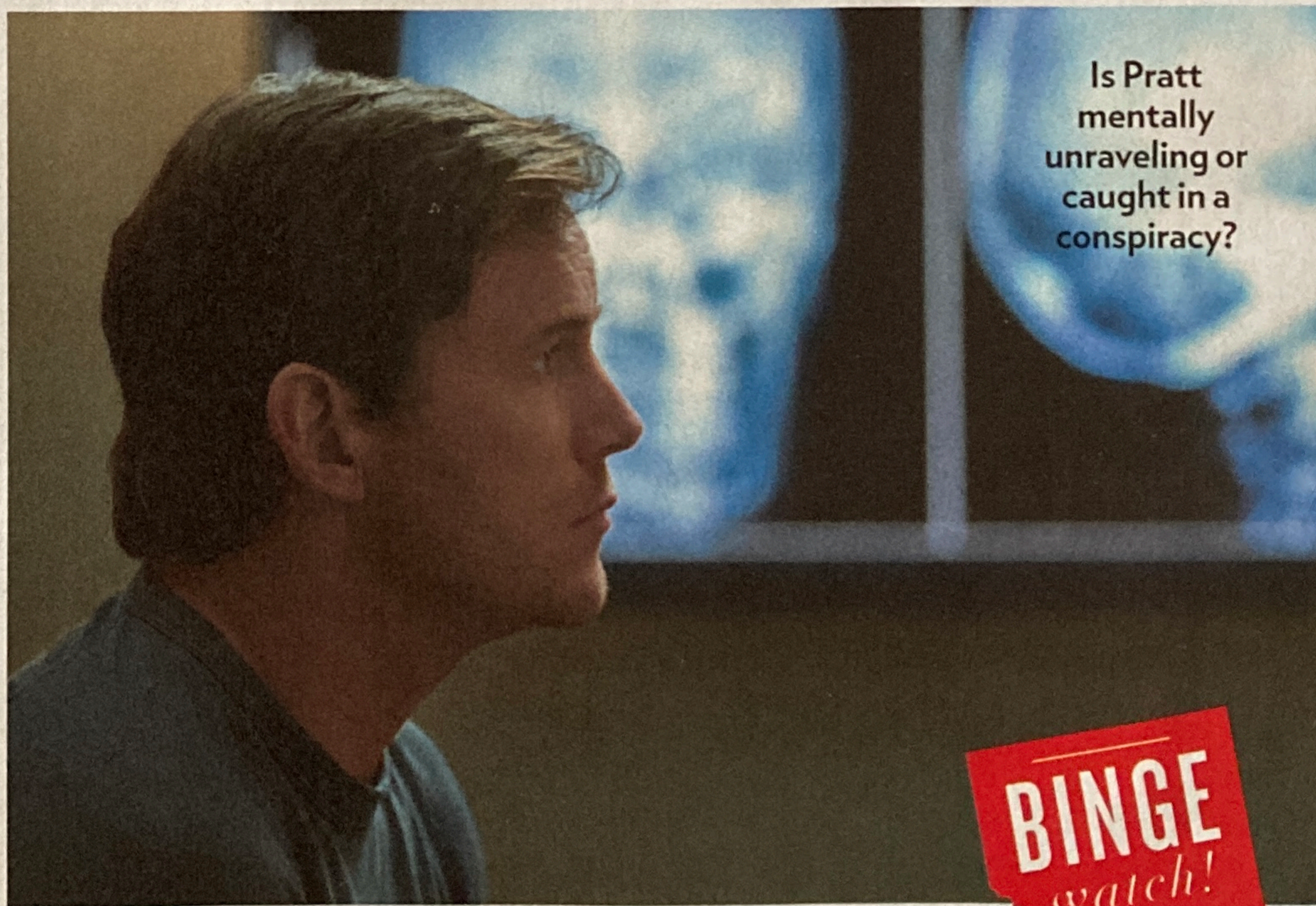
www.ContactLensSettlement.com
1-877-253-3649



NETFLIX | The Man From Toronto

Kevin Hart copes with a mission impossible

ACTION-COMEDY Teddy (Hart), who hasn't had any luck trying to launch himself as a fitness entrepreneur, gets an unusually vigorous workout after he's mistaken for one of the world's most feared assassins (Woody Harrelson). It's a jumble of a story, but Hart and Harrelson play off each other nicely, and the major action sequences have punch. Kaley Cuoco (*The Flight Attendant*) shows up in a small, funny role as a woman looking for Mr. Right in a world where the men all seem to be wrong. (*Streaming now*)



AMAZON | The Terminal List

Chris Pratt in a battle to find the truth

ACTION-THRILLER Navy SEAL James Reece (Pratt) is ambushed while leading a mission deep inside a watery cavern—he barely makes it out alive. Once he's home, everyone in authority, all the way up to the Secretary of Defense (Jeanne Tripplehorn), keeps challenging his version of events. He's not sure about it himself. Did he suffer brain damage? Could he have *imagined* that an assassin tried to take him out during an MRI? The twists are surprising and satisfying in the opening episodes of this new series, although Pratt is so stone-faced you want to cheer him up with the Li'l Sebastian song from *Parks and Recreation*. For more on Tripplehorn, see page 62. (*Launches July 1*)

Attachment 6

Disposable Contact Lens Antitrust Litigation (Alcon and JJVCI)
Sponsored Search Keywords

Contact Lens Class Action	ABB Class Action
Contact Lens Settlement	ABB Settlement
Contact Lens Class Action Settlement	ABB Class Action Settlement
Contact Lens Litigation	ABB Litigation
Contact Lens Lawsuit	ABB Lawsuit
Contact Lens Claim	ABB Claim
Coopervision Class Action	Optical Class Action
Coopervision Settlement	Optical Settlement
Coopervision Class Action Settlement	Optical Class Action Settlement
Coopervision Litigation	Optical Litigation
Coopervision Lawsuit	Optical Lawsuit
Coopervision Claim	Optical Claim
CVI Class Action	Vision Care Class Action
CVI Settlement	Vision Care Settlement
CVI Class Action Settlement	Vision Care Class Action Settlement
CVI Litigation	Vision Care Litigation
CVI Lawsuit	Vision Care Lawsuit
CVI Claim	Vision Care Claim
Bausch & Lomb Class Action	Johnson & Johnson Class Action
Bausch & Lomb Settlement	Johnson & Johnson Settlement
Bausch & Lomb Class Action Settlement	Johnson & Johnson Class Action Settlement
Bausch & Lomb Litigation	Johnson & Johnson Litigation
Bausch & Lomb Lawsuit	Johnson & Johnson Lawsuit
Bausch & Lomb Claim	Johnson & Johnson Claim
Alcon Class Action	JJVC Class Action
Alcon Settlement	JJVC Settlement
Alcon Class Action Settlement	JJVC Class Action Settlement
Alcon Litigation	JJVC Litigation
Alcon Lawsuit	JJVC Lawsuit
Alcon Claim	JJVC Claim

Attachment 7

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Legal Notice - Class Action Lawsuit

Purchasers of disposable contact lenses between 6/1/2013 and 12/4/2018 may be eligible.

<https://www.reuters.com> › legal › litigation › alcon-settles-...

Alcon settles contact lens price-fixing case, leaving J&J last for ...

Mar 24, 2022 — (Reuters) - Eye care device company **Alcon** Vision LLC on Thursday said it had agreed to pay \$20 million to settle a consumer antitrust **class** ...

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Disposable Contacts Antitrust Litigation - Home

This website advises you of your options regarding the **class action** and the ... If you exclude yourself from the **Alcon** and/or JJVCI **Settlement(s)**, ...

People also ask

- Is there a contact lens settlement?
- Is online contact lens settlement real?
- What are Alcon contacts made of?
- Does Alcon make contact lenses?

Feedback

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Contact Lens Price-Fixing Class Action Settlements Given ...

May 11, 2022 — **Alcon** and Johnson & Johnson have received initial approval for settlements made to resolve claims the companies engaged in price-fixing for ...

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If You Purchased Certain Disposable Contact Lenses for Your ...

