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ATTORNEY GENERAL CATHERINE CORTEZ MASTO SETTLES WITH DRUG MAKER BRISTOL-MYERS SQUIBB FOR VIOLATING COURT ORDERS

LAS VEGAS – Attorney General Catherine Cortez Masto announced a multi-state settlement with Bristol-Myers Squibb Company (“BMS”) resolving contentions that BMS violated court orders in two earlier antitrust lawsuits. In settling, BMS acknowledged its responsibility, agreed to pay \$1.1 million, and consented to court orders designed to avoid future misconduct.

“I am delighted to work with my colleagues throughout the United States to achieve these settlements for the benefit of our citizens,” Attorney General Cortez Masto said. “We are sending a message to all companies that we will not tolerate non-compliance with court orders or agreements made with the State of Nevada.”

In the two prior cases, BMS had settled States’ charges that BMS had unlawfully deprived consumers of cheaper generic versions of its drugs Buspar and Taxol. Among other relief, the court orders in those two cases required BMS to notify the States of patent litigation settlements with generic drug competitors, as well as provide them with yearly compliance reports.

In March 2006, BMS reached a settlement with generic drug manufacturer Apotex, Inc. in a patent infringement lawsuit involving BMS’ blockbuster drug, Plavix. The Plavix settlement triggered BMS’ notification obligations under the earlier court orders in the Buspar and Taxol cases, and was subject to States’ approval. According to the States, the Plavix settlement provided was inaccurate and incomplete, as were BMS’ 2007 and 2008 compliance reports, because they failed to disclose non-documented, “side” arrangements that a BMS official had made with Apotex. BMS’ failure to inform the States of the secret arrangements violated the Buspar and Taxol court orders.

As a result of the multi-state investigation, BMS acknowledged responsibility for making incomplete and false statements to the States, and agreed to pay \$1.1 million to all 50 states, the District of Columbia, and four U.S. territories. Nevada’s share of these

funds is approximately \$12,000. BMS further agreed to revised court orders extending its reporting obligations to the States, and establishing harsh monetary penalties for any future violations of the Buspar or Taxol court orders. In June 2007, BMS pled guilty to federal criminal charges relating to its conduct in notifying federal officials of the same settlement with Apotex.

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