

July 25, 2019

WHITE & CASE

VIA EMAIL at kaw@wexlerwallace.com

Kenneth A. Wexler
Wexler Wallace LLP
Suite 3300
55 W. Monroe Street
Chicago, IL 60603

White & Case LLP
701 Thirteenth Street, NW
Washington, DC 20005-3807
T +1 202 626 3600

whitecase.com

**Re: *In re Asacol Antitrust Litigation:*
Rule 68 Offer of Judgment to Wisconsin Masons' Health Care Fund**

Dear Mr. Wexler:

Pursuant to Federal Rule of Civil Procedure 68, Defendants Allergan Inc., Allergan Sales, LLC., Allergan USA, Inc., Allergan, PLC, and Warner Chilcott Company, LLC (hereinafter, "Defendants") hereby offer to allow judgment to be entered against them in the matter *In re Asacol Antitrust Litigation*, No. 1:15-cv-12730 (D. Mass.) for all claims brought by Wisconsin Masons' Health Care Fund ("Wisconsin Masons"), for the lump sum of Eight Hundred and Six Thousand, Nine Hundred and Ninety-One Dollars (**\$806,991.00**), which includes all costs and attorneys' fees incurred to date attributable to Wisconsin Masons' claims.

This offer of judgment, if accepted, resolves all of Plaintiff Wisconsin Masons' claims for relief in this action, including, without limitation, any and all claims for compensatory damages, statutory damages, attorneys' fees, and costs of suit.

Defendants' Rule 68 offer of the sum of **\$806,991.00** has two components:

1. Wisconsin Masons' data indicates that at most its single damages are approximately \$1,942. Even trebling that and adding 20%—an amount Defendants do not believe Plaintiffs would obtain in this case—totals \$6,991.
2. Defendants are also offering \$800,000 in costs and attorneys' fees.

This offer of judgment is not to be construed as an admission of liability by Defendants but is made strictly for the purposes specified in Federal Rule of Civil Procedure 68 and is intended to compromise a disputed claim. The judgment offered herein shall have no effect whatsoever except in resolution of this case. This offer remains open for 14 days according to Rule 68; however, this offer will expire sooner at the time of, and in the event of, a ruling for Defendants on the pending summary judgment motion.

Sincerely,



Peter J. Carney
Partner

MINNESOTA OFFICE
CANADIAN PACIFIC PLAZA
120 S. 6TH ST., STE 2600
MINNEAPOLIS, MN 55402



CALIFORNIA OFFICE
600 B STREET
17TH FLOOR
SAN DIEGO, CA 92101

MICHELLE J. LOOBY
mlooby@gustafsongluek.com
TEL (612) 333-8844 • FAX (612) 339-6622
MINNESOTA OFFICE

August 1, 2019

VIA E-MAIL

Peter J. Carney
White & Case LLP
701 Thirteenth Street, NW
Washington, DC 20005-3807

Re: *In re Asacol Antitrust Litigation*

Dear Mr. Carney:

Please be advised that my client, Wisconsin Masons' Health Care Fund, has authorized me to accept your July 25, 2019, Fed. R. Civ. P. 68 Offer of Judgment and I intend to file your Rule 68 Offer and our acceptance with the Court.

Thank you for your attention to this matter.

Very truly yours,

GUSTAFSON GLUEK PLLC

A handwritten signature in blue ink that reads 'Michelle J. Looby'. The signature is written in a cursive style with a large, looping 'L' at the end.

Michelle J. Looby