

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

In Re: DISPOSABLE CONTACT LENS ANTITRUST LITIGATION	Case No. 3:15-md-2626-HES-JRK Judge Harvey E. Schlesinger Judge Virginia M. Hernandez Covington Magistrate Judge Laura L. Lambert
THIS DOCUMENT RELATES TO: All Class Actions	

PLAINTIFFS' NOTICE IN RESPONSE TO CLASS MEMBER INQUIRY

Plaintiffs understand that the Court received a call from a putative class member that wanted to make a claim but was unable to do so because they were receiving a “submit a claim is coming soon” message on the settlement website.

Plaintiffs, with the court-approved notice provider, Epiq, have investigated this issue and determined that a single link to the claim form included in the initial email notice directed class members to an incorrect webpage. All other links in the email notice worked correctly. *See Supp. Decl. of Cam Azari at ¶ 4* (attached hereto as Exhibit A). However, the claim form has been live on the settlement website (www.contactlenssettlement.com) since June 22, 2022 and can be accessed by navigating to the homepage of the settlement website (also included in the earlier email notice) and clicking the “Submit a Claim” link on the webpage header. *Id.* Indeed, as of today, more than 16,000 new claims have been made since the claim form was made available on June 22, 2022. *Id.*

In order to address the issue raised by this putative class member, Epiq has or will take the following corrective measures: (1) as of roughly 3pm Eastern on July 14, 2022, the incorrect link included in the earlier notice redirects to the live claim form; and (2) an additional email notice to

all potential class members who received the earlier email notice will be sent on July 21, 2022, notifying them of this issue and that they can still make a claim. *Id.* at ¶ 5. The supplemental notice will be disseminated at no additional cost to Plaintiffs or the Classes. *Id.* The supplemental notice is attached hereto as Exhibit B and will be posted on the settlement website on July 21, 2022. *Id.*

Potential claimants will have roughly thirty-two (32) days between the sending of this supplemental notice and the claim deadline to make claim, object, or opt-out. *Id.* at ¶ 6. Given this, Epiq believes that the current claim, objection, and opt-out deadline does not need to be extended in order for the notice program to comport with Rule 23 and due process. *Id.*

Plaintiffs and Epiq appreciate the Court bringing this issue to their attention and are available to discuss any questions or concerns the Court may have at the Court's convenience.

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Dated: July 15, 2022

Respectfully submitted,

/s/ Nathaniel C. Giddings

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CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2022, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List.

Dated: July 15, 2022

/s/ Nathaniel C. Giddings
Nathaniel C. Giddings

Exhibit A

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

In Re: DISPOSABLE CONTACT LENS ANTITRUST LITIGATION	Case No. 3:15-md-2626-HES-LLL Judge Harvey E. Schlesinger Judge Virginia M. Hernandez Covington Magistrate Judge Laura L. Lambert
THIS DOCUMENT RELATES TO: All Class Actions	

**DECLARATION OF CAMERON R. AZARI, ESQ. IN RESPONSE TO SETTLEMENT
CLASS MEMBER INQUIRY**

I, Cameron Azari, declare as follows:

1. My name is Cameron R. Azari, Esq. I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I have previously executed numerous declarations regarding notice for the Settlements in *In re Disposable Contact Lens Antitrust Litigation*. Most recently I executed my *Declaration of Cameron R. Azari, Esq. on Settlement Notice Plan*, on April 20, 2022, in which I provided details regarding the Notice Plan for the Alcon Laboratories, Inc. (“Alcon”) and Johnson & Johnson Vision Care, Inc. (“JJVC”) Settlements.

3. I understand that the Court received a call from a putative Settlement Class member in the matter who sought to make a claim through the Settlement website but was unable to do so because they received a “submit a claim is coming soon” message.

4. As soon as this was brought to our attention, Epiq investigated this issue and determined that a single link to the Claim Form included in the initial Email Notice directed Settlement Class members to an older version of the webpage. All other links in the Email Notice worked correctly and the Claim Form has been live on the Settlement website (www.ContactLensSettlement.com) since June 22, 2022. Since this date, the Claim Form could be accessed by navigating to the homepage of the Settlement website (via multiple links included in

the Email Notice) and by clicking the “Submit a Claim” link on the webpage header. As of July 15, 2022, more than 16,000 new claims have been made since the Claim Form was made available on the Settlement website on June 22, 2022.

