

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

NOTICE OF CERTIFIED LITIGATION CLASS ACTION

PLEASE READ THIS ENTIRE NOTICE CAREFULLY. A UNITED STATES FEDERAL COURT AUTHORIZED THIS NOTICE. YOUR RIGHTS MAY BE AFFECTED BY THE PROCEEDINGS IN THIS ACTION. THIS NOTICE ADVISES YOU OF YOUR RIGHTS AND OPTIONS WITH RESPECT TO THIS ACTION.

If you BOUGHT Amitiza directly from Takeda Pharmaceutical Company Limited or Takeda Pharmaceuticals U.S.A., Inc., your legal rights might be affected.

A federal court ordered this notice. This is not a solicitation from a lawyer. You are not being sued.

- The purpose of this notice is to alert you that a Court has certified a litigation class. The plaintiffs in the lawsuit claim that the defendants, Takeda Pharmaceutical Company Limited and Takeda Pharmaceuticals U.S.A., Inc. (Takeda), violated antitrust laws relating to the sale of the prescription drug Amitiza. Defendant Takeda has denied any wrongdoing.
- A Court has approved the lawsuit to proceed as a class action for all direct purchasers because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. The class (the Direct Purchaser Class or the Class) includes the following:

All persons and entities in the United States and its territories that directly purchased brand Amitiza and/or generic Amitiza in any form from Takeda or any generic Amitiza manufacturer other than Par, Dr. Reddy's or Sun, or their subsidiaries or affiliates, from the beginning of the period of delayed generic entry until January 2023. Excluded from the class are the defendants and their officers, directors, management, employees, parents, subsidiaries, and affiliates, all governmental entities, and R&S Northeast. This class definition also excludes entities that purchased only from Par because of this Court's ruling on the motion to dismiss that those purchasers do not have standing. *See In re Amitiza Antitrust Litig.*, No. 21-11057-RGS, 2022 WL 17968695, *4 (D. Mass. Dec. 27, 2022).

- The Court has not decided whether Takeda did anything wrong, and the case is scheduled for trial starting in April 2026. There is no money available now and no guarantee there will be. However, your rights are affected, and you have a choice to make now.
- This notice provides class members with a deadline of April 6, 2026 to exclude themselves from the class.

Your legal rights may be affected even if you do nothing. Please read this notice carefully.

YOUR LEGAL RIGHTS IN THIS LAWSUIT

DO NOTHING	If you are a member of the class, by doing nothing you will remain in the class and may be entitled to share in any recovery that might come from a trial or settlement. All the Court's orders will apply to you and legally bind you. You will give up any rights to sue Takeda on your own about the legal claims in this lawsuit.
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EXCLUDE YOURSELF FROM THE CLASS	You may choose to exclude yourself (<i>i.e.</i> , to opt out) from the class. If you decide to exclude yourself, you will not be bound by any decision in this lawsuit or entitled to any benefits that might be achieved through a trial or settlement. If you choose to exclude yourself, you keep any rights to sue Takeda on your own for the legal claims in this lawsuit. <i>See</i> Questions 9 and 10 below.
GET MORE INFORMATION	If you would like to receive more information about the case, you can (1) call or send questions to the notice administrator or lawyers identified in this notice; and/or (2) visit the case website at www.amitizadirectpurchasers.com .

THESE RIGHTS AND OPTIONS—AND THE DEADLINES TO EXERCISE THEM—ARE EXPLAINED IN THIS NOTICE.

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1. Why did I receive this notice?

This lawsuit has been “certified” as a Class Action. This means that the lawsuit meets the requirements for class actions and may proceed to trial. If you are included, you have a right to know

about your rights and options before the Court holds a trial to decide whether the claims being made against Takeda are correct. This notice explains all of these things.

Judge Myong J. Joun, of the United States District Court for the District of Massachusetts, is overseeing this class action. The lawsuit is known as *In re Amitiza Antitrust Litigation*, 21-11057-MJJ (D. Mass.). The people who filed the class action case are called the plaintiffs. The defendant in this lawsuit is Takeda.

Simply receiving a notice does not mean that you are a class member. Please confirm that you are a class member by reviewing the criteria in Question 5 below. You may also contact the notice administrator or lawyers in this case using the telephone numbers or addresses listed in Question 11 or 17 below.

2. What is the lawsuit about?

This antitrust action concerns Takeda’s delay of generic competition for the drug Amitiza (lubiprostone), which treats chronic idiopathic constipation (CIC), irritable bowel syndrome with constipation (IBS-C), and opioid-induced constipation. The plaintiffs allege that in September 2014, Takeda and its then-partner, Sucampo, colluded with generic drug manufacturer Par to delay entry and forestall competition of generic Amitiza using a reverse payment provision in the form of a profit split in a settlement agreement. Pursuant to the agreement, Par agreed to delay launching its generic product by more than five years and create a bottleneck for all other generics. In exchange, Par received a guarantee that, when it did enter the market, it would not face competition from a Takeda authorized generic.