3 hours ago — ("**Alcon**") and Johnson & Johnson Vision Care, Inc. ("JJVCI"), or "Vistakon." The **lawsuit** alleges illegal minimum retail pricing policies by ...

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Class Action Legal Notice - Lawsuit and Settlements

Purchasers of disposable **contact lenses** between 6/1/2013 and 12/4/2018 may be eligible.

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Disposable Contacts Antitrust Litigation - Home

Questions? **Contact** the **Settlement** Administrator at info@ContactLensSettlement.com or 1-877-253-3649 (Toll-Free). Epiq logo © 2019 Epiq All rights reserved | ...

<https://www.contactlenssettlement.com> > [Faq](#) > [Faq2](#)

Recently Approved Settlement with ABB FAQs

How can I update my **contact** information? – A **settlement** was reached with CVI for \$3 million on August 30, 2017 (the “CVI **Settlement**”), and the Court ...

People also ask

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Is online contact lens settlement real?

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Contact Lenses Price-Fixing Class Action Settlement

Jan 11, 2021 – A \$30.2 million **settlement** has been reached with ABB Optical Group in a **class action lawsuit** alleging companies conspired to drive up ...

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Contact Lens Price-Fixing Class Action Settlements Given ...

May 11, 2022 – Bausch & Lomb (B&L) will pay \$10 million to consumers who allege that the **contact lens** company conspired with others to raise prices of soft, ...

<https://www.onlinecontactlenssettlement.com>

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Recently Approved Settlement with ABB FAQs

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Thompson v. 1-800 Contacts, Inc. Case Information Home

1-800 **Contacts**, Inc. \$15,100,000; Walgreens/Vision Direct \$12,000,000; AC **Lens**/National Vision \$7,000,000; Luxottica \$5,900,000. The \$40 million **Settlement** Fund ...

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- Is online contact lens settlement real?
- What is the contact lens lawsuit?
- Is there a lawsuit against 1-800 Contacts?

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Contact Lenses Price-Fixing Class Action Settlement

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Author: Top Class Actions

classactionsreporter.com > contact-lens-antitrust

Contact Lens Antitrust Class Action Lawsuit

Contact Lens Antitrust Class Action **Lawsuit**. This class action alleges that Cooper Vision, Alcon Laboratories, Bausch + Lomb, Johnson & Johnson Vision Care, and ABB Optical Group violated...

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Contact Lens Price-Fixing Lawsuit - Gibbs Law Group

Our attorneys are prosecuting a price-fixing class action **lawsuit** against the country's four largest manufacturers of disposable **contact lenses**: Johnson & Johnson Vision Care, Inc., Bausch & Lom...

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Class Action Legal Notice - Lawsuit and Settlements


Purchasers of disposable contact lenses between 6/1/2013 and 12/4/2018 may be eligible.


(Reuters) - Johnson & Johnson Vision Care Inc has agreed to pay \$55 million to end an antitrust case in U.S. federal court over the pricing of disposable contact lenses, marking the largest settlement in the private class action and the last defendant to resolve claims.


www.reuters.com/legal/litigation/jj-vision-settles-contact-lens-antitrust-litigation-55-million-2022-...


J&J Vision settles contact lens antitrust litigation for \$55 ...

People also ask

What is the Envision Healthcare class action lawsuit? 

How does a class action lawsuit settlement work? 

Where can I find a list of current class action lawsuits? 

What are the B&L settlement class and litigation classes? 

www.reuters.com > [legal](#) > [litigation](#)

J&J Vision settles contact lens antitrust litigation for \$55 ...


Apr 21, 2022 · (Reuters) - **Johnson & Johnson Vision Care** Inc has agreed to pay \$55 million to end an antitrust case in U.S. federal court over the pricing of disposable contact lenses, marking the...

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Visionworks BOGO Class Action Settlement - Top Class Actions


Mar 23, 2017 · The objection or exclusion deadline for the Visionworks **settlement** is April 14, 2017. The Visionworks **settlement** offers compensation for two plaintiff Classes. The Ohio **Settlement**...

Author: Paul Tassin

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Class Action Settlements & Rebates

It is estimated that Noom users may receive anywhere from \$30 to \$167 each. If you signed up for Noom between May 12, 2016 and October 6, 2020, you may be able to claim a piece of a recent...

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Lawsuit and Settlements - Class Action Legal Notice

Purchasers of disposable **contact lenses** between 6/1/2013 and 12/4/2018 may be eligible.

The contact lens class action lawsuit is based on arguments that the companies created and used a unilateral pricing policy which mandated resellers to charge no less than a specified minimum price for the products. The contact lens class action lawsuit became an MDL due to the high number of lawsuits filed with similar allegations.

topclassactions.com/lawsuit-settlements/lawsuit-news/contact-lens-manufacturers-want-price-fi...

Contact Lens Manufacturers Want Price-Fixing Class Action ...

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Who can make a claim under the Alcon contact lens lawsuit? ▼

What happens if I exclude myself from the litigation classes? ▼

How do I participate in the class action and the settlements? ▼

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Contact Lenses Price-Fixing Class Action Settlement - Top ...

Jan 11, 2021 · A \$30.2 million settlement has been reached with ABB Optical Group LLC in a **class action** lawsuit over allegations companies engaged in a conspiracy to drive up the price of **contac...**

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Contact Lens Price-Fixing Class Action Settlement

Dec 04, 2019 · The **contact lens class action** lawsuit claims that several manufacturers used "unilateral pricing policies" to institute minimum retail prices for products. These policies allegedl...

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Ad Purchasers of disposable **contact lenses** between 6/1/2013 and 12/4/2018 may be eligible.



The **contact lens class action** lawsuit is based on arguments that the companies created and used a unilateral pricing policy which mandated resellers to charge no less than a specified minimum price for the products. The **contact lens class action** lawsuit became an MDL due to the high number of lawsuits filed with similar allegations.

Contact Lens Manufacturers Want Price-Fixing Class Action Toss...

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People also ask

Can I benefit from a class action for contact lens?

Are contact lens manufacturers charging consumers with conspiracy to raise prices?

Who can make a claim under the Alcon contact lens lawsuit?

When does the deadline to file a contact lens lawsuit expire?

Feedback

Contact Lenses Price-Fixing Class Action Settlement

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Class Action Legal Notice | Lawsuit and Settlements

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Ad Purchasers of disposable **contact lenses** between 6/1/2013 and 12/4/2018 may be eligible.

Disposable Contacts Antitrust Litigation - Home



<https://contactlenssettlement.com>

To participate in the **Settlement** Classes or the Litigation Classes, your purchases must be **contact lenses** manufactured by any of the following manufacturers: Alcon, B&L, CVI, or JJVC. ...

Submit a Claim

The deadline to file a claim, opt out or object has now passed.

FAQs

Questions? Contact the Settlement Administrator at ...

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Contact Lenses Price-Fixing Class Action Settlement

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Contact Lens Price-Fixing Class Action Settlement

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Dec 04, 2019 · Consumers who purchased **contact lens** products from a variety of manufacturers may be able to benefit from a \$13 million **settlement**. The **settlement** will benefit consumers ...

Author: Top Class Actions

Thompson v. 1-800 Contacts, Inc. Case Information Home



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What do the **Settlements** provide? Defendants will collectively pay \$40 million to **settle** the claims against them. The **Settlement** Amounts agreed to by each of the Defendants are as follows: 1 ...

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If You Purchased Certain Disposable **Contact Lenses** For Your Own Use Between June 1, 2013, and December 4, 2018, this **Litigation** and Settlements with three of the Defendants Could ...

Submit a Claim

Submit a Claim - Disposable Contacts Antitrust Litigation - Home

FAQs

Contact Us; 1-877-253-3649. Disposable Contacts Antitrust Litigation. Case No. ...

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Jan 11, 2021 · A \$30.2 million settlement has been reached with ABB Optical Group LLC in a class action **lawsuit** over allegations companies engaged in a conspiracy to drive up the price of ...

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Contact Lens Antitrust Class Action Lawsuit

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Contact Lens Antitrust Class Action Lawsuit. This class action alleges that Cooper Vision, Alcon Laboratories, Bausch + Lomb, Johnson & Johnson Vision Care, and ABB Optical Group violated ...

