

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS
HEALTH BENEFITS FUND; PIRELLI
ARMSTRONG RETIREE MEDICAL
BENEFITS TRUST; TEAMSTERS
HEALTH & WELFARE FUND OF
PHILADELPHIA AND VICINITY;
PHILADELPHIA FEDERATION OF
TEACHERS HEALTH AND WELFARE
FUND; DISTRICT COUNCIL 37,
AFSCME - HEALTH & SECURITY
PLAN; JUNE SWAN; BERNARD
GORTER; SHELLY CAMPBELL and
CONSTANCE JORDAN,
Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri
Corporation; and McKESSON
CORPORATION, a Delaware Corporation,
Defendants

Civil Action No. 1:05-CV-11148-PBS

**[PROPOSED] SUPPLEMENTAL ORDER GRANTING PRELIMINARY
APPROVAL OF THE MCKESSON SETTLEMENT**

WHEREAS, this matter has come before the Court pursuant to a Motion for a Supplemental order on Preliminary Approval of the McKesson Settlement;

WHEREAS, this Court previously entered an order on January 23, 2009, as modified by its amended order, dated March 5, granting preliminary approval of the

McKesson settlement, certifying the U&C Class for purposes of settlement only, directing notice to the class and scheduling a final approval hearing.

WHEREAS, the Court finds that the appointment of a Second Claims Administrator is warranted to process the high volumes of TPP data needed to identify members of the Co-payor Consumer Class and to administer their claims and that CASS is uniquely qualified to serve as Joint Claims Administrator with Rust Consulting.

WHEREAS, the Court finds that amending the long-form notice and claim form to TPP members would clarify their duties and provide better information about how to transfer sensitive data securely to the Claims Administrators.

WHEREAS, the Court approves of the subpoena plan outlined in the Plan of Allocation as a means of identifying members of the Cash Payor Class.

IT IS HEREBY ORDERED THAT:

1. The Court appoints CASS as the Joint Claims Administrator along with Rust Consulting, Inc.
2. The Court further directs the Claims Administrator to post the Amended Notice and Claim Form substantially in the form contained in Exhibit 2 on the settlement website within 2 days of the date of this order;
3. In order to provide direct payment of claims to members of the Cash Payor Settlement Class, Class Counsel are directed upon the Court's order granting final approval of the settlement to subpoena electronic purchase information from the ten (10) largest retail pharmacy providers. The information sought shall be strictly limited to

that required to facilitate notice and payment of settlement award and shall consist of the names, addresses and amounts paid. Further, this information shall be treated as confidential health information in compliance with applicable privacy regulations as well as the Court's October 11, 2006 protective order governing confidential health information. It shall be utilized by Class Counsel solely for the administration of this Settlement. As provided by the Court's protective order, the confidential information – and all copies of it – will be destroyed within sixty (60) days after the final resolution of this lawsuit.

SO ORDERED.

DATED: Boston, Massachusetts

This _____ day of _____, 2009

Patti B. Saris, Judge
United States District Court

06/26/2009

Judge Patti B. Saris: Electronic ORDER entered granting [785](#) Motion for a Supplemental Order on Preliminary Approval of the McKesson Settlement. (Patch, Christine) (Entered: 06/29/2009)