Par could, at the agreed-upon entry date, choose either to (a) launch its own ANDA product or (b) market Takeda’s authorized generic—under either scenario erstwhile competitors would become “partners” engaged in a “profit share.” Par would take a cut of the monopoly profits and reap the benefits of a one-generic-only market through inflated prices. Selecting option (b), Par launched Takeda’s authorized generic in January 2021, and additional generics did not enter until January 2023, giving Par two years as the only generic on the market.

Takeda denies these allegations, including that the plaintiffs and/or class members are entitled to damages or other relief.

The Court or a jury has not decided whether the plaintiffs or Takeda are right or if Takeda’s conduct caused harm to the class. The lawyers for the plaintiffs will have to prove their claims in Court.

THIS NOTICE IS NOT AN EXPRESSION OF ANY OPINION BY THE COURT AS TO THE MERITS OF THE DIRECT PURCHASER CLASS’S CLAIMS AGAINST ANY DEFENDANT OR THE DEFENSES ASSERTED BY ANY DEFENDANT.

3. Why is this lawsuit a class action?

In a class-action lawsuit, one or more persons or entities called “class representatives” (here, KPH Healthcare Services, Inc., a/k/a Kinney Drugs, Inc.) sued on behalf of all others who have similar claims. Together, all these persons or entities make up the “class” and are called “class members.”

In a class-action lawsuit, one court and one case resolve the issues for all class members, except for those class members who exclude themselves (*i.e.*, “opt out”) from the class.

4. What is the current status of the lawsuit?

On September 19, 2025, the Court certified a litigation class and appointed the named plaintiff KPH Healthcare Services, Inc., a/k/a Kinney Drugs, Inc. to represent the class.

The case against Takeda is ongoing. The Court or a jury have not determined that the allegations against Takeda were proven. There is no guarantee that money or benefits will ever be obtained from Takeda. If there are, class members will be notified. The parties are currently preparing for trial scheduled for April 2026.

5. Am I part of the Class?

In allowing this lawsuit to proceed as a class action, the Court certified the following Class. **You are a member of the class if you meet this definition:**

All persons and entities in the United States and its territories that directly purchased brand Amitiza and/or generic Amitiza in any form from Takeda or any generic Amitiza manufacturer other than Par, Dr. Reddy's or Sun, or their subsidiaries or affiliates, from the beginning of the period of delayed generic entry until January 2023. Excluded from the class are the defendants and their officers, directors, management, employees, parents, subsidiaries, and affiliates, all governmental entities, and R&S Northeast.

If you are not sure whether you are included in the class or have questions about the settlements, you may contact the notice administrator or Lead Class Counsel at the telephone number, email address, or address listed in Question 17 below.

A copy of the Court's order certifying the class may be found at www.amitizadirectpurchasers.com.

6. What are the Plaintiffs asking for?

The plaintiffs seek to recover overcharges for purchases of branded Amitiza because complete generic entry was delayed by Takeda's anticompetitive conduct.

7. Is there any money available now?

No money or benefits are available now because the Court and/or jury has not yet decided whether Takeda did anything wrong, and the case is ongoing. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified on how to ask for a share.

8. What happens if I do nothing at all?

If you fit within the definition of the class and you do nothing, then you will remain in the class. You will keep the right to a share of any recovery that may come from a trial or settlement with Takeda in this litigation. You will not be able to start your own lawsuit against Takeda relating to the legal issues or claims in this case. All the Court's orders will apply to you and legally bind you. **If you wish to remain in the litigation class, you do not need to do anything at this time.**

9. What happens if I exclude myself?

If you exclude yourself from the class – also known as “opting-out” of the class – you will not get any money or benefits from this lawsuit even if the plaintiffs obtain them as a result of trial or from any settlement with Takeda. If you exclude yourself, you will not be legally bound by any of the Court’s orders as to the claims against Takeda in this class action or any judgment or release entered in this class action. You will keep your right to sue Takeda on your own about the claims in this lawsuit.

10. How do I ask the Court to exclude me from the class?

If you decide that you do not want to be part of the class, you may exclude yourself (*i.e.*, “opt out”) from the class. To exclude yourself, you must send a letter to the notice administrator stating that you want to exclude yourself from the class at:

Amitiza Exclusions
c/o RG2 Claims Administration LLC
P.O. Box 59479
Philadelphia, PA 19102-9479

Your email or letter must include (1) the full name of the entity, current mailing address, telephone number, and IRS employer identification number (EIN); (2) a statement that you want to be excluded from this class-action lawsuit (*e.g.*, “I hereby request that I be excluded from the class in *In re Amitiza Antitrust Litigation*); and (3) your signature. NOTE: You must personally sign the letter.