Estimated Reading Time: 3 mins

Contact Lens Price-Fixing Lawsuit - Gibbs Law Group

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Our attorneys are prosecuting a price-fixing class action **lawsuit** against the country's four largest manufacturers of disposable **contact lenses**: Johnson & Johnson Vision Care, Inc., Bausch & ...

Estimated Reading Time: 2 mins

Videos of Contact Lens Lawsuit

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Attachment 8

If You Purchased Certain Disposable Contact Lenses for Your Own Use From June 1, 2013 to December 4, 2018, this Litigation and Two Class Action Settlements Could Affect Your Rights.

USA - English ▾

NEWS PROVIDED BY
United States District Court for the Middle District of Florida →
Jun 23, 2022, 08:00 ET

JACKSONVILLE, Fla., June 23, 2022 /PRNewswire/ -- The following statement is being issued regarding *In re Disposable Contact Lens Antitrust Litigation*.

Two class action settlements have been reached with Alcon Vision LLC f/k/a Alcon Laboratories, Inc. ("Alcon") and Johnson & Johnson Vision Care, Inc. ("JJVCI"), or "Vistakon." The lawsuit alleges illegal minimum retail pricing policies by manufacturers called "Unilateral Pricing Policies," or "UPPs," for the distribution and sale of certain disposable contact lenses. The safety and effectiveness of contact lenses are not at issue in this lawsuit. Defendants deny they did anything wrong. The Court has not decided who is right.

In 2019, notice was provided regarding settlements with Bausch & Lomb, Inc. ("B&L"); and Cooper Vision, Inc. ("CVI") and the certification of the Litigation Classes. In 2020, notice was provided regarding the settlement with ABB Optical Group LLC ("ABB"). Alcon and JJVCI have since each agreed to separate settlements. If you are a member of the Settlement Class(es), you can participate in the Alcon and JJVCI Settlements regardless of whether you participated in the ABB, B&L, and/or CVI Settlement(s).

Who is Included?

The Alcon and JJVCI Settlement Class(es) include certain persons and entities residing in the United States who made retail purchases of disposable contact lenses subject to a UPP. For a list of the disposable contact lenses subject to a UPP and the dates of purchase included in the settlements, please visit the website below.

How can I get a payment?

The Alcon and JJVCI Settlements will establish Settlement Funds of \$20 million and \$55 million, respectively. If you already submitted a timely and valid claim for the ABB, B&L, and/or CVI Settlements, you do not need to submit another claim. You will automatically be included in the Alcon and JJVCI Settlements. If you did not submit a claim in the earlier settlements, you must submit a claim for the Alcon and JJVCI Settlements in order to receive compensation. You can file a claim at the website. The deadline to file a claim is **August 22, 2022**. You will not be able to share in the previous settlements if you did not submit a timely and valid Proof of Claim in those settlements. The Net Settlement Funds will be distributed once the Court grants final approval and the settlements become final. At that time, if you

Case 3:15-md-02626-HES-LL Document 1351 Filed 07/22/22 Page 51 of 69 PageID 55557
filed a valid claim, you will receive an email prompting you to select how you would like to be paid. You can receive your payment via a variety of digital options, or you can elect to receive a check. Please be patient.

Your other options.

If you do not want to be legally bound by the settlements you must exclude yourself by **August 22, 2022**. You may object to the settlements by **August 22, 2022**. The Detailed Notice available on the website explains how to exclude yourself or object. The Court has yet to set a date and time for the fairness hearing on final approval of the settlement and any other motions for fees and costs. As soon as the Court schedules the fairness hearing, the website will be updated with the date, time, location, and means of attendance. You may appear at the hearing, yourself or through an attorney you hire, but you don't have to. For more information, call toll-free 1-877-253-3649 or visit www.ContactLensSettlement.com.

Contacts:

Nathaniel C. Giddings; HAUSFELD LLP; 202-540-7200

Joseph P. Guglielmo; SCOTT+SCOTT ATTORNEYS AT LAW LLP; 212-223-6444

Benjamin Steinberg; ROBINS KAPLAN LLP; 212-980-7400

SOURCE United States District Court for the Middle District of Florida

Si compró ciertos lentes de contacto desechables para su propio uso entre el 1 de junio de 2013 y el 4 de diciembre de 2018, este litigio y dos acuerdos de demanda colectiva podrían afectar sus derechos.

NEWS PROVIDED BY

United States District Court for the Middle District of Florida →

Jun 23, 2022, 08:00 ET

JACKSONVILLE, Florida, 23 de junio de 2022 /PRNewswire-HISPANIC PR WIRE/ -- Se emite la siguiente declaración con relación al *litigio antimonopolio en lentes de contacto desechables in re*.


Ya se llegó a dos acuerdos de demanda colectiva con Alcon Vision LLC f/k/a Alcon Laboratories, Inc. ("Alcon") y Johnson & Johnson Vision Care, Inc. ("JJVCI"), o "Vistakon". La demanda alega políticas ilegales de precios minoristas mínimos por parte de los fabricantes denominadas "Políticas unilaterales de precios" o "UPP" para la distribución y venta de ciertos lentes de contacto desechables. La seguridad y eficacia de los lentes de contacto no están en entredicho en esta demanda. Los acusados niegan haber hecho algo mal. El Tribunal no ha decidido quién tiene razón.

En 2019, se envió una notificación con relación a los acuerdos con Bausch & Lomb, Inc. ("B&L") y Cooper Vision, Inc. ("CVI") y la certificación del litigio colectivo. En 2020, se envió una notificación con relación al acuerdo con ABB Optical Group LLC ("ABB"). Desde entonces, Alcon y JJVCI han acordado separar los acuerdos. Si usted es miembro de la(s) demanda(s) colectiva(s), puede participar en los acuerdos de Alcon y JJVCI, independientemente de si participó en el(los) acuerdo(s) de ABB, B&L y/o CVI.

¿Quién está incluido?

La(s) demanda(s) colectiva(s) de Alcon y JJVCI incluye(n) a ciertas personas y entidades residentes en los Estados Unidos que realizaron compras minoristas de lentes de contacto desechables sujetos a una UPP. Para obtener una lista de los lentes de contacto desechables sujetos a una UPP y las fechas de compra incluidas en los acuerdos, visite el sitio web a continuación.

¿Cómo puedo recibir un pago?

Los acuerdos de Alcon y JJVCI establecerán fondos del acuerdo por un valor de USD 20 millones y 55 millones, respectivamente. Si ya presentó una reclamación oportuna y válida para los acuerdos de ABB, B&L y/o CVI, no necesita presentar otra reclamación. Se le incluirá automáticamente en los acuerdos de Alcon y JJVCI. Si no presentó una reclamación en los acuerdos anteriores, debe presentar una reclamación para los acuerdos de Alcon y JJVCI a fin de recibir una compensación. La reclamación la puede presentar en el sitio web. La fecha límite para presentar una reclamación es el **22 de agosto de 2022**. No tendrá participación en los acuerdos anteriores si no presentó un comprobante de reclamo válido y oportuno 

Case 3:15-md-02626-HFS-LLL Document 1351 Filed 07/22/22 Page 53 of 69 PageID 55559
para dichos acuerdos. Los fondos netos del acuerdo se distribuirán una vez que el Tribunal conceda la aprobación final y los acuerdos lleguen a ser definitivos. En ese momento, si presentó una reclamación válida, recibirá un correo electrónico pidiéndole que seleccione cómo desea que se le pague. Puede recibir su pago a través de una variedad de opciones digitales, o puede optar por recibir un cheque. Por favor, tenga paciencia.

Otras opciones para usted.

Si no desea estar legalmente obligado por los acuerdos, debe excluirse a más tardar el **22 de agosto de 2022**. Usted puede objetar los acuerdos a más tardar el **22 de agosto de 2022**. La notificación detallada disponible en el sitio web explica cómo excluirse u objetar. El Tribunal aún no ha fijado una fecha y hora para la audiencia de imparcialidad con ocasión de la aprobación definitiva del acuerdo y de otras mociones de honorarios y costos. En cuanto el Tribunal programe la audiencia de imparcialidad, el sitio web se actualizará con la fecha, hora, ubicación y medios de asistencia. Puede comparecer en la audiencia, ya sea usted mismo o a través de un abogado contratado por usted, pero no está en obligación de hacerlo. Para obtener más información, llame al número gratuito 1-877-253-3649 o visite www.ContactLensSettlement.com.

