

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

IN RE REMERON DIRECT PURCHASER ANTITRUST LITIGATION

Master Docket No. 03-CV-0085 (FSH)

THIS DOCUMENT RELATES TO:

ALL ACTIONS

SUMMARY NOTICE OF PROPOSED DIRECT PURCHASER  
CLASS ACTION SETTLEMENT AND HEARING REGARDING SETTLEMENT

THIS NOTICE MAY AFFECT YOUR LEGAL RIGHTS. PLEASE READ CAREFULLY.

**TO: ALL PERSONS OR ENTITIES (AND ASSIGNEES OF CLAIMS FROM SUCH PERSONS OR ENTITIES) WHO DIRECTLY PURCHASED REMERON® FROM DEFENDANTS ORGANON USA INC. OR AKZO NOBEL N.V. AT ANY TIME DURING THE PERIOD JANUARY 16, 2002 THROUGH AUGUST 24, 2005.**

Plaintiffs Louisiana Wholesale Drug Company, Inc. and Meijer, Inc. ("Plaintiffs"), on behalf of themselves and a proposed class of direct purchasers of the drug Remeron®, brought actions against defendants Organon USA Inc. and Akzo Nobel N.V. (collectively, "Defendants"), the manufacturers and marketers of Remeron®, alleging violations of federal antitrust laws. Plaintiffs claimed that, as a result, purchasers of brand-name Remeron® (also known by its chemical name mirtazapine) from Defendants have paid higher prices than they otherwise would have paid. Defendants have denied these charges.

A settlement has been reached providing for a payment by Defendants of \$75 million in full, complete and final settlement of this litigation. In light of this proposed settlement, the Court has ruled that this case may be maintained as a class action with a class (the "Class") defined as:

All persons or entities (and assignees of claims from such persons or entities) who directly purchased Remeron® from Defendants at any time during the period of January 16, 2002 through August 24, 2005, the date of the Settlement Agreement (the "Class Period").

Excluded from the Class are: (1) the defendants in this lawsuit, and their officers, directors, management and employees, subsidiaries and affiliates; (2) to the extent they would otherwise be in this Class, either as a direct purchaser or as an assignee of a direct purchaser, Walgreen Co., Eckerd Corporation, Albertson's, Inc., The Kroger Co., American Sales Company, Safeway, Inc., Hy-Vee, Inc., CVS Meridian, Inc., and Rite Aid Corporation, and their successors in interest, who initiated the actions styled CVS Meridian, Inc., et al. v. Organon, Inc., et al., No. 2:03-cv-05488-FSH-PS, and Walgreen Co., et al. v. Organon, Inc., et al., No. 2:03-cv-02221-FSH-PS, which have been dismissed with prejudice; and (3) to the extent they would otherwise be in this Class, either as a direct purchaser or as an assignee of a direct purchaser, the 50 states of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions and territories of the United States of America, who initiated the action styled State of Oregon et al. v. Organon USA Inc., et al., No. 2:04-cv-05126-FSH-PS, which has been dismissed with prejudice as of the date this Settlement becomes final in accordance with its terms.

A Fairness Hearing will be held on November 2, 2005, at 4:00 P.M., before the Honorable Faith S. Hochberg, United States District Judge, at the United States District Court for the District of New Jersey, Martin Luther King, Jr. Federal Building and United States Courthouse, 50 Walnut Street, Newark, New Jersey 07101-0999, for the purpose of considering: (1) the fairness, reasonableness and adequacy of the proposed settlement; (2) whether the Court should approve the proposed plan of allocation of the settlement fund among Class members; (3) whether the Court should approve awards of attorneys' fees and expenses to Class counsel as described in the settlement agreement; (4) whether incentive awards should be awarded to certain named plaintiffs; and (5) whether entry of a final judgment terminating this litigation, in the form submitted by the parties to the settlement agreement, should be entered. The Court may reschedule the hearing without notice.

Persons and entities that have been identified as possible members of the Class are being advised by mail of their rights with respect to this proposed settlement (including the right to exclude themselves from the settlement class and/or to appear at the Fairness Hearing if they so desire). If you are a member of the Class and did not receive the mailed notice, you may obtain a copy of the notice by sending a written request and providing your name and current address to the claims administrator at: In re Remeron Direct Purchaser Antitrust Litigation, c/o Berdon Claims Administration LLC, P.O. Box 9014, Jericho, NY 11753-8914. You will then be mailed a more detailed explanation of your rights in connection with this proposed settlement and be placed on the mailing list for future notifications regarding the proposed settlement. In addition, the settlement agreement and class counsel's application for an award of attorneys' fees (to be published October 12, 2005) will be made available on class counsel's websites: <http://www.garwingerstein.com> and <http://www.cmht.com>.

If you believe you are a member of the Class but have not received mail notice and you wish to either participate in the proposed settlement, object to the proposed settlement, exclude yourself from the Class and the proposed settlement, or receive any further notices to Class members in connection with this proposed settlement, you are advised to identify yourself to the claims administrator at the address and in the manner described above. Class members who wish to exclude themselves from the Class (and therefore wish not to participate in the proposed settlement) must mail a written request for exclusion which must be received by the claims administrator at the above address by no later than October 19, 2005. Class members that do not elect to exclude themselves from the Class and wish to comment in support of, or to object to, the proposed settlement, or the applications for fees and costs and for incentive awards, and/or to appear at the Fairness Hearing, must mail their comments or objections or their request to appear in writing to the Clerk of Court, at the above address, postmarked on or before October 26, 2005, with copies to counsel in this litigation, in compliance with the instructions and requirements set forth in the full notice.

Please do not contact the Court or the Clerk of this Court for information.

Date: August 30, 2005, Newark, New Jersey

Clerk of the Court  
United States District Court  
District of New Jersey