Your letter requesting exclusion must be postmarked (if mailed to the address above) or submitted (if sent by email) no later than **April 6, 2026**. This will be the only opportunity you have to exclude yourself from the class of which you otherwise would be a member.

To exclude yourself, you also must submit data (1) sufficient to establish Class membership, and (2) reflecting your purchases of Amitiza and lubiprostone between October 2016 until January 2023. You must also submit a copy of any relevant assignment of claims. Class members shall not be permitted to exclude other class members. Moreover, group or class-wide exclusions shall not be permitted. A request for exclusion must be submitted by each class member on an individual basis, and any request for exclusion by a purported authorized agent or representative of a class member must include proof of the representative’s legal authority and authorization to act and request exclusion on behalf of each class member they seek to opt out.

A separate exclusion request must be submitted by each class member electing to be excluded from the class. The notice alerts recipients that any member included in the class that does not submit a valid request for exclusion providing all necessary information will be a member of the class and bound by the orders of this Court and the outcome of the case.

If you exclude yourself from the class, you will not receive any benefits from any trial or settlement, you will not be legally bound by anything that happens in the lawsuit between the plaintiffs and Takeda, and you may be able to sue (or continue to sue) Takeda in the future about the legal issues in this case. If you exclude yourself from the class so that you can start, or continue, your own lawsuit against Takeda, you should talk to your own lawyer as soon as possible because, among other things, your claims will be subject to a statute of limitations, meaning your claims may expire if you do not take timely action.

Any dispute concerning whether your request to be excluded is valid will be resolved by the Court. You may retain your own counsel and be heard in any such dispute.

11. Do I have a lawyer in this case?

Yes. The Court has appointed the law firm listed below to represent you and the other class members. These lawyers are called “Lead Class Counsel.” Lead Class Counsel are experienced in handling similar cases against other companies. Lead Class Counsel are:

Thomas M. Sobol
Jessica R. MacAuley
Erin C. Burns
HAGENS BERMAN SOBOL SHAPIRO LLP
One Faneuil Hall Square, 5th Floor
Boston, MA 02109
Telephone: (617) 482-3700

You will not be personally charged for the services of these lawyers in litigating this case. If you want to be represented by another lawyer, you can hire one at your own expense.

12. Should I hire my own lawyer?

You do not need to hire your own lawyer because the lawyers appointed by the Court are working on your behalf. If you so desire, you may hire a lawyer and enter an appearance through your lawyer at your own expense.

13. How will the lawyers be paid?

If Lead Class Counsel achieves a recovery (money or benefits) for the class, the Court will be asked to approve reasonable fees for the lawyers who worked on the case and reimbursement for the litigation expenses they have advanced on behalf of the class. If the court grants Lead Class Counsel’s requests, fees and expenses would either be deducted from any money obtained for the class or paid separately by Takeda. Members of the class will not have to pay any attorneys’ fees or expenses.

14. How and when will the Court decide who is right?

Class counsel will have to prove the plaintiffs’ claims at a trial by jury. The jury trial has been scheduled by the Court for **April 13, 2026**. The trial will be held at the John Joseph Moakley U.S. Courthouse, located at 1 Courthouse Way, Boston, Massachusetts 02210. During the trial, the jury will hear evidence and decide whether the plaintiffs or Takeda are right about the claims in the lawsuit. There is no guarantee that the plaintiffs will win, or that the plaintiffs will get any money for the class. Any judgment will be binding on all class members who have not opted out, regardless of who wins.

15. Do I need to come to trial?

No, you do not need to attend the trial. Class counsel will present the case for the plaintiffs and the class, and counsel for Takeda will present the defenses. You and/or your own lawyer are welcome to attend the trial at your own expense.

16. Will I get money after the trial?

If the plaintiffs obtain money or benefits as a result of the trial or a settlement, you will be notified about how to participate. We do not know if or when this will occur or how long this will take.

17. Are more details available?

This notice is only a summary. More details are available at www.amitizadirectpurchasers.com. You also may contact the notice administrator, by mail at RG/2 Claims Administration LLC, P.O. Box 59479, Philadelphia, PA 19102-9479, by email at info@rg2claims.com, or by phone at 1-866-742-4955.

Complete copies of all public pleadings, Court rulings, and other filings are available for review by accessing the Court docket for this case, for a fee, through the Court's Case Management/Electronic Case Files (CM/ECF) system.

DATED: March 2, 2026

BY ORDER OF THE COURT
UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS, Myong J. Joun

PLEASE DO NOT CONTACT THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS CASE.