Contactos:

Nathaniel C. Giddings, HAUSFELD LLP, 202-540-7200.

Joseph P. Guglielmo, SCOTT+SCOTT ATTORNEYS AT LAW LLP, 212-223-6444.

Benjamin Steinberg, ROBINS KAPLAN LLP, 212-980-7400.

FUENTE United States District Court for the Middle District of Florida

SOURCE United States District Court for the Middle District of Florida

Attachment 9

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

If You Purchased Certain Disposable Contact Lenses For Your Own Use From June 1, 2013 to December 4, 2018, this Litigation and Two Class Action Settlements Could Affect Your Rights.

A federal court has authorized this Notice. This is not a solicitation from a lawyer.

Please read this Notice carefully and in its entirety. You may be a member of the Classes described below and your rights may be affected by a pending class action lawsuit. This Notice advises you of your options regarding the class action and the Settlements.

The purpose of this Notice is to provide information regarding settlements with Alcon Vision LLC f/k/a Alcon Laboratories, Inc. (“Alcon”) and Johnson & Johnson Vision Care, Inc. (“JJVCI”), or “Vistakon.”

This litigation concerns alleged antitrust violations by Alcon; JJVCI; Bausch & Lomb, Inc. (“B&L”); and Cooper Vision, Inc. (“CVI”) (collectively the “Manufacturers”), who all adopted “Unilateral Pricing Policies” (or “UPPs”) on certain brands of disposable contact lenses, and their distributor, ABB Optical Group LLC (“ABB”). ABB and the Manufactures are or were Defendants in antitrust litigation regarding the UPPs.

In 2019, notice was provided regarding settlements with B&L and CVI and the certification of the Litigation Classes. In 2020, notice was provided regarding the settlement with ABB. Alcon and JJVCI have since each agreed to separate settlements. If you are a member of the Settlement Class(es), as defined below, you can participate in the Alcon and JJVCI Settlements regardless of whether you participated in the ABB, B&L, and/or CVI Settlement(s).

If the court approves the Alcon and JJVCI Settlements, the litigation will be fully and finally resolved.

This Notice provides you with a deadline to object to the Alcon and JJVCI Settlements and an opportunity to exclude yourself.

If you already submitted a timely and valid Proof of Claim for the ABB, B&L and/or CVI Settlements, you do not need to submit another Proof of Claim. You will automatically be included in the Alcon and JJVCI Settlements. If you did not submit a timely and valid Proof of Claim as part for the ABB, B&L and/or CVI Settlement(s), you must submit a Proof of Claim in order to share in the Alcon and JJVCI Settlements by **August 22, 2022**. You will not be able to share in the ABB, B&L and/or CVI Settlements if you did not submit a timely and valid Proof of Claim to those settlements. See below for how to file your claim.

Please do not call or write the court. If you have any questions after reading this Notice, you should contact lead counsel or the administrator, as discussed further below.

Questions? Call 1-877-253-3649 or visit www.ContactLensSettlement.com

IMPORTANT

To participate in the Alcon and JJVCI Settlement Class(es), your purchases must be of certain disposable contact lenses (listed below in Paragraph 18) manufactured by any of the following manufacturers: Alcon, B&L, CVI, or JJVCI, between June 1, 2013 and December 4, 2018.

You must decide at this time if you want to exclude yourself from the Alcon and/or JJVCI Settlement Class(es) described in this Notice. More detailed information about opting-out can be found in Paragraphs 44-51 below.

If you exclude yourself from a Settlement Class, you will not be eligible for any benefits from that settlement.

If you previously excluded yourself from the Litigation Classes, you will not be eligible to submit a claim for benefits from the Alcon or JJVCI Settlements.

WHAT IS THIS LAWSUIT ABOUT?

1. This multidistrict antitrust litigation was centralized before this Court on June 10, 2015, by order of the United States Judicial Panel on Multidistrict Litigation (“MDL Panel”) (ECF No. 1; Transfer Order). It arises out of minimum retail pricing policies adopted by contact lenses manufacturers starting in June 2013 with regard to the distribution and sale of certain contact lenses. These policies were referred to as “Unilateral Pricing Policies” (“UPP”) by the Defendants. The operative complaint, filed on March 1, 2017, alleges that the Defendants used the UPPs to restrain competition from discount and online stores on consumer prices in the retail market for disposable contact lenses.¹ The safety and effectiveness of contact lenses manufactured by the Defendants are not at issue in this litigation.

2. The Class Representatives allege claims for violations of (1) the United States Sherman Act, 15 U.S.C. §§ 1 and 3; (2) the California Cartwright Act, Cal. Bus. & Prof. Code §§ 16720, *et seq.*; (3) the Maryland Antitrust Act, Md. Com. Law §§ 11-201, *et seq.*; (4) the California Unfair Competition Law, Cal. Bus. & Prof Code §§ 17200, *et seq.*; and (5) the Maryland Consumer Protection Act, Md. Com. Law §§ 13-301, *et seq.*

WHO ARE THE DEFENDANTS AND WHY ARE THERE SETTLEMENTS?

3. The settling Defendants are Alcon and JJVCI. ABB, B&L, and CVI previously settled this action. With these two settlements, all Defendants have settled, and if the Court approves the Alcon and JJVCI Settlements, the litigation will be fully and finally resolved.

4. The Court has not decided any issue on the merits in favor of the Class Representatives, Alcon, or JJVCI. Instead, the Class Representatives, Alcon and, separately, JJVCI, engaged in lengthy negotiations and have agreed to two separate Settlements. By agreeing to settle, the parties avoid the costs and uncertainty of a trial, and the Members of the Settlement Classes affected will get a chance to receive compensation. The Class Representatives and their attorneys believe the Settlements are best for all members of the Settlement Classes. The proposed Settlements do not mean that any law was broken or that Alcon or JJVCI did anything wrong.

¹ Please note that this Notice does not describe all of the claims and defenses asserted by the Class Representatives. The operative complaint is posted on the website, www.ContactLensSettlement.com.

Questions? Call 1-877-253-3649 or visit www.ContactLensSettlement.com

THE CLASS REPRESENTATIVES AND THE SETTLEMENT CLASSES

5. In a class action, one or more people called “Class Representatives” sue on behalf of themselves and other people with similar claims. All of these people together are the “class” or “class members.” The Class Representatives are: Rachel Berg, Alexis Ito, Miriam Pardoll, Jennifer Sineni, Joseph Felson, Tamara O’Brien, Susan Gordon, Catherine Dingle, Elyse Ulino, Amanda Cunha, Sheryl Marean, Brett Watson, Kathleen Schirf, Cora Beth Smith, and John Machikawa. Class actions avoid the necessity of each member of a class having to file his, her, or its own separate lawsuit to obtain relief. Class actions are used to decide legal and factual issues that are common to all members of a class, and one court resolves the issues for all class members, except for those who exclude themselves from the class(es).

6. By Order dated May 9, 2022 (ECF No. 1343), the Court preliminarily certified the following Settlement Class definition for both the Alcon Settlement and the JJVCI Settlement:

All persons and entities residing in the United States who made retail purchases of disposable contact lenses manufactured by Alcon, JJVC, CVI, or B&L during the Settlement Class Period for their own use and not for resale, where the prices for such contact lenses were subject to a “Unilateral Pricing Policy” and the purchase occurred during the period when the Unilateral Pricing Policy was in effect.

Excluded from the Settlement Class are any purchases from 1-800 Contacts of disposable contact lenses subject to B&L’s Unilateral Pricing Policy, where the purchase occurred on or after July 1, 2015. Also excluded from the Settlement Class are Defendants, their parent companies, subsidiaries and affiliates, any alleged co-conspirators, all governmental entities, and any judges or justices assigned to hear any aspect of this action.

