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Via ECF

Hon. Katherine Polk Failla
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *In re: Chantix (Varenicline) Mktg., Sales Practices and Prods. Liab. Litigation*
(No. II), 22-MD-3050 (KPF), 22-mc-3050 (KPF) (S.D.N.Y.)

Dear Judge Failla:

Plaintiffs' Interim Lead Counsel and Defendant Pfizer Inc. write to advise the Court that in the process of preparing for the upcoming final approval hearing, the parties identified a scrivener's error in the final Class Action Settlement Agreement (ECF No. 131-1) that omitted the language of individuals excluded from the Settlement Class. A stipulation setting forth the omitted language is attached here as Exhibit 1. The inadvertently omitted language is contained in paragraph 1.30 and states: "The Settlement Class excludes (i) Pfizer and its officers, directors, managers, employees, subsidiaries, and affiliates; (ii) government agencies or governmental actors, including, without limitation, any state Attorney General office, other than government-funded employee benefit plans; (iii) counsel for the Parties in this action and their respective law firms; (iv) any judge to whom this action is assigned, along with his or her staff; and (v) all Persons who validly opt out of the Settlement Class in a timely manner." See Ex. 1 at 1.

The parties intended these exclusions to apply to the Settlement Class and have conducted the class notice and claims process to date in line with these exclusions. Indeed, the notice forms approved by the Court and disseminated to the Settlement Class informed the Settlement Class that Pfizer, government agencies, and any entity that validly opts out are excluded from the Settlement Class were excluded. See ECF No. 131-1 at 71, 83. Thus, this correction does not constitute a material change to the terms of the Settlement.

Counsel remain available to discuss at the Court's convenience.



Respectfully,

/s/ Loren H. Brown

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/s/ Joseph P. Guglielmo (with permission)

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cc: Counsel of Record (via ECF)