

Purdue Response to BCBS

Exhibit 4

UNITED STATES DISTRICT COURT

District of Massachusetts

UNITED STATES OF AMERICA

V.

SCHERING SALES CORPORATION

JUDGMENT IN A CRIMINAL CASE

(For Organizational Defendants)

CASE NUMBER: 1:06 CR 10250 - 001 - PBS

Brien T. O'Connor, Esq.

Defendant Organization's Attorney

Additional documents attached

THE DEFENDANT ORGANIZATION:

pleaded guilty to count(s) 1 of an Information

pleaded nolo contendere to count(s) _____
which was accepted by the court.

was found guilty on count(s) _____
after a plea of not guilty.

The organizational defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. Section 371	Conspiracy to Violate 18 U.S.C. Section 1001	8/31/2001	1

The defendant organization is sentenced as provided in pages 2 through 5 of this judgment.

The defendant organization has been found not guilty on count(s) _____

Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant organization must notify the United States attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's
Federal Employer I.D. No.: 22-3138814

1/17/2007
Date of Imposition of Judgment

Defendant Organization's Principal Business Address:
Kenilworth, NJ 07033

/s/ Patti B. Saris
Signature of Judge

The Honorable Patti B. Saris
Name of Judge

Judge, U.S. District Court
Title of Judge

1/24/2007
Date

Defendant Organization's Mailing Address:

same

DEFENDANT ORGANIZATION: **SCHERING SALES CORPORATION**
CASE NUMBER: **1: 06 CR 10250 - 001 - PBS**

STATEMENT OF REASONS

- The sentence is within the guideline range and the court finds no reason to depart from the sentence called for by the application of the guidelines.

OR

- The sentence departs from the guideline range:
- upon motion of the government, as a result of a defendant's substantial assistance, or
 - for the following specific reason(s):

RESTITUTION IS TO BE MADE TO THE FEDERAL GOVERNMENT.

THE CIVIL AGREEMENT PROVIDES FULL RESTITUTION TO THE UNITED STATES, MEDICAID, STATE ENTITIES, AND THE PUBLIC HEALTH SERVICE ENTITIES. THE FEDERAL GOVERNMENT PROVIDED NOTICE TO 300 PRIVATE THIRD PARTY PAYORS WHICH MIGHT BE VICTIMS OF THE DEFENDANT'S OFF-LABEL MARKETING SCHEME. APPROXIMATELY 40 SUBMITTED RESPONSES. UNFORTUNATELY, GIVEN THE VAGUENESS OF MANY OF THE VICTIM IMPACT STATEMENTS AND THE COMPLEXITY OF THE CLAIMS DATA, IT IS TOO DIFFICULT TO DISCERN WHICH THIRD PARTY PAYORS (IF ANY) WERE VICTIMS OR THE AMOUNT OF RESTITUTION THAT WOULD BE APPROPRIATE. OF INTEREST, MOST THIRD PARTY PAYORS STATED THAT THEY REIMBURSE FOR OFF LABEL PRESCRIPTIONS FOR CANCER DRUGS BECAUSE THEY ARE REQUIRED TO DO SO BY STATE LAW OR THEIR INTERNAL POLICIES. RESOLVING THE CLAIMS BY THIRD PARTY PAYOR VICTIMS WOULD PUT AN UNNECESSARY BURDEN ON THE SENTENCING PROCESS.