The Settlement Class Period is from June 1, 2013 to December 4, 2018.

7. You may be a member of the Settlement Classes. If you are a member of the Settlement Classes, your rights will be affected by this Action. If you do not meet any of the class definitions, this Notice does not apply to you. If you are uncertain whether you are a member of the Settlement Classes, contact Lead Counsel listed in Paragraph 56, the Administrator, or your own attorney.

8. This notice is not an admission by Defendants or an expression of any opinion by the Court as to the merits of the claims made in this Action, or a finding by the Court that the claims asserted by the Class Representatives in this Action are valid. This Notice is intended solely to inform you of the pendency of this Action and of your rights in connection with it, including the right to request exclusion from the Settlement Class(es) or to object to the Alcon and JJVCI Settlements. Defendants have denied all claims and contend that they are not liable for the harm alleged by the Class Representatives.

ARE YOU A MEMBER OF ONE OR MORE OF THE CLASSES?

9. You are a member of the Settlement Classes if you purchased disposable contact lenses manufactured by one of the Defendant Manufacturers for your personal use (*i.e.*, not for resale), the purchase(s) occurred during the period when the Unilateral Pricing Policy, or UPP, was in effect, and those disposable contact lenses were subject to a UPP.

10. You are *not* a member of the Settlement Classes if you purchased disposable contact lenses (a) manufactured by a company other than the named Defendants, (b) for resale, (c) that were not subject to a UPP, or (d) at a period when the UPP was not in effect. You are also *not* a member of any of the Classes if you are (i) one of the Defendants, their parent companies, subsidiaries or affiliates, or

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an alleged co-conspirator, (ii) a governmental entity, (iii) counsel for the parties, or (iv) a judge or justice assigned to hear any aspect of this Action.

11. The disposable contact lenses that were subject to the UPPs, and the period during which each UPP was in effect, are set forth below:

#	Contact Lens	UPP Price	Time Period in Effect
Alcon			
1	Air Optix Colors	6 Pack: \$84.00	April 2014 - December 2016
		2 Pack: \$30.00	June 2015 - December 2016
2	Dailies AquaComfort Plus Multifocal	30 Pack: \$39.00	January 2014 - December 2016
		90 Pack: \$89.00	
3	Dailies AquaComfort Plus Toric	30 Pack: \$34.00	January 2014 - December 2016
		90 Pack: \$79.00	
4	Dailies Total 1	30 Pack: \$39.00	June 2013 - December 2016
		90 Pack: \$95.00	
5	Dailies Total 1 Multifocal	30 Pack: \$50.00	July 2016 - December 2016
		90 Pack: \$124.00	
B&L			
6	BioTrue ONEday for Presbyopia	30 Pack: \$33.00	June 2014 - February 2017
		90 Pack: \$89.00	December 2016 - February 2017
7	Ultra	6 Pack: \$60.00	February 2014 - February 2017
8	Ultra for Presbyopia	6 Pack: \$85.00	March 2016 - February 2017
Excluded from the Class are any purchases from 1-800 Contacts of disposable contact lenses subject to B&L's Unilateral Pricing Policy, where the purchase occurred on or after July 1, 2015.			
CVI			
9	Biofinity Energys	6 Pack: \$60.00	July 2016 - December 2017
10	Biofinity XR Toric	6 Pack: \$140.00	January 2016 - March 2017
11	Clariti 1 Day	90 Pack: \$65.00	January 2014 - March 2017
12	Clariti 1 Day Multifocal	30 Pack: \$39.00	January 2014 - March 2017
		90 Pack: \$89.00	
13	Clariti 1 Day Toric	30 Pack: \$34.00	January 2014 - March 2017
		90 Pack: \$79.00	
14	MyDay	90 Pack: \$85.00	June 2015 - March 2017
		180 Pack: \$149.00	
JJVC			
15	1-Day Acuvue Define	30 Pack: \$40.00	

Questions? Call 1-877-253-3649 or visit www.ContactLensSettlement.com

		90 Pack: \$94.00	March 2015 - April 2016
16	1-Day Acuvue Moist	30 Pack: \$33.00	August 2014 - April 2016
		90 Pack: \$63.50 - \$66.00	August 2014 - April 2016
		720 Pack: \$450.00 - \$460.00	November 2014 - April 2016
17	1-Day Acuvue Moist for Astigmatism	30 Pack: \$34.50 - \$36.00	August 2014 - April 2016
		90 Pack: \$82.50 - \$85.50	October 2014 - April 2016
		720 Pack: \$600.00	June 2015 - April 2016
18	1-Day Acuvue Moist Multifocal	30 Pack: \$45.00	May 2015 - April 2016
		90 Pack: \$99.00	
19	1-Day Acuvue TruEye	90 Pack: \$82.50	August 2014 - April 2016
		720 Pack: \$610.00	November 2014 - April 2016
20	Acuvue Oasys for Astigmatism	6 Pack: \$40.00 - \$41.50	August 2014 - April 2016
		48 Pack: \$270.00 - \$280.00	June 2015 - April 2016
21	Acuvue Oasys for Presbyopia	6 Pack: \$40.00 - \$41.50	August 2014 - April 2016
22	Acuvue Oasys with HydraClear	6 Pack: \$36.00	October 2014 - April 2016
		12 Pack: \$67.50 - \$70.00	July 2014 - April 2016
		24 Pack: \$110 - \$114.50	August 2014 - April 2016
		54 Pack: \$210.00 - \$218.00	
23	Acuvue Oasys with Hydraluxe (a/k/a 1-Day Acuvue Oasys)	90 Pack: \$88.50	August 2015 - April 2016

12. If you are not sure whether you are included in the Settlement Classes, you may call 877-253-3649 with questions or visit www.ContactLensSettlement.com. You may also write with questions to Disposable Contact Lens Settlement Administrator, P.O. Box 2995, Portland, OR 97208-2995 or email info@ContactLensSettlement.com.

OVERVIEW OF THE LITIGATION TO DATE

13. On March 3, 2015, the first class action complaint was filed in the Northern District of California.

14. On June 10, 2015 the Panel on Multidistrict Litigation centralized and consolidated for pre-trial proceedings all of the class action complaints to the Middle District of Florida, Jacksonville Division before Judge Harvey E. Schlesinger. (ECF No. 1).

15. On October 7, 2015, the Court granted Class Representatives' motion appointing Hausfeld LLP, Scott+Scott Attorneys at Law LLP, and Robins Kaplan LLP as interim lead counsel. (ECF No. 116).

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16. On November 23, 2015, Lead Counsel, on behalf of Class Representatives, filed the Consolidated Class Action Complaint (“Consolidated Complaint”).

17. On December 23, 2015, Defendants filed their Motion to Dismiss the Consolidated Complaint. (ECF No. 146). Following briefing and oral argument, the Court denied Defendants’ motion. (ECF Nos. 185, 190). On July 27, 2016, Defendants filed their Answers and Affirmative Defenses. (ECF Nos. 266-70).

18. The operative complaint, Plaintiffs’ Interlineation to Corrected Consolidated Class Action Complaint (ECF No. 395; Complaint), was filed on March 1, 2017.

19. On December 4, 2018 (ECF No. 940), the Court issued an Order certifying the Litigation Classes, appointing Hausfeld LLP, Scott+Scott, Attorneys at Law, LLP, and Robins Kaplan LLP as Lead Counsel, and formally designated the plaintiffs as the Class Representatives for the Litigation Classes.

20. The \$3 million CVI Settlement was reached on August 30, 2017, and the \$10 million B&L Settlement was reached on August 19, 2019. The Court preliminarily approved the B&L and CVI Settlements on July 10, 2018 (ECF No. 841) and October 8, 2019 (ECF No. 1046), respectively.

21. In 2019, notice was provided regarding the B&L and CVI Settlements and the formation of Litigation Classes. On February 25, 2020, the Court held a Fairness Hearing. On March 4, 2020, the Court issued an Order granting final approval and a final judgment for the B&L and CVI Settlements (ECF No. 1164).

