

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JAMES MARATTA,

Plaintiff,

Case No. _____

v.

DIPLOMAT PHARMACY, INC.,
BRIAN GRIFFIN, PHILIP R.
HAGERMAN, BENJAMIN WOLIN,
REGINA BENJAMIN, DAVID C.
DREYER, KENNETH KLEPPER, and
SHAWN C. TOMASELLO,

Defendants.

**COMPLAINT FOR VIOLATIONS
OF THE FEDERAL SECURITIES
LAWS**

JURY TRIAL DEMANDED

Plaintiff James Maratta (“Plaintiff”), by and through his undersigned counsel, for his complaint against defendants, alleges upon personal knowledge with respect to himself, and upon information and belief based upon, *inter alia*, the investigation of counsel as to all other allegations herein, as follows:

NATURE OF THE ACTION

1. Plaintiff brings this action against Diplomat Pharmacy, Inc. (“Diplomat” or the “Company”) and the members of its Board of Directors (the “Board” or the “Individual Defendants”) for their violations of Sections 14(d)(4),

14(e) and 20(a) of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. §§ 78n(d)(4), 78n(e), 78t(a), and U.S. Securities and Exchange Commission (“SEC”) Rule 14d-9, 17 C.F.R. §240.14d-9(d) (“Rule 14d-9”) arising out of their attempt to sell the Company to UnitedHealth Group Incorporated (“UnitedHealth” or “Parent”), through Parent’s subsidiary Denali Merger Sub, Inc. (“Purchaser”) (the “Proposed Transaction”).

2. On December 9, 2019, the Company announced it had entered into the Agreement and Plan of Merger (the “Merger Agreement”). Under the terms of the Merger Agreement, Diplomat stockholders will receive \$4.00 in cash per share of Diplomat common stock in a tender offer (the “Offer”). The Offer is scheduled to expire at 12:01 a.m., New York City time, on February 7, 2020.

3. On January 9, 2020, Diplomat filed a Schedule 14D-9 Solicitation/Recommendation Statement (the “Recommendation Statement”) with the SEC. The Recommendation Statement is materially deficient and misleading because, *inter alia*, it fails to disclose material information regarding: (i) the financial valuation analyses that support the fairness opinion provided by Foros Securities LLC (“Foros”); (ii) the background of the Proposed Transaction; and (iii) Company insiders’ potential conflicts of interest. Accordingly, without additional information the Recommendation Statement is materially misleading in violation of federal securities laws.

4. The expiration of the Offer is forthcoming. Under the Merger Agreement, following successful completion of the Offer, the Proposed Transaction will be consummated. For these reasons and as set forth in detail herein, Plaintiff seeks to enjoin the expiration of the Offer unless and until the material information discussed below is disclosed to the holders of the Company common stock, or, in the event the Proposed Transaction is consummated, to recover damages resulting from the defendants' violations of the Exchange Act.

JURISDICTION AND VENUE

5. This Court has jurisdiction over the claims asserted herein for violations of Sections 14(d)(4), 14(e) and 20(a) of the Exchange Act and SEC Rule 14d-9 promulgated thereunder pursuant to Section 27 of the Exchange Act, 15 U.S.C. § 78aa, and 28 U.S.C. § 1331 (federal question jurisdiction).

6. This Court has jurisdiction over the defendants because each defendant is either a corporation that conducts business in and maintains operations within this District, or is an individual with sufficient minimum contacts with this District so as to make the exercise of jurisdiction by this Court permissible under traditional notions of fair play and substantial justice.

7. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because Plaintiff's claims arose in this District, where a substantial portion of the actionable conduct took place, where most of the documents are electronically stored, and

where the evidence exists. Diplomat is incorporated in Michigan and headquartered in this District, rendering venue in this District appropriate. Moreover, each of the Individual Defendants, as Company officers or directors, either resides in this District or has extensive contacts within this District.

