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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Richard Di Donato, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

Insys Therapeutics, Inc.; Michael L. Babich;
Darryl S. Baker; and John N. Kapoor,

Defendants.

No. 16-cv-00302-NVW

CLASS ACTION

**EXHIBIT TO REPLY
MEMORANDUM OF POINTS
AND AUTHORITIES IN
FURTHER SUPPORT OF
(I) CLASS REPRESENTATIVE'S
MOTION FOR FINAL APPROVAL
OF SETTLEMENT WITH
DEFENDANT MICHAEL L.
BABICH AND PLAN OF
ALLOCATION; AND (II) CLASS
COUNSEL'S MOTION FOR
REIMBURSEMENT OF
LITIGATION EXPENSES IN
CONNECTION WITH THE
BABICH SETTLEMENT**

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Exhibit 1	Supplemental Declaration of Eric Schachter Regarding: (A) Mailing of Settlement Notices for Babich Settlement; (B) Updates to Website and Toll-Free Telephone Hotline; and (C) Report on Claims Received to Date
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EXHIBIT 1

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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Richard Di Donato, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

Insys Therapeutics, Inc.; Michael L. Babich;
Darryl S. Baker; and John N. Kapoor,

Defendants.

No. 16-cv-00302-NVW

CLASS ACTION

**SUPPLEMENTAL
DECLARATION OF ERIC
SCHACHTER REGARDING:
(A) MAILING OF SETTLEMENT
NOTICES FOR BABICH
SETTLEMENT; (B) UPDATES TO
WEBSITE AND TOLL-FREE
TELEPHONE HELPLINE; AND
(C) REPORT ON CLAIMS
RECEIVED TO DATE**

1 I, Eric Schachter, declare as follows:

2 1. I am a Vice President of A.B. Data, Ltd.’s Class Action Administration
3 Company (“A.B. Data”), whose Corporate Office is located in Milwaukee, Wisconsin. I
4 am over 21 years of age, and I am not a party to the above-captioned litigation
5 (“Action”).¹ I have personal knowledge of the facts set forth herein and, if called as a
6 witness, could and would testify competently thereto.

7 2. I submit this Declaration as a supplement to the previously filed Declaration
8 of Eric Schachter Regarding: (A) Mailing of Settlement Notices for Babich Settlement;
9 (B) Updates to Website and Toll-Free Telephone Helpline; (C) Posting of Settlement
10 Notice and Claim Form on Website; and (D) Publication of Summary Settlement Notice,
11 dated October 13, 2020 (Doc. 426-2) (“Initial Mailing Declaration”).

12 **CONTINUED DISSEMINATION OF SETTLEMENT NOTICES**
13 **FOR THE BABICH SETTLEMENT**

14 3. Since the time that I signed the Initial Mailing Declaration, A.B. Data has
15 mailed 4 additional Settlement Notices in response to requests from potential Class
16 Members and Nominees. Accordingly, as of November 10, 2020, A.B. Data has mailed a
17 total of 31,321 Settlement Postcard Notices and 4,212 Settlement Notices to potential
18 Class Members and Nominees. In addition, the Settlement Notice and Claim Form for the
19 Babich Settlement have been downloaded 123 times and 181 times from the website,
20 respectively.

21 4. To date, A.B. Data has also re-mailed 521 Postcard Settlement Notices to
22 persons whose original mailings were returned by the U.S. Postal Service as undeliverable
23 and for whom updated addresses were obtained through a third party vendor.

24 **UPDATES TO WEBSITE AND TOLL-FREE TELEPHONE HELPLINE**

25 5. A.B. Data continues to maintain a toll-free telephone number, (866) 905-
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27 ¹ Unless otherwise defined herein, all capitalized terms shall have the meanings set
28 forth in the Stipulation and Agreement of Settlement Between Lead Plaintiff and
Defendant Michael L. Babich, dated July 21, 2020 (Doc. 399-1).

1 8102, and dedicated website, www.InsysRXSecuritiesLitigation.com, for the Action. On
2 October 15, 2020, A.B. Data posted to the website copies of the papers filed in support
3 of Class Representative's motion for final approval of the Babich Settlement and approval
4 of the Plan of Allocation, and Class Counsel's motion for reimbursement of Litigation
5 Expenses. On November 10, 2020, A.B. Data posted to the website the Court's November
6 9, 2020 Order (Doc. 433), along with a notice on the home page of the website, informing
7 Class Members that the November 18, 2020 Settlement Fairness Hearing at 1:30 p.m. will
8 be held telephonically and advising of the telephone access information for participating
9 in the Settlement Fairness Hearing. A. B. Data will continue operating, maintaining and,
10 as appropriate, updating the website and toll-free telephone number until the conclusion
11 of the administration.

12 **REPORT ON CLAIMS RECEIVED TO DATE**

13 6. The Settlement notices and Claim Form informed Class Members that if
14 they wished to be potentially eligible to receive a distribution from the Settlement with
15 Defendant Babich they must submit a Claim Form to A.B. Data, with supporting
16 documentation, postmarked (if mailed), or received online, no later than November 7,
17 2020. The Settlement notices and Claim Form also informed Class Members that if they
18 already submitted a Claim Form in connection with the Settlement with Defendant Darryl
19 S. Baker and/or the Settlement with Defendant John N. Kapoor, they did not need to
20 resubmit their Claim Form and their previously submitted Claim Form would also be
21 processed for the Babich Settlement.


22 7. As of November 10, 2020, A.B. Data has received approximately 5,385
23 Claims² for the Settlements. Of the Claims received, approximately 4,910 Claims were
24 filed electronically and approximately 475 Claims were submitted by mail or via the
25 online Claim portal.

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27 ² This number is preliminary and subject to change, and is not intended to be
28 construed as a final timely Claim count.

1 8. Over the coming months, A.B. Data will be conducting a thorough review
2 of the Claims received for deficiencies, and providing claimants with an opportunity to
3 correct any such deficiencies. A.B. Data will also conduct thorough quality control and
4 quality assurance processes and perform fraud prevention reviews as part of its normal
5 claims processing procedures in order to ensure the validity and accuracy of the Claims.
6 In connection with Class Counsel’s motion for distribution of the Settlement proceeds to
7 be filed after A.B. Data has thoroughly reviewed the Claims received, A.B. Data will
8 provide the Court with the results of this administration, including the total number of
9 Claims received and the total losses represented by those Claims under the Plan of
10 Allocation.

11 I declare under penalty of perjury under the laws of the United States of America
12 that the foregoing is true and correct.

13 Executed this 11th day of November 2020.

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17 Eric Schachter
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