22. The Court certified the Litigation Classes on December 4, 2018 (ECF No. 940) and the last of Defendants’ requests for interlocutory appellate review was denied by the United States Court of Appeals for the Eleventh Circuit on June 20, 2019. The Court subsequently issued a Notice apprising consumers of the CVI and B&L Settlements and its certification of the Litigation Classes.

23. On November 27, 2019, the Court denied the Defendants’ motions for summary judgment (ECF No. 1091).

24. On September 22, 2020, ABB reached a settlement for \$30.2 million, and the Court preliminarily approved that settlement on November 10, 2020 (ECF No. 1224). The Court granted final approval of the ABB Settlement on June 1, 2021. (ECF No. 1257).

25. On February 26, 2021, Lead Counsel submitted a motion to the Court for Attorney Fees and Reimbursement of Expenses. On June 1, 2021, the Court granted Lead Counsel’s request for \$9,315,960.97 in attorney fees and \$752,117.10 in reimbursement of litigation costs. (ECF No. 1258).

26. On January 26, 2022, the Court issued an order setting the case for trial on March 28, 2022. (ECF No. 1298).

27. On March 23, 2022, a settlement was reached with Alcon for \$20 million. On May 9, 2022, the Court preliminarily approved that settlement. (ECF No. 1343).

28. On March 27, 2022, a settlement was reached with JJVCI for \$55 million. On May 9, 2022, the Court preliminarily approved that settlement. (ECF No. 1343).

SETTLEMENT BENEFITS

29. The Alcon and JJVCI Settlements will establish Settlement Funds of \$20 million and \$55 million, respectively, that will be used to pay eligible Settlement Class Members who submit valid claims or already submitted a valid claim to the ABB, B&L and/or CVI Settlement(s). The cost to administer the Alcon and JJVCI Settlements, attorneys’ fees and expenses, service payments for the Class Representatives

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(if any are requested and approved by the Court), taxes and other expenses approved by the Court will come out of the Settlement Funds. The Settlement requires Alcon and JJVCI to deposit their respective settlement amounts into escrow accounts within fifteen (15) days of Preliminary Approval.

30. In order to minimize administrative expenses, Lead Counsel intend to distribute the Net Settlement Funds for all five Settlements at once.²

31. The Settlement Class definitions of the CVI, ABB, Alcon, and JJVCI settlements are all identical. The B&L Settlement Class definition does not include claims related to CVI. The B&L Settlement Fund therefore has and will be kept separate and never comingled with the funds from the other settlements.

32. Customers that filed valid claims for purchases of lenses made by B&L, JJVCI and Alcon that were subject to a UPP will draw funds on a *pro rata* basis from all five Settlement Funds. Purchasers of lenses subject to CVI's UPP who filed valid claims will draw funds on a *pro rata* basis from the CVI, ABB, Alcon, and JJVCI Settlement Funds.

33. Lead Counsel estimates that there are up to 40 million purchasers of disposable contact lenses that were subject to Defendants' UPPs. In the event that Lead Counsel determines that it will be economically infeasible to directly distribute the Net Settlement Funds to the Settlement Classes, they may propose alternative plans of distribution to the Court, including a *cypres* distribution, of the Net Settlement Funds. In the event that Lead Counsel propose an alternative plan of distribution to the Court, the motion will be posted at www.ContactLensSettlement.com, and an email will be sent to any email address registered with the Administrator prior to the hearing on the motion.

34. Settlement Class Members will have the option to comment on or object to any aspect of the Alcon or JJVCI Settlement at the Fairness Hearing (see "The Fairness Hearing," below).

35. If you already submitted a timely and valid Proof of Claim as part of the earlier ABB, B&L and/or CVI Settlement(s), you do not need to submit another Proof of Claim. You will automatically be included in the Alcon and JJVCI Settlements to receive a payment from the Net Settlement Funds. However, if you did not submit a timely and valid Proof of Claim as part the ABB, B&L and/or CVI Settlement(s), you must submit a Proof of Claim to share in the Alcon and/or JJVCI Net Settlement Fund(s) by **August 22, 2022**. You will not be able to share in the Alcon and/or JJVCI Settlements(s) if you did not submit a timely and valid Proof of Claim. Claims may be submitted online at www.ContactLensSettlement.com. The deadline to file your Proof of Claim is **August 22, 2022**.

36. After the Court grants Final Approval, if your Claim Form submitted for any of the Settlements is determined to be complete and valid, you will receive an email (at the email address you provided on the Claim Form) prompting you to select how you would like to be paid. You can receive your payment via a variety of digital options such as digital debit card or PayPal, or you can elect to receive a check. If you do not respond to select how you would like to be paid, a physical check will be mailed to you at your mailing address on file.

37. Unless you exclude yourself from the Alcon and/or JJVCI Settlement Class(es), you will give up your right to sue Alcon and/or JJVCI for the claims being resolved by the Settlement(s). The specific claims ("Released Claims") you are giving up against Alcon and/or JJVCI and its related parties

² Net Settlement Fund(s) means the money paid by the Settling Defendant(s) plus any interest and income earned and less any attorneys' fees, expenses, and reimbursement of Class Representatives' expenses, costs, and lost wages as permitted by the Court (if requested), (ii) class notice and administration expenses, (iii) taxes and tax expenses, and (iv) any other fees or expenses approved by the Court. Alcon Settlement at ¶ 1.16; JJVCI Settlement at ¶ 1.16; ABB Settlement at ¶ 1.16; B&L Settlement at ¶ 1.16; CVI Settlement at ¶ 1.17. The Settlements are available for review at www.ContactLensSettlement.com.

are described in paragraphs 1.28, 1.30, and 7.1 of the Settlement Agreement(s). The Alcon and JJVCI Settlement Agreements are available at www.ContactLensSettlement.com.

38. If you have any questions, you can talk to Lead Counsel listed herein for free or you can, of course, talk to your own lawyer about what this means.

EXCLUDING YOURSELF FROM THE ALCON AND/OR JJVCI SETTLEMENT(S)

39. If you are a member of the Alcon and/or JJVCI Settlement Class(es), you have the right to decide whether to remain a member of the Alcon and/or JJVCI Settlement Class(es). You must decide at this time if you want to exclude yourself from the Alcon and/or JJVCI Settlement Class(es).

40. **Excluding Yourself from the Alcon and/or JJVCI Settlement Class(es):** If you want to keep the right to file or maintain your own lawsuit against Alcon and/or JJVCI about the Released Claims, then you must take steps to get out of the Settlement(s) with Alcon and/or JJVCI. This is called excluding yourself – or sometimes referred to as opting out of the class. If you ask to be excluded from the Alcon and/or JJVCI Settlement(s), you will not receive any benefits from the Alcon and/or JJVCI Settlement(s), and you cannot object to the Alcon and/or JJVCI Settlement Agreement(s).

41. If you have a pending or contemplated lawsuit against any of the Defendants involving the same legal issues in this Litigation or the Released Claims in the Alcon and/or JJVCI Settlement Agreement(s), speak to your lawyer immediately. You must exclude yourself from the Alcon and/or JJVCI Settlement(s) in order to continue or initiate your own lawsuit against Alcon and/or JJVCI.

42. You must request exclusion in accordance with the procedures set forth in Paragraphs 44-51.

43. ***If you are a member of the Alcon and/or JJVCI Settlement Class(es) and you did not submit a Proof of Claim to the ABB, B&L and/or CVI Settlement(s), you must submit a Proof of Claim no later than August 22, 2022, in order to participate in any distribution of funds from the Alcon and/or JJVCI Settlement(s). If you already submitted a timely and valid Proof of Claim to the ABB, B&L and/or CVI Settlement(s), you do not need to submit another Proof of Claim.***

44. Your decision is important for the following reasons:

- a. **If you choose to remain a member of the Alcon and/or JJVCI Settlement Class(es)**, you will be bound by all past, present and future orders and judgments related to the Alcon and/or JJVCI Settlement(s), whether favorable or unfavorable. If money is awarded, you may be eligible to receive a share of that award. However, if you remain a member of the Alcon and/or JJVCI Settlement Class(es), you may not pursue a lawsuit on your own behalf with regard to any of the legal claims in this Action against the Defendant(s) to which you remain a Settlement Class Member of their Settlement(s). Pursuant to Rule 23(e)(4) of the Federal Rules of Civil Procedure, it is within the Court's discretion whether to allow a second opportunity to request exclusion from the Litigation Classes if there is a settlement in the Action involving the claims of the members of the Litigation Classes. Please note that if you remain a member of the Alcon and/or JJVCI Settlement Class(es), you will not be personally responsible for Lead Counsel's attorneys' fees or costs. Lead Counsel has agreed to represent the Classes on a contingent fee basis, which means that they will be awarded fees and costs to be approved by the Court only if they succeed in obtaining a recovery from the Defendants. Any attorneys' fees for Lead Counsel will be awarded by the Court. As a member of Alcon and/or JJVCI Settlement Class(es), you will be represented by Lead Counsel. Alternatively, you may remain a member of the Alcon and/or JJVCI Settlement

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Class(es) and elect to be represented by counsel of your own choosing. If you do retain separate counsel, you will be responsible for that attorney's fees and expenses.

