

**IN THE COURT OF COMMON PLEAS OF  
ALLEGHENY COUNTY, PENNSYLVANIA**

RAJESH PATEL, Individually and on Behalf of )  
All Others Similarly Situated, )

Plaintiff, )

v. )

VIATRIS, INC., PFIZER INC., )  
MICHAEL GOETTLER, SANJEEV NARULA, )  
BRYAN SUPRAN, )  
MARGARET M. MADDEN, )  
DOUGLAS E. GIORDANO, )  
ROBERT J. COURY, IAN READ, and )  
JAMES KILTS, )

Defendants. )

CIVIL DIVISION  
No. GD-21-13314

**PLAINTIFF’S UNOPPOSED MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT, CONDITIONAL  
CLASS CERTIFICATION, AND FOR  
AUTHORIZATION OF CLASS NOTICE**

CLASS ACTION

Filed on behalf of:

PLAINTIFF RAJESH PATEL

Counsel of Record for Plaintiff:

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*[Additional counsel appear on signature page]*

Plaintiff Rajesh Patel (“Plaintiff”) respectfully moves this Court for an order: 1) granting preliminary approval of the proposed Stipulation and Agreement of Settlement (“Stipulation” or “Stip.”), attached hereto as Exhibit 1, between himself on behalf of the proposed Settlement Class and defendants Viatris, Inc., Pfizer Inc., Michael Goettler, Sanjeev Narula, Bryan Supran, Margaret M. Madden, Douglas E. Giordano, Robert J. Coury, Ian Read, and James Kilts (collectively, “Defendants”); 2) conditionally certifying a class action for purposes of settlement; and 3) authorizing the dissemination of notice to the Class Members.<sup>1</sup> In support of his motion, Plaintiff states as follows:

1. Plaintiff initiated this case against Defendants on October 28, 2021.
2. After a removal procedure initiated by Defendants that was ultimately denied, Plaintiff filed the operative Amended Class Action Complaint on January 3, 2023, alleging that Defendants violated §§ 11, 12(a)(2), and 15 of the Securities Act of 1933 (“1933 Act” or “Securities Act”).
3. On March 17, 2023, Defendants filed preliminary objections to the Amended Complaint pursuant to Pennsylvania Rules of Civil Procedure 1028(a)(2), (a)(3), and (a)(4).
4. On June 2, 2023, Plaintiff filed his Memoranda in Opposition to Defendants’ Preliminary Objections to the Amended Class Action Complaint.
5. On July 14, 2023, Defendants filed their Reply Memoranda in support of their Preliminary Objections to the Amended Complaint.
6. On August 8, 2023, the Court held an approximately three-hour hearing on Defendants’ Preliminary Objections to the Amended Complaint.
7. On August 29, 2023, Defendant Pfizer Inc. filed its Supplemental Memorandum in Support of its Preliminary Objections to the Amended Complaint.

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<sup>1</sup> Unless otherwise indicated, capitalized terms shall have their meaning as defined in the Stipulation.

8. On September 6, 2023, Plaintiff filed his Supplemental Memorandum in Opposition to Defendants' Preliminary Objections to the Amended Class Action Complaint.

9. On September 28, 2023, Defendants filed their further supplemental briefs in Response to Plaintiff's Supplemental Opposition.

10. The Settlement benefits include Defendants' payment of \$16,000,000.00 in cash ("Settlement Fund") to be deposited into the Escrow Account to provide monetary relief to Settlement Class Members. As is customary in class actions that create a common fund, such as this one, the costs of administering the Settlement, as well as litigating the Action, will come from the Settlement Fund, including the costs of notice and claims administration, Plaintiff's attorneys' fees and costs, any taxes on interest earned by the Settlement Fund, and a service award to Plaintiff for his work here.

11. Plaintiff requests preliminary approval of the proposed Settlement on the grounds that it is a substantial and immediate recovery for the proposed class, falls within the range of reasonableness, compares favorably to other recent securities class action settlements, comes after the Parties were well-informed of the risks of further litigation, and resulted from arm's length negotiation under the auspices of a well-respected mediator with experience in similar actions.

12. Plaintiff requests approval of the Parties' proposed notice program, which contemplates individual notice to each Class Member to the extent possible via first-class U.S. mail. The Parties' proposed notices clearly inform Class Members of the terms of the Settlement, their rights to submit claims, opt out, or object to the settlement, and the dates by which they must act. The Parties will also cause the creation of a settlement website and toll-free phone number providing Class Members with comprehensive information about the settlement.

13. Plaintiff requests the approval of A.B. Data, Ltd. as the claims administrator to provide notice and administration services.

14. Plaintiff requests the approval of Huntington National Bank as escrow agent for the Settlement.

15. The Parties propose certification of a class for settlement purposes only, defined as all persons or entities who acquired shares of Viatrix, Inc. common stock in exchange for Mylan N.V. shares directly in the stock-for-stock exchange conducted pursuant to the offering materials issued in connection with the November 2020 merger of Mylan N.V. and Upjohn, Inc. to form Viatrix. Stip., ¶1.39.

16. Certification of the proposed Settlement Class is warranted under Pa. R. Civ. P. 1702, 1708, and 1709 because the proposed class meets the requirements of numerosity, commonality, typicality, and fair and adequate representation, and a class action is a fair and efficient method of adjudicating and fully resolving the claims raised in this action.

17. Plaintiff requests appointment of the undersigned counsel as Class Counsel.

18. Plaintiff additionally requests appointment of Plaintiff as representative of the Class.

19. In further support of his motion, Plaintiff refers the Court to his attached memorandum of law.

WHEREFORE, Plaintiff respectfully requests that the Court: 1) preliminary approve the proposed settlement agreement; 2) approve the proposed notice program.; and 3) conditionally certify the proposed settlement class.

Dated: January 18, 2024

Respectfully submitted,

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