5. Epiq sincerely regrets this error and in order to address the issue identified by this putative Settlement Class member, Epiq has taken, or will take the following corrective measures:

(1) As of approximately 3:00 pm Eastern on July 14, 2022, the incorrect link included in the previously sent Email Notice now correctly redirects to the live Claim Form on the Settlement website; and

(2) An additional Email Notice to all potential Settlement Class members who received the previous Email Notice will be sent on July 21, 2022, notifying them of this issue and reminding them that they can still file a Claim Form before the August 22, 2022, deadline. This Email Notice will be disseminated at no additional cost to Plaintiffs or the Classes. The new Email Notice will be posted on the Settlement website on July 21, 2022.

6. Settlement Class members will have roughly 32 days between the sending of this Email Notice and the claim filing deadline to make a claim, object, or opt-out of the Settlements. Given this, Epiq believes that the current claim, objection, and opt-out deadlines do not need to be extended for the Notice Program to comport with Rule 23 and due process requirements. We also expect this Email Notice will generate more claims than would have been received had only the initial Email Notice been sent.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 15, 2022, at Beaverton, Oregon.



Cameron R. Azari

Exhibit B

On May 9, 2022, the Court granted preliminary approval of Settlements with Johnson & Johnson Vision Care, Inc. ("JJVCI") and Alcon Vision, LLC ("Alcon").

A link in our most recent communication may have directed you to an out-of-date page on the website that indicated that online claim filing had not yet begun. The online claim form has been available since June 22nd through other links in the email you were sent, and through links posted prominently on the website homepage. We can confirm that the online claim form continues to be live and available [here](#).

As you were informed in earlier communications, the Claim Filing Deadline for the Alcon and JJVCI Settlements is **August 22, 2022**.

If you purchased certain disposable contact lenses for your own use from June 1, 2013, to December 4, 2018, this litigation and two class action settlements could affect your rights. Two class action settlements have been reached with Alcon Vision LLC f/k/a Alcon Laboratories, Inc. ("Alcon") and Johnson & Johnson Vision Care, Inc. ("JJVCI"), or "Vistakon." The lawsuit alleges illegal minimum retail pricing policies by manufacturers called "Unilateral Pricing Policies," or "UPPs," for the distribution and sale of certain disposable contact lenses. The safety and effectiveness of contact lenses are not at issue in this lawsuit. For comprehensive information about the claims, rulings, and events in the Action, visit the [Settlement Website](#). Defendants deny they did anything wrong. The Court has not decided who is right.

In 2019, notice was provided regarding settlements with Bausch & Lomb, Inc. ("B&L"); and Cooper Vision, Inc. ("CVI") and the certification of the Litigation Classes. In 2020, notice was provided regarding the settlement with ABB Optical Group LLC ("ABB"). Alcon and JJVCI have since each agreed to separate settlements. If you are a member of the Settlement Class(es), you can participate in the Alcon and JJVCI Settlements regardless of whether you participated in the ABB, B&L, and/or CVI Settlement(s).

You received this email because records indicate you may be a Settlement Class Member. The Alcon and JJVCI Settlement Class(es) include certain persons and entities residing in the United States who made retail purchases of disposable contact lenses subject to a UPP. For a list of the disposable contact lenses subject to a UPP and the dates of purchase included in the settlements, please visit the [Settlement Website](#).

How can I get a payment? The Alcon and JJVCI Settlements will establish Settlement Funds of \$20 million and \$55 million, respectively. If you already submitted a timely and valid claim for the ABB, B&L, and/or CVI Settlements, you do not need to submit another claim. You will automatically be included in the Alcon and JJVCI Settlements. If you did not submit a claim in the earlier settlements, you must submit a claim for the Alcon and JJVCI Settlements in order to receive compensation. You can file a claim at the website [here](#). The deadline to file a claim is **August 22, 2022**. You will not be able to share in the previous settlements if you did not submit a timely and valid Proof of Claim in those settlements. The Net Settlement Funds will be distributed once the Court grants final approval and the settlements become final. After the Court grants Final Approval, if your Claim Form submitted for any of the Settlements is

determined to be complete and valid, you will receive an email (at the email address you provided on the Claim Form) prompting you to select how you would like to be paid. You can receive your payment via a variety of digital options such as digital debit card or PayPal, or you can elect to receive a check. If you do not respond to select how you would like to be paid, a physical check will be mailed to you at your mailing address on file. Please be patient.

Your other options. If you do not want to be legally bound by the settlements you must exclude yourself by **August 22, 2022**. You may object to the settlements by **August 22, 2022**. The Detailed Notice available on the website explains how to exclude yourself or object. The Court has yet to set a date and time for the fairness hearing on final approval of the settlement and any other motions for fees and costs. As soon as the Court schedules the fairness hearing, the website will be updated with the date, time, location, and means of attendance. You may appear at the hearing, yourself or through an attorney you hire, but you don't have to. For more information, call toll-free 1-877-253-3649 or visit www.ContactLensSettlement.com.