- b. **If you choose to be excluded from the Alcon and/or JJVCI Settlement Class(es)**, you will not be bound by any orders or judgment in this Action applicable to the Alcon and/or JJVCI Settlement Class(es), to which you exclude yourself, nor will you be eligible to share in any recovery that might be obtained on behalf of the Alcon and/or JJVCI Settlement Class(es) to which you exclude yourself. You will retain any right you have to individually pursue any unreleased legal rights that you may have against Defendants. Please refer to Paragraphs 44-51 if you would like to request exclusion from Alcon and/or JJVCI Settlement Class(es).

HOW TO EXCLUDE YOURSELF

45. To exclude yourself from the Alcon and/or JJVCI Settlement Class(es), you must file a timely written request for exclusion ("Request for Exclusion") by mailing a letter or sending an email to the Administrator.

46. Your Request for Exclusion must:
- a. Be in writing;
 - b. Be signed by you or your authorized representative;
 - c. State your name, address, and phone number;
 - d. Include (i) proof of membership in the Alcon and/or JJVCI Settlement Class(es) and (ii) a signed statement that says "I/we hereby request that I/we be excluded from (one or more of the following) classes in *In Re: Disposable Contact Lens Antitrust Litigation*, 3:15-md-02626-HES-JRK (M.D. Fl.):
The Alcon Settlement Class; and/or the JJVCI Settlement Class; and
 - e. Be mailed or emailed to the Claims Administrator at the address provided below and postmarked no later than **August 22, 2022**.

Disposable Contact Lens Settlement Administrator
EXCLUSIONS
P.O. Box 2995
Portland, OR 97208-2995

Or

info@ContactLensSettlement.com

47. ***In the event that you wish to be excluded from the Alcon and/or JJVCI Settlement Class(es), you must specify which class or classes are the subject of your exclusion request. If your exclusion request does not specify the class or classes from which you wish to be excluded, you may be excluded from both.***

48. You must also provide any other information reasonably requested by the Administrator.

49. You cannot exclude yourself by telephone or facsimile. Requests for exclusion that do not comply with the above requirements will be invalid, unless otherwise accepted by the Court, subject to any objections of the parties to be resolved by the Court.

50. Do not request exclusion from the Alcon and/or JJVCI Settlement Class(es) if you wish to participate in the Alcon and/or JJVCI Settlement(s).

Questions? Call 1-877-253-3649 or visit www.ContactLensSettlement.com

51. Please note, if you decide to exclude yourself, you may be time-barred from asserting the claims by a statute of limitations.

52. If you do nothing, you will remain in the Alcon and/or JJVCI Settlement Classes. You will not be able to separately sue, or continue to sue — as part of any other lawsuit — for the Released Claims or the conduct alleged in the Complaint. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes concerning this class action. If you are a Settlement Class Member, and you file a valid Proof of Claim, you will be able to share in the Alcon and JJVCI Settlements. If you already submitted a timely and valid Proof of Claim as part of the ABB, B&L and/or CVI Settlement(s), you do not need to submit another Proof of Claim.

OBJECTING TO THE SETTLEMENT

53. If you are a member of the Alcon and/or JJVCI Settlement Class(es), you can object to the Alcon and/or JJVCI Settlement(s) if you disagree with any part of the Settlement(s). To object to the Settlement(s) you must submit a letter or other written document that includes the following:

- a. Your name, address, and telephone number;
- b. A statement saying that you object to the Alcon and/or JJVCI Settlement(s), in *In Re: Disposable Contact Lens Antitrust Litigation*, 3:15-md-02626-HES-JRK (M.D. Fl.);
- c. Whether you plan to appear at the Fairness Hearing;
- d. Proof of membership in the Alcon and/or JJVCI Settlement Class(es), including documentation evidencing the purchase of a disposable contact lens subject to a UPP;
- e. The specific reasons you object to the Settlement(s), along with any supporting materials or documents that you want the Court to consider; and
- f. Your signature.

54. You cannot object to the Alcon and/or JJVCI Settlement(s) if you exclude yourself from the Settlement Class(es) you are objecting to. If you exclude yourself from the Settlement Class(es), you are telling the Court that you don't want to be part of the Settlement(s). If you exclude yourself from the Settlement Class(es), you will not receive any benefits from the Alcon and/or JJVCI Settlement(s). Objecting is simply telling the Court that you don't like something about the Alcon and/or JJVCI Settlement(s). You can only object to the Alcon and/or JJVCI Settlement(s) if you remain in the Settlement Class(es). If you exclude yourself from the Settlement Class(es), you have no basis to object to the Alcon and/or JJVCI Settlement(s) because the terms no longer affect you.

55. An objection to the Alcon and/or JJVCI Settlement(s) must be mailed to the addresses listed below, postmarked no later than **August 22, 2022**. Note that you may mail your objection to the Court, but it must be received by the Court and filed by **August 22, 2022**.

<u>Court</u>	<u>JJVCI's Counsel</u>	<u>Alcon's Counsel</u>	<u>Class Counsel</u>
Hon. Harvey Schlesinger Bryan Simpson United States Courthouse 300 North Hogan Street Jacksonville, FL 32202	William F. Cavanaugh, Jr. PATTERSON BELKNAP WEBB & TYLER LLP 1133 Avenue of the Americas New York, NY 10036 Telephone: (212) 336-2000 wfcavanaugh@pbwt.com	David R Marriott CRAVATH, SWAINE & MOORE, LLP Worldwide Plaza 825 8th Avenue New York, NY 10019-7475 Telephone: 212-474-1000 dmarriott@cravath.com	Joseph P. Guglielmo SCOTT+SCOTT ATTORNEYS AT LAW LLP The Helmsley Building 203 Park Avenue, 17th Floor New York, NY 10169 Telephone: (212) 223-6444 jguglielmo@scott-scott.com

Questions? Call 1-877-253-3649 or visit www.ContactLensSettlement.com

56. If your objection is not postmarked and received by the deadline and does not include the information listed above, it will not be valid.

THE LAWYERS REPRESENTING YOU

57. The Court appointed the law firms of Hausfeld LLP, Scott+Scott, Attorneys at Law, LLP, and Robins Kaplan LLP as Lead Counsel. If you have any questions concerning the matters raised in this Notice, you may contact Lead Counsel, as follows:

<p>Nathaniel C. Giddings HAUSFELD LLP 888 16th Street, N.W.; Suite 300 Washington, DC 20006 Telephone: 202-540-7200 ngiddings@hausfeld.com</p>	<p>Joseph P. Guglielmo SCOTT+SCOTT ATTORNEYS AT LAW LLP The Helmsley Building 203 Park Avenue, 17th Floor New York, NY 10169 Telephone: (212) 223-6444 jguglielmo@scott-scott.com</p>	<p>Benjamin Steinberg ROBINS KAPLAN LLP 399 Park Avenue, Suite 3600 New York, NY 10022 Telephone: (212) 980-7400 bsteinberg@robinskaplan.com</p>
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58. You will not be charged for contacting these lawyers. As noted above, unless you elect to retain your own personal lawyer, if you remain in the Settlement Classes, you will not have any direct obligations to pay the costs of this Action. If there is a recovery by one or more of the Classes in this Action, all costs and expenses, including Lead Counsel’s attorneys’ fees, will be paid from that recovery in an amount approved by the Court.

