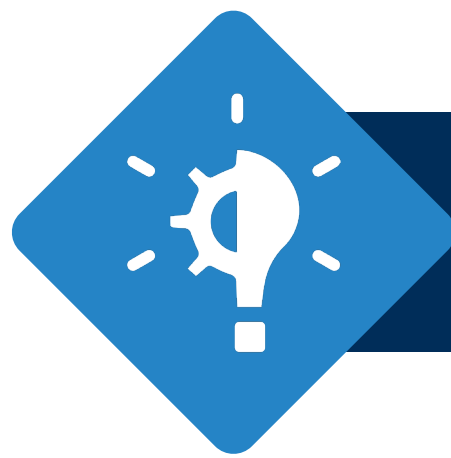




Insulin Price Fixing Litigation and Cost Recovery Program

Partnered with:





Pricing Scheme Litigation against Big Pharma

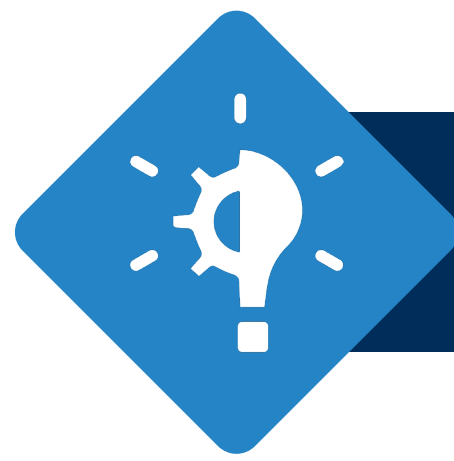
Napoli Shkolnik is leading the charge to ensure that self-insured governmental entities and private companies recover the burdensome cost of insulin products.

Throughout the United States, state Attorneys General, governmental entities, direct purchasers, end payors, class action plaintiffs and other private companies have been litigating a multidistrict litigation to seek relief due to massive price hikes implemented by pharmaceutical companies and others on these drugs.

This case is:

- MDL 3080, In re Insulin Pricing Litigation

Partnered with:



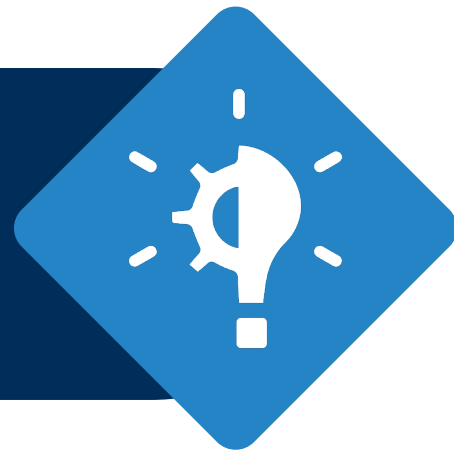
Pricing Scheme Litigation against Big Pharma

Overview

	MDL 3080, In re Insulin Pricing Litigation
<u>Nature of the Price Fixing Conspiracy</u>	Conspiracy on 19 Insulin Products
<u>Defendants</u>	3 Pharmaceutical Companies and 3 Pharmacy Benefit Managers
<u>Causes of Action</u>	RICO, Unfair and Deceptive Trade Practices, Breach of Contract, Unjust Enrichment, Injunction
<u>Relevant Period of Illicit Conduct</u>	2003–Present

Partnered with:

Insulin Pricing Scheme



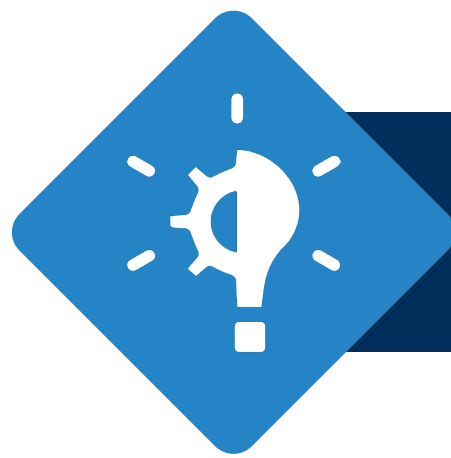
- Diabetes continues to be one of the leading causes of death in the United States. Insulin is a medication used by millions of Americans to regulate their blood sugar levels and manage this disease.
- Since 2003, it is likely that you have purchased insulin and other diabetic medication from the insulin manufacturers through pharmacy benefit managers (“PBMs”), paying exorbitantly high prices due to the insulin pricing scheme. It is well known that the price range for insulin today can range from \$300 to \$700, despite costing manufacturers as little as \$2 to produce.



