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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 99-MDL-1317 - SEITZ/KLEIN

NIGHT BOX
FILED

APR - 5 2005



CLARENCE MADDOX
CLERK, USDC / SDFL / MIA

IN RE TERAZOSIN HYDROCHLORIDE
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

*Louisiana Wholesale Drug Co., Inc. v. Abbott
Laboratories, et al.*

S.D. Fla. Case No. 98-3125

Valley Drug Co. v. Abbott Laboratories, et al.

S.D. Fla. Case No. 99-7143

**SHERMAN ACT CLASS PLAINTIFFS' MOTION FOR APPROVAL
OF THE PLAN OF ALLOCATION AND SUPPORTING MEMORANDUM**

In accordance with the Notice of Proposed Settlement of Class Action, Class Counsel's Motion for Attorneys' Fees, and Hearing Regarding Settlement, Louisiana Wholesale Drug Company, Inc. and Valley Drug Company ("Plaintiffs"), as representatives of the certified Sherman Act Class, hereby respectfully move the Court to adopt and approve the plan of allocation ("Plan of Allocation"), and state as follows in support:

1. As set forth more fully in the Plan of Allocation filed on this date, Plaintiffs propose to allocate the settlement funds in the above-captioned case, net of Court approved attorneys' fees, incentive awards, and expenses ("Net Settlement Fund"), in proportion to the overcharge damages incurred by each Class member due to defendants' alleged conduct in restraint of trade.

2. The Plan of Allocation provides a fair and reasonable method of calculating Class member overcharge damages based on each Class member's purchases of brand-name and/or generic terazosin hydrochloride in conformance with a modified version of Plaintiffs' expert economist's



aggregate damage calculation methodology. See Declaration of Jeffrey J. Leitzinger, Ph.D., dated April 5, 2005, filed in support of the Plan of Allocation and final approval of the class action settlement (“Leitzinger Declaration”).

3. “As with settlement agreements, courts consider whether distribution plans are fair, reasonable, and adequate.” *In re Lorazepam & Clorazepate Antitrust Litig.*, 205 F.R.D. 369, 381 (D. D.C. 2002). “A plan of distribution is [] sufficient where, as here, there is ‘a rough correlation’ between the settlement distribution and the relative amounts of damages recoverable by Class Members.” *In re Lorazepam & Clorazepate Antitrust Litig.*, MDL No. 1290, Civ. No. 99-0790, 2003 U.S. Dist. LEXIS 12344, at *23 (D. D.C.) June 16, 2003) (quoting *In re Chicken Antitrust Litig.*, 669 F.2d 228, 240 (5th Cir. 1982)). As set out in the Plan of Allocation and the Leitzinger Declaration, Plaintiffs’ proposed allocation plan provides a fair, reasonable, and efficient method for determining each Class member’s *pro-rata* share of the Net Settlement Fund.

4. The Plan of Allocation describes: (1) the method of calculating each Class member’s overcharge damages and *pro-rata* share of the Net Settlement Fund; (2) the contents and method of disseminating a Claims Notice form; (3) the manner in which claims will be initially reviewed and processed; (4) the method of notifying Class members of the amount that each Class member will receive from the Net Settlement Fund (“Notice of Class Member Distribution Amount”); and, (5) the process for handling and resolving challenged claims.

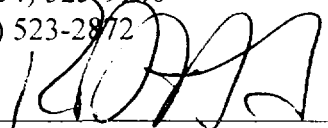
5. The Plan of Allocation also includes the deadlines for completing the following tasks related to distributing each Class member’s *pro-rata* share of the Net Settlement Fund: (1) preparation and dissemination of the Claims Notice form; (2) receipt by Settlement Administrator of completed Claims Notice form and supporting documentation; (3) curing deficiencies in any Claims

Notice form or supporting documentation submitted by Class members; (4) disseminating the Notice of Class Member Distribution Amount; and, (5) challenging and resolving disputes over the Settlement Administrator's determination of each Class member's distribution amount.

Wherefore Sherman Act Class Plaintiffs respectfully move for adoption and approval of the Plan of Allocation.

Respectfully submitted,

BERGER SINGERMAN
350 East Las Olas Boulevard, Suite 1000
Fort Lauderdale, FL 33301
Phone: (954) 525-9900
Fax: (954) 523-2872

By: 

Mitchell W. Berger, Florida Bar No. 311340
mberger@bergersingerman.com
Rene D. Harrod, Florida Bar No. 627666
rharrod@bergersingerman.com

Executed with the Consent of:

Bruce E. Gerstein, Esq.
Barry Taus, Esq.
Co-Lead Counsel
Garwin Gerstein & Fisher, LLP
1501 Broadway
New York, New York 10036
Telephone: (212) 398-0055
Facsimile: (212) 764-6620
E-Mail: Btaus@garwingerstein.com

Richard B. Drubel, Esq.
Co-Lead Counsel
Boies, Schiller & Flexner LLP
26 South Main Street
Hanover, New Hampshire 03755
Telephone: (603) 643-9090
Facsimile: (603) 643-9010
E-mail: rdrubel@boies-schiller.com

Daniel Berger, Esq.
David Sorensen, Esq.
Eric Cramer, Esq.
Executive Committee
Berger & Montague, P.C.
1622 Locust Street
Philadelphia, Pennsylvania 19103-6365
Telephone: (215) 875-3000
Facsimile: (215) 875-4671
E-mail: danberger@bm.net

Aubrey Calvin, Esq.
Executive Committee
Neils Esperson Building
Suite 2300
808 Travis Street
P.O. Box 61586
Houston, TX 77002-1586
Telephone: (713) 224-5771
Facsimile: (713) 225-0038
E-mail: acalvin@crvlaw.com

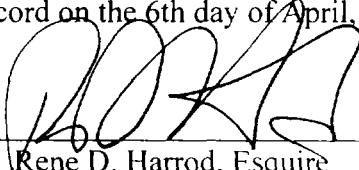
J. Gregory Odom, Esq.
Stuart Des Roches, Esq.
Odom & Des Roches, LLP
Suite 2020, Poydras Center
650 Poydras Street
New Orleans, LA 70130
Tel: (504) 522-0077
Fax: (504) 522-0078
E-mail: Stuart@ordlaw.com

David P. Smith, Esq.
Percy, Smith & Foote LLP
P.O. Box 1632
720 Murray Street
Alexandria, Louisiana 71309-1632
Tel: (318) 445-4480
Fax: (318) 487-1741
E-mail: DPSmith@PSFG-law.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail and Electronic Mail to all Counsel of Record on the 6th day of April, 2005.

By: _____


Rene D. Harrod, Esquire
Florida Bar No. 627666