

Dept. of Justice: AG Kaul joins coalition of 50 states in filing 3rd complaint in ongoing antitrust price-fixing investigation into generic drug industry

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Complaint Names 26 Corporate Defendants in Conspiracy to Fix Prices and Allocate Markets

MADISON, Wis. – Attorney General Kaul joined a coalition of 50 states led in [filing the third lawsuit](#) stemming from the ongoing antitrust investigation into a widespread conspiracy by generic drug manufacturers to artificially inflate and manipulate prices, reduce competition, and unreasonably restrain trade for generic drugs sold across the United States.

This new complaint, filed in the U.S. District Court for the District of Connecticut, focuses on 80 topical generic drugs that account for billions of dollars of sales in the United States and names 26 corporate Defendants. The lawsuit seeks damages, civil penalties, and actions by the court to restore competition to the generic drug market.

“Wisconsinites shouldn’t have to pay more for their medications because prices are artificially inflated, rather than the product of fair competition in the market,” said Attorney General Kaul. “The Wisconsin Department of Justice is continuing to take action to fight anti-competitive practices.”

The topical drugs at the center of the complaint include creams, gels, lotions,

ointments, shampoos, and solutions used to treat a variety of skin conditions, pain, and allergies.

The complaint stems from an ongoing investigation built on evidence from several cooperating witnesses at the core of the conspiracy, a massive document database of over 20 million documents, and a phone records database containing millions of call detail records and contact information for over 600 sales and pricing individuals in the generics industry. Among the records obtained by the States is a two-volume notebook containing the contemporaneous notes of one of the States' cooperators that memorialized his discussions during phone calls with competitors and internal company meetings over a period of several years.

Between 2007 and 2014, three generic drug manufacturers, Taro, Perrigo, and Fougera (now Sandoz) sold nearly two-thirds of all generic topical products dispensed in the United States. The multistate investigation has uncovered comprehensive, direct evidence of unlawful agreements to minimize competition and raise prices on dozens of topical products. The complaint alleges longstanding agreements among manufacturers to ensure a "fair share" of the market for each competitor, and to prevent "price erosion" due to competition.

The complaint is the third to be filed in an ongoing, expanding investigation that the Connecticut Office of the Attorney General has referred to as possibly the largest domestic corporate cartel case in the history of the United States. [The first complaint](#), still pending in the U.S. District Court in the Eastern District of Pennsylvania, was filed in 2016 and now includes 18 corporate Defendants, two individual Defendants, and 15 generic drugs. Two former executives from Heritage Pharmaceuticals, Jeffery Glazer and Jason Malek, have entered [into settlement agreements](#) and are cooperating with the Attorneys General working group in that case. The [second complaint](#), also pending in the U.S. District Court in the Eastern District of Pennsylvania, was filed in 2019 against Teva Pharmaceuticals and 19 of the nation's largest generic drug manufacturers. The complaint names 16 individual senior executive Defendants. The States are currently preparing for trial on that complaint.

Corporate Defendants:

1. Sandoz, Inc.
2. Actavis Holdco U.S., Inc.
3. Actavis Elizabeth LLC

4. Actavis Pharma, Inc.
5. Amneal Pharmaceuticals, Inc.
6. Amneal Pharmaceuticals, LLC
7. Aurobindo Pharma USA, Inc.
8. Bausch Health Americas, Inc.
9. Bausch Health, US LLC
10. Fougera Pharmaceuticals, Inc.
11. G&W Laboratories, Inc.
12. Glenmark Pharmaceuticals Inc., USA
13. Greenstone LLC
14. Lannett Company, Inc.
15. Lupin Pharmaceuticals, Inc.
16. Mallinckrodt Inc.
17. Mallinckrodt plc
18. Mallinckrodt LLC
19. Mylan Inc.
20. Mylan Pharmaceuticals Inc.
21. Perrigo New York, Inc.
22. Pfizer, Inc.
23. Sun Pharmaceutical Industries, Inc.
24. Taro Pharmaceuticals USA, Inc.
25. Teligent, Inc.
26. Wockhardt USA, LLC