Price Fixing on Insulin Products

- Since at least 2003, six large corporations have been able to successfully exploit the U.S. healthcare system through a conspiracy to intentionally hike insulin prices and line their pockets through kickback schemes and agreements.
- These companies include:
 - Three dominant insulin manufacturers – Eli Lilly, Novo Nordisk, and Sanofi.
 - Three major PBMs – Express Scripts, CVS Caremark and OptumRx.
- These deliberate actions placed an economic burden on self-funded health plans, impacting both their members and beneficiaries, while the manufacturers made billions, including Eli Lilly at \$22.4B and Sanofi at \$37B (2014-2018).

Partnered with:

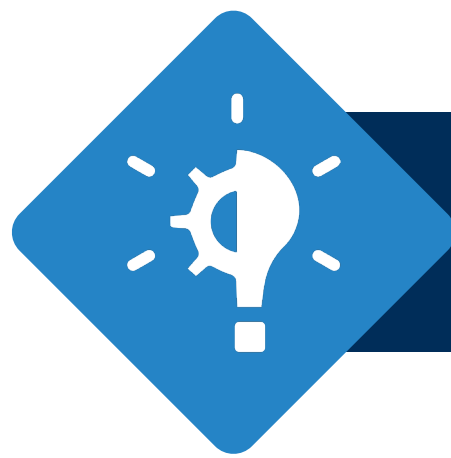


Price Fixing on Insulin Products

The insulin pricing scheme involved two unlawful practices.

- The PBMs sought substantial, undisclosed, and continually expanding "rebates" and payments for preferred formulary positions, causing higher costs for payors and plan members over the last two decades.
- The Manufacturers raised insulin prices in sync with larger rebates to secure valuable placement on the PBMs' standard formularies, despite decreased manufacturing expenses, and insulin's longstanding history and stable formulation.

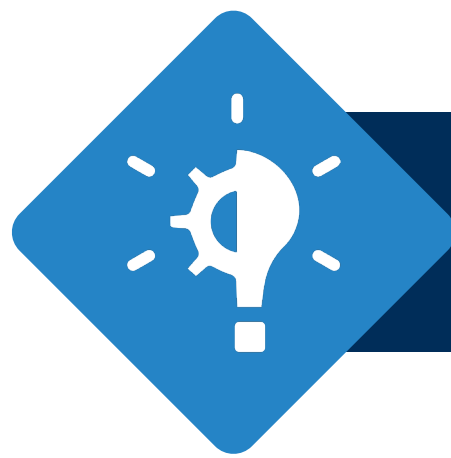
Partnered with:



Drugs At Issue (Insulin)

Eli Lilly	Novo Nordisk	Sanofi
Basaglar Humalog Humulin N Humulin R Humulin R 500 Humulin 70/30 Trulicity	Levemir Novolin N Novolin R Novolin 70/30 Novolog Ozempic Tresiba Victoza	Apidra Lantus Soliqua Toujeo

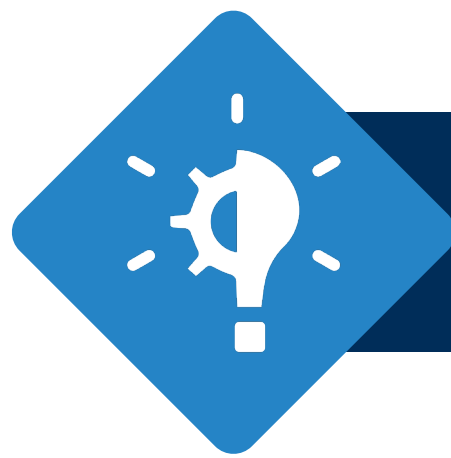
Partnered with:



Insulin – Recently Enacted Legislation

- Private entities and nonprofits such as the American Diabetes Association have advocated to make insulin affordable for the 8.4 million Americans who rely on it.
- Congress passed the 2022 Inflation Reduction Act to impose a \$35 cap per monthly prescription for Medicare enrollees. Had these caps been in effect in 2020, over \$761 MM could have been saved. Many states have also enacted legislation to place caps on insulin copayments for state regulated commercial health insurance plans and state employee health plans.
- Nevertheless, additional measures must be taken to recoup the staggering toll inflicted by two decades of tumultuous spikes in insulin prices, including civil litigation.

Partnered with:



Litigation Status

- The recently created MDL 3080, before Judge Brian Martinotti and Magistrate Judge Rukhsana I. Singh, is in the District Court for the District of New Jersey.
- Senior Partner Hunter J. Shkolnik was appointed to the Executive Committee for the Self -Funded Payer Track.
- The lawsuits allege violations of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), violations of state law regarding deceptive acts, false and misleading misrepresentations, breach of contract, unjust enrichment and injunction.

Partnered with:

Thank You

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