

If You Bought Menactra Directly from Sanofi Pasteur Inc. or a Subsidiary (Such as VaxServe, Inc.) Between March 1, 2010 and December 31, 2014,

This is Notice of a \$61.5 Million Class Action Settlement From Which You May Be Able to Benefit

This notice is authorized by the U.S. District Court, District of New Jersey to inform you about an agreement to settle a class action lawsuit that might affect you. Sanofi Pasteur Inc. ("Sanofi") has agreed to pay \$61,500,000 to settle a class action lawsuit brought by purchasers of Menactra, a quadrivalent meningococcal vaccine ("MCV4 Vaccine") produced by Sanofi. The lawsuit is known as *Castro, et al. v. Sanofi Pasteur Inc.*, No. 11-7178 (D.N.J.). The Court has appointed Berger & Montague, P.C. and Nussbaum Law Group, P.C. to represent the Class ("Class Counsel").

The lawsuit, brought by three pediatric physician practices ("Plaintiffs"), claimed that, through a series of contracts and other conduct, Sanofi effectively required certain healthcare providers to buy substantially all of their MCV4 Vaccines from Sanofi or risk paying much higher prices on Sanofi's entire portfolio of pediatric vaccines. The suit alleged that this conduct foreclosed the entry of a rival MCV4 Vaccine supplier (Novartis) and allowed Sanofi to maintain its monopoly power in the market for MCV4 Vaccines in violation of the federal antitrust laws. The lawsuit alleged that the claimed anticompetitive conduct resulted in artificially inflated prices for Sanofi's MCV4 Vaccine Menactra and the MCV4 Vaccine Menveo (now sold by GlaxoSmithKline). Sanofi denies these allegations.

Sanofi asserts that its contracts and conduct benefited healthcare providers by lowering prices for MCV4 Vaccines. It asserts that Novartis's entry was not foreclosed, but was in fact successful, and that Novartis was both profitable and a viable competitor to Sanofi for MCV4 Vaccines. Sanofi also denies that it and Novartis would each have lowered vaccine prices if not for the conduct alleged in the lawsuit. Plaintiffs dispute Sanofi's assertions and defenses.

The Court has not decided who is right because the parties have agreed to a settlement. On April 24, 2017, the Court gave preliminary approval to this settlement.

Are you included?

The Court decided that this should be a class action lawsuit on behalf of a "Class," or group of people and companies. Generally, you are included in the Class if you purchased Menactra directly from Sanofi or any of its divisions, subsidiaries, predecessors or affiliates, such as VaxServe, Inc., from March 1, 2010 through and including December 31, 2014. Healthcare providers such as physicians who purchased Menactra through membership in a physician buying group ("PBG") or group purchasing organization ("GPO"), health systems, and vaccine distributors/wholesalers are included.

The Class does not include: governmental entities, Sanofi, Sanofi's divisions, subsidiaries, predecessors, and affiliates, Kaiser Permanente and the Kaiser Foundation, or any entities buying Menactra solely under government-negotiated prices.

What Will Class Members Get from the Settlement?

Every Class Member that files a valid claim will get money from the \$61,500,000 Settlement Fund. Class Members who file a valid claim will receive their *pro rata* share of the Settlement Fund based on: (1) the Class Member's purchases of Menactra; (2) the total money available to pay all claims; (3) the total dollar value of all valid claims filed; and (4) the cost of settlement administration and notice, money awarded to the Class Representatives, and attorneys' fees and expenses as approved by the Court. Class Counsel will seek attorneys' fees not to exceed one-third of the Settlement Fund to compensate all of the lawyers and their law firms that have worked on the class action since it was filed in 2011. Class Counsel will also seek reimbursement of litigation expenses advanced on behalf of the Class, and up to \$100,000 for each of the three Class Representatives as service awards for their efforts on behalf of the Class. Class Counsel's request for attorneys' fees, expenses, and service awards will be on file with the Court, and available for review at www.MenactraAntitrustLitigationSettlement.com as of June 23, 2017.

