

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: MCKINSEY & CO., INC.  
NATIONAL PRESCRIPTION OPIATE  
CONSULTANT LITIGATION

This Document Relates to:

ALL THIRD PARTY PAYOR ACTIONS

Case No. 3:21-md-02996-CRB (SK)

**SUPPLEMENTAL DECLARATION OF  
ERIC J. MILLER REGARDING  
DISSEMINATION OF NOTICE**

---

Judge: The Honorable Charles R. Breyer

1 I, Eric J. Miller, declare as follows:

2 1. I am the Senior Vice President of A.B. Data, Ltd.’s Class Action Administration  
3 Company (“A.B. Data”), whose corporate office is located in Milwaukee, Wisconsin. My business  
4 address is 5080 PGA Boulevard, Suite 209, Palm Beach Gardens, FL 33418, and my telephone  
5 number is 561-336-1801.

6 2. Pursuant to the Court’s Order Granting Preliminary Approval of Third Party Payor  
7 Class Action Settlement and Direction of Notice Under Federal Rule of Civil Procedure 23(e) (the  
8 “Preliminary Approval Order”), A.B. Data implemented the notice program approved by the Court.  
9 I submit this Declaration as a supplement to my earlier declaration, the Declaration of Eric J. Miller  
10 Regarding Dissemination of Notice, dated April 22, 2024 (ECF No. 706-2) (the “Initial Notice  
11 Declaration”). I have personal knowledge of the facts set forth herein and, if called as a witness,  
12 could and would testify competently thereto.

13 **TOLL-FREE HELPLINE AND SETTLEMENT WEBSITE**

14 3. A.B. Data continues to maintain a toll-free number (1-877-933-3322) and  
15 interactive voice response system and live operators, to accommodate potential TPP Class  
16 Members with questions about the case. A.B. Data also continues to maintain the settlement  
17 website, [McKinseyTPPSettlement.com](http://McKinseyTPPSettlement.com), to assist potential TPP Class Members. It includes general  
18 information regarding this Action, and the proposed Settlement, including the exclusion, objection  
19 and claim filing deadlines, and the date, time, and location of the Court’s Final Approval Hearing.  
20 Copies of the Notice of Class Action, the Third-Party Payor Claim Form, the Complaint, Settlement  
21 Agreement, Preliminary Approval Order, and other relevant documents are posted on the website  
22 and are available for downloading.

23 4. On April 23, 2024, A.B. Data posted to the website copies of the Third Party Payor  
24 Plaintiffs' Notice of Motion and Motion for Final Approval of Class Action Settlement, Attorneys'  
25 Fees and Expenses, and Class Representative Service Awards; Memorandum of Points and  
26 Authorities in Support (ECF No. 706), the Declaration of Paul J. Geller in Support of Third Party  
27 Payor Plaintiffs' Motion for Final Approval of Class Action Settlement, Attorneys' Fees and  
28

1 Expenses, and Class Representative Service Awards (ECF No. 706-1), and the Declaration of Eric  
2 J. Miller Regarding Dissemination of Notice (ECF No. 706-2).

3 5. Through June 20, 2024, A.B. Data has received 39 calls to the toll-free number, 46  
4 emails to the case email address, and 3,238 visitors to the website. A.B. Data will continue  
5 maintaining and, as appropriate, updating the website and toll-free telephone number until the  
6 conclusion of the administration.

7 **REPORT ON OBJECTIONS AND REQUESTS FOR EXCLUSION**

8 6. The Notice informed TPP Class Members that any objections to the Settlement or  
9 requests for exclusion are to be submitted on or before June 1, 2024. As of the date of this  
10 Declaration, A.B. Data has not received or been made aware of any objections. As of the date of  
11 this Declaration, A.B. Data has received seven (7) requests for exclusion from the TPP Class. A  
12 report listing the entities requesting exclusion is attached as **Exhibit A**.

13 **REPORT ON UPFRONT PAYMENT REQUESTS**

14 7. The Notice informed TPP Class Members of their right to receive an Upfront  
15 Payment by providing written notice to the Notice and Claims Administrator within five (5) days  
16 of the expiration of the objection/opt-out deadline set by the Court. As of the date of this  
17 Declaration, A.B. Data has received 105 requests for Upfront Payment.

18 **CLAIM FILING DEADLINE EXTENSION**

19 8. At Class Counsel's instruction, A.B. Data extended the claim filing deadline from  
20 September 18, 2024 to December 15, 2024. On April 19, 2024, A.B. Data updated the Settlement  
21 Website and all documents to reflect the extension to the claim filing deadline. Based upon my  
22 experience in administering other TPP pharmaceutical settlements, A.B. Data anticipates that a  
23 large percentage of the TPPs will file claims closer to the December 15, 2024 filing deadline.

24  
25 I declare under penalty of perjury that the foregoing is true and correct.

26 Executed this 21st day of June 2024.

27  
28 

Eric J. Miller

# EXHIBIT A

***In re McKinsey & Co., Inc. National Prescription Opiate Consultant Litigation***  
**Case No. 21-md-02996-CRB (SK)**

**Exclusion Report**  
**June 21, 2024**

**Entity Name**

1. Donegal Mutual Insurance Company
2. Citation Oil & Gas Corp.
3. Koniag, Inc.'s
4. Argos USA
5. Accusoft Corporation
6. Henry Schein Inc's
7. Midway Dental Supply LLC