Drugs listed in the complaint as subject to price-fixing and market allocation agreements:

1. Acetazolamide Tablets
2. Adapalene Cream
3. Alclometasone Dipropionate Cream
4. Alclometasone Dipropionate Ointment
5. Ammonium Lactate Cream
6. Ammonium Lactate Lotion
7. Betamethasone Dipropionate Cream
8. Betamethasone Dipropionate Lotion
9. Betamethasone Valerate Cream
10. Betamethasone Valerate Lotion
11. Betamethasone Valerate Ointment

12. Bromocriptine Mesylate Tablets
13. Calcipotriene Solution
14. Calcipotriene Betamethasone Dipropionate Ointment
15. Carbamazepine ER Tablets
16. Cefpodoxime Proxetil Oral Suspension
17. Cefpodoxime Proxetil Tablets
18. Ciclopirox Cream
19. Ciclopirox Shampoo
20. Ciclopirox Solution
21. Clindamycin Phosphate Cream
22. Clindamycin Phosphate Gel
23. Clindamycin Phosphate Lotion
24. Clindamycin Phosphate Solution
25. Clobetasol Propionate Cream
26. Clobetasol Propionate Emollient Cream
27. Clobetasol Propionate Gel
28. Clobetasol Propionate Ointment
29. Clobetasol Propionate Solution
30. Clotrimazole 1% Cream
31. Clotrimazole Betamethasone Dipropionate Cream
32. Clotrimazole Betamethasone Dipropionate Lotion
33. Desonide Cream
34. Desonide Lotion
35. Desonide Ointment
36. Desoximetasone Ointment
37. Econazole Nitrate Cream
38. Eplerenone Tablets
39. Erythromycin Base/Ethyl Alcohol Solution
40. Ethambutol HCL Tablets
41. Fluocinolone Acetonide Cream
42. Fluocinolone Acetonide Ointment
43. Fluocinonide .1% Cream
44. Fluocinonide Gel
45. Fluocinonide Ointment
46. Fluocinonide Solution
47. Fluticasone Propionate Lotion
48. Griseofulvin Microsize Tablets
49. Halobetasol Propionate Cream

50. Halobetasol Propionate Ointment
51. Hydrocortisone Acetate Suppositories
52. Hydrocortisone Valerate Cream
53. Imiquimod Cream
54. Ketoconazole Cream
55. Latanoprost Drops
56. Lidocaine Ointment
57. Methazolamide Tablets
58. Methylphenidate HCL Tablets
59. Methylphenidate HCL ER Tablets
60. Metronidazole Cream
61. Metronidazole .75% Gel
62. Metronidazole .1% Gel
63. Metronidazole Lotion
64. Mometasone Furoate Cream
65. Mometasone Furoate Ointment
66. Mometasone Furoate Solution
67. Nafcillin Sodium Injectable Vials
68. Nystatin Ointment
69. Nystatin Triamcinolone Cream
70. Nystatin Triamcinolone Ointment
71. Oxacillin Sodium Injectable Vials
72. Phenytoin Sodium ER Capsules
73. Pioglitazone HCL Metformin HCL Tablets
74. Prochlorperazine Maleate Suppositories
75. Promethazine HCL Suppositories
76. Tacrolimus Ointment
77. Terconazole Cream
78. Triamcinolone Acetonide Cream
79. Triamcinolone Acetonide Ointment
80. Triamcinolone Acetonide Paste

Attorney General Kaul joined the attorneys general of Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Territory of Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Northern Mariana Islands, Ohio, Oklahoma,

Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Utah, U.S. Virgin Islands, Vermont, Virginia, Washington, and West Virginia in filing the complaint.

<https://www.doj.state.wi.us/news-releases/ag-kaul-joins-coalition-50-states-filing-3rd-complaint-ongoing-antitrust-price-fixing>