59. At least fifteen (15) days before the deadline to opt-out or object to the Settlements, Lead Counsel will ask the Court for attorneys’ fees of up to one-third (33.3%) of the Alcon and JJVCI Settlement Funds, as well as reimbursement of costs and expenses incurred by Lead Counsel during the litigation. In addition, Lead Counsel may also seek reimbursement of costs for the Class Representatives for their time and work spent prosecuting this Action. Any fees and expenses awarded by the Court will be paid out of the Settlement Funds.

THE FAIRNESS HEARING

60. The Court will hold a hearing to decide whether to approve the Alcon and JJVCI Settlements and any request for fees and expenses. You may attend and you may ask to speak, but you do not have to.

61. The Court has yet to set a date and time for the fairness hearing on final approval of the settlement and any other motions for fees and costs. As soon as the Court schedules the fairness hearing, the website will be updated with the date, time, location, and means of attendance. The website will also provide updated information if the Court changes the Hearing date or decides to hold the Hearing online (telephonically or via a web-based service such as Zoom or Skype). At this hearing, the Court will consider whether the Alcon and JJVCI Settlements are fair, reasonable, and adequate and separately consider whether to approve the Settlements’ plan of distribution and any proposed attorneys’ fees, expenses, and/or incentive awards. If there are objections, the Court will consider them and will listen to people who have asked to speak at the hearing. After the hearing, the Court will decide whether to

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approve the Alcon and JJVCI Settlements and Lead Counsel's requests for fees and costs. We do not know how long these decisions will take.

62. You do not have to attend the Fairness Hearing. Lead Counsel will answer questions the Court may have. But, you or your own lawyer are welcome to attend at your expense. If you send an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also have your own lawyer attend, but it is not necessary.

63. You may ask the Court for permission to speak at the Fairness Hearing. To speak at the Fairness Hearing, you must send a letter or other written document saying that the letter or document is your "Notice of Intention to Appear" in *In Re: Disposable Contact Lens Antitrust Litigation*, 3:15-md-02626-HES-JRK (M.D. Fl.). Be sure to include your name, address, telephone number, and your signature. You must send your "Notice of Intention to Appear" to the addresses listed in Paragraph 55, so it is postmarked and received no later than **August 22, 2022**.

PLEASE KEEP YOUR ADDRESS CURRENT

64. To assist the Court and the parties in maintaining accurate lists of Members of the Settlement Classes, you are requested to keep your email and physical address up to date with the Administrator. You may update your addresses on the website, www.ContactLensSettlement.com.

65. If this Notice was forwarded to you by the postal service, or if it was otherwise sent to you at an address that is not current, you should immediately contact the Administrator at Disposable Contact Lens Settlement Administrator, P.O. Box 2995, Portland, OR 97208-2995 or by calling the Administrator toll free at 877-253-3649 and providing them with your correct address. If the Administrator does not have your correct address, you may not receive notice of important developments in this Action.

WHERE YOU CAN FIND ADDITIONAL INFORMATION

66. This Notice provides only a summary of the lawsuit and the claims asserted by Class Representatives. For more detailed information regarding the Action, you may contact Lead Counsel or visit www.ContactLensSettlement.com. You may also contact the Administrator at the address listed at info@ContactLensSettlement.com.

67. Copies of the important pleadings, orders, and other documents filed in this Action are available at www.ContactLensSettlement.com or at <http://www.pacer.gov> or at the office of the Clerk of the Court, United States District Court for the Middle District of Florida, Jacksonville Division, 300 North Hogan Street, Jacksonville, Florida 32202, under Case No. 3:15-md-02626-HES.

PLEASE DO NOT CALL OR WRITE THE COURT OR CLERK OF THE COURT REGARDING THIS NOTICE.

DATED: **May 9, 2022**

BY ORDER OF THE COURT
UNITED STATES DISTRICT COURT MIDDLE
DISTRICT OF FLORIDA

Questions? Call 1-877-253-3649 or visit www.ContactLensSettlement.com

Attachment 10

From: donotreply_ContactLensSettlement
Sent: Thursday, July 21, 2022 11:20 AM
To:
Subject: Update Regarding Court Authorized Notice of Settlement

On May 9, 2022, the Court granted preliminary approval of Settlements with Johnson & Johnson Vision Care, Inc. ("JJVCI") and Alcon Vision, LLC ("Alcon").

A link in our most recent communication may have directed you to an out-of-date page on the website that indicated that online claim filing had not yet begun. The online claim form has been available since June 22nd through other links in the email you were sent, and through links posted prominently on the website homepage. We can confirm that the online claim form continues to be live and available [here](#).

As you were informed in earlier communications, the Claim Filing Deadline for the Alcon and JJVCI Settlements is **August 22, 2022**.

If you purchased certain disposable contact lenses for your own use from June 1, 2013, to December 4, 2018, this litigation and two class action settlements could affect your rights. Two class action settlements have been reached with Alcon Vision LLC f/k/a Alcon Laboratories, Inc. ("Alcon") and Johnson & Johnson Vision Care, Inc. ("JJVCI"), or "Vistakon." The lawsuit alleges illegal minimum retail pricing policies by manufacturers called "Unilateral Pricing Policies," or "UPPs," for the distribution and sale of certain disposable contact lenses. The safety and effectiveness of contact lenses are not at issue in this lawsuit. For comprehensive information about the claims, rulings, and events in the Action, visit the [Settlement Website](#). Defendants deny they did anything wrong. The Court has not decided who is right.

In 2019, notice was provided regarding settlements with Bausch & Lomb, Inc. ("B&L"); and Cooper Vision, Inc. ("CVI") and the certification of the Litigation Classes. In 2020, notice was provided regarding the settlement with ABB Optical Group LLC ("ABB"). Alcon and JJVCI have since each agreed to separate settlements. If you are a member of the Settlement Class(es), you can participate in the Alcon and JJVCI Settlements regardless of whether you participated in the ABB, B&L, and/or CVI Settlement(s).

You received this email because records indicate you may be a Settlement Class Member. The Alcon and JJVCI Settlement Class(es) include certain persons and entities residing in the United States who made retail purchases of disposable contact lenses subject to a UPP. For a list of the disposable contact lenses subject to a UPP and the dates of purchase included in the settlements, please visit the [Settlement Website](#).

How can I get a payment? The Alcon and JJVCI Settlements will establish Settlement Funds of \$20 million and \$55 million, respectively. If you already submitted a timely and valid claim for the ABB, B&L, and/or CVI Settlements, you do not need to submit another claim. You will automatically be included in the Alcon and JJVCI Settlements. If you did not submit a claim in the earlier settlements, you must submit a claim for the Alcon and JJVCI Settlements in order to receive compensation. You can file a claim at the website [here](#). The deadline to file a claim is **August 22, 2022**. You will not be able to share in the previous settlements if you did not submit a timely and valid Proof of Claim in those settlements. The Net Settlement Funds will be distributed once the Court grants final approval and the settlements become final. After the Court grants Final Approval, if your Claim Form submitted for any of the Settlements is determined to be complete and valid, you will receive an email (at the email address you provided on the Claim Form) prompting you to select how you would like to be paid. You can receive your payment via a variety of digital options such as digital debit card or PayPal, or

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you can elect to receive a check. If you do not respond to select how you would like to be paid, a physical check will be mailed to you at your mailing address on file. Please be patient.

Your other options. If you do not want to be legally bound by the settlements you must exclude yourself by **August 22, 2022**. You may object to the settlements by **August 22, 2022**. The Detailed Notice available on the website explains how to exclude yourself or object. The Court has yet to set a date and time for the fairness hearing on final approval of the settlement and any other motions for fees and costs. As soon as the Court schedules the fairness hearing, the website will be updated with the date, time, location, and means of attendance. You may appear at the hearing, yourself or through an attorney you hire, but you don't have to. For more information, call toll-free 1-877-253-3649 or visit www.ContactLensSettlement.com.

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