How do I Ask for Payment?

To receive payment, Class Members must fill out a claim form. Claim forms have not yet been prepared. If the Court finally approves the settlement, and you do not exclude yourself from the Class, you will receive a claim form in the mail. Or you may ask for one at www.MenactraAntitrustLitigationSettlement.com, or call 1-866-216-0279.

What are your options?

Stay in the Class: To stay in the Class, you do not have to do anything now. If the Court grants final approval, you can file a Claim Form to ask for your *pro rata* share of the Settlement Fund. As part of doing so, you will be required to forgo any right to sue Sanofi relating to claims summarized below and described in the Settlement Agreement. You may register at www.MenactraAntitrustLitigationSettlement.com to be notified of updates in the settlement process, and learn how to submit a claim form.

Stay in the Class but Object to the Settlement: To stay in the Class but object to the settlement, you must file your written objection and any supporting materials with the Court **no later than July 10, 2017** and mail copies to Class Counsel and Sanofi's counsel. Your written objection must include the case caption, *Castro, et al. v. Sanofi Pasteur Inc.*, No. 11-7178 (D.N.J.), along with: (i) your name; (ii) your address; (iii) your phone number; (iv) a notice of intention to appear; (v) proof of membership in the Class; and (vi) the specific grounds for the objection and any reasons why you want to appear and be heard, as well as all documents and writings that you want the Court to consider. For more information on how to object, call 1-866-216-0279 or see www.MenactraAntitrustLitigationSettlement.com.

Get out of the Class: You can exclude yourself from the Class and maintain your right to sue Sanofi over the Claims (as defined in the Settlement Agreement) released as part of this Settlement. If you exclude yourself, you cannot get money from the Settlement Fund and you will not be bound by any judgments made in this litigation. To exclude yourself from the Class, you must send a letter to Menactra Antitrust Litigation Settlement, c/o Rust Consulting, Inc. – 5203, P.O. Box 2563, Faribault, MN 55021-9563 **postmarked no later than July 10, 2017**, that says you want to be excluded from the class in *Castro, et al. v. Sanofi Pasteur Inc.*, No. 11-7178 (D.N.J.). Include your name, address, telephone number, and signature.

What Happens if the Court Grants Final Approval of the Settlement?

Class Members who do not exclude themselves by the deadline are bound by the terms of the settlement whether or not they file a claim for payment. Class Members resolve and release all Claims against Sanofi for Conduct (as defined in the Settlement Agreement) that were, or could have been, alleged based on any factual predicate in the lawsuit, including but not limited to, Sanofi's pricing, sales, marketing, contracting, and contract enforcement relating to the sale of pediatric or adolescent vaccines. The vaccines included in the release are Menactra, Menomun, MenQuadTT (or any branded product derived therefrom), Pentacel, Quadacel, PR5i (or any branded product derived therefrom), Daptacel, Adacel, IPOL, ActHIB, Fluzone, Menveo, MenHibrix, Pediarix, Infanrix, Kinrix, Boostrix, and Hiberix. The complete release is set out beginning on page 8 of the Settlement Agreement, found at www.MenactraAntitrustLitigationSettlement.com.

The Court Hearing About this Settlement.

On October 3, 2017 at 10:00 am, the Court will hold a hearing to decide whether to approve the proposed settlement, Class Counsel's requests for attorneys' fees and expenses, and service awards for the Class Representatives. The hearing will take place at the United States District Court for the District of New Jersey, United States Post Office and Courthouse Building, Newark, NJ 07101. You do not have to attend the court hearing or hire an attorney, but you can if you want to, at your own cost.

Questions?

For more information about this case, you may call 1-866-216-0279, or visit www.MenactraAntitrustLitigationSettlement.com, or write to Menactra Antitrust Litigation Settlement, c/o Rust Consulting, Inc. – 5203, P.O. Box 2563, Faribault, MN 55021-9563.