PARTIES

8. Plaintiff is, and has been at all times relevant hereto, a continuous stockholder of Diplomat.

9. Defendant Diplomat is a Michigan corporation with its principal executive offices located at 4100 S. Saginaw Street, Flint, Michigan 48507. Diplomat's common stock is traded on the New York Stock Exchange under the ticker symbol "DPLO."

10. Defendant Brian Griffin ("Griffin") has served as Chairman of the Board and the Company's Chief Executive Officer ("CEO") and a director since June 2018.

11. Defendant Philip R. Hagerman ("Hagerman") has served as the Chairman Emeritus since January 2018 and previously served as the Company's CEO, a director and Chairman of the Board since 1991.

12. Defendant Benjamin Wolin ("Wolin") has served as a director of the Company since 2015 and was appointed Independent Lead Director effective June 4, 2018, having previously served in this role from February 2017 to January 2018.

13. Defendant Regina Benjamin (“Benjamin”) has served as a director of the Company since April 7, 2017.

14. Defendant David C. Dreyer (“Dreyer”) has served as a director of the Company since September 15, 2014.

15. Defendant Kenneth Klepper (“Klepper”) has served as a director of the Company since December 16, 2014.

16. Defendant Shawn C. Tomasello (“Tomasello”) has served as a director of the Company since October 6, 2015.

17. Defendants identified in paragraphs 10 to 16 are collectively referred to herein as the “Board” or the “Individual Defendants.”

18. Relevant non-party UnitedHealth is a diversified health care company. UnitedHealth offers a broad spectrum of products and services through two distinct platforms: UnitedHealthcare, which provides health care coverage and benefits services; and Optum, which provides information and technology-enabled health services. UnitedHealth trades on the New York Stock Exchange under the ticker symbol “UNH.”

SUBSTANTIVE ALLEGATIONS

Company Background

19. Diplomat is the largest independent provider of specialty pharmacy and infusion services in the U.S. Diplomat is focused on improving the lives of patients

with complex chronic diseases while delivering unique solutions for manufacturers, hospitals, payers and providers. The Company's patient-centric approach positions it at the center of the healthcare continuum for the treatment of complex chronic diseases. Diplomat offers a broad range of innovative solutions to address the dispensing, delivery, dosing and reimbursement of clinically intensive, high-cost specialty drugs, and a wide range of applications and pharmacy benefit management services designed to help its customers reduce the cost and manage the complexity of their prescription drug programs.

20. Diplomat's comprehensive, patient-focused specialty pharmacy services ensure that patients receive a superior standard of care, including assistance with complicated medication therapies, refill processing, third-party funding support programs, side-effect management and adherence monitoring. Diplomat customizes solutions for each patient based on the patient's overall health, disease and family history, lifestyle and financial means.

21. On December 9, 2019, Diplomat issued a press release announcing the Proposed Transaction, which states:

EDEN PRAIRIE, Minn. and FLINT, Mich. (December 9, 2019) – OptumRx, the pharmacy care services business of Optum, and Diplomat, a provider of specialty pharmacy and infusion services, are combining. The agreement calls for the acquisition of Diplomat's outstanding common stock for \$4.00 per share through a cash tender offer and assumption of outstanding debt.

Diplomat brings expertise in managing specialty medications that treat patients with complex diseases, such as oncology and immunology, and provides specialized infusion therapies offered in convenient and clinically appropriate settings in all 50 states and Washington, D.C. The combination will support improved health outcomes and reduced prescription drug costs while helping lower the overall total cost of care.

“With its focus in specialty and infusion services, Diplomat has a proven track record of solving the unique challenges facing patients with complex health care needs,” said John Prince, chief executive officer of OptumRx. “This combination will expand the innovative specialty pharmacy and infusion solutions OptumRx can offer to the consumers and clients we serve, helping ensure people get the right medications and services at the right time, in the right setting.”

The transaction was unanimously approved by the Board of Directors of Diplomat.

“Our Board of Directors carefully considered a variety of strategic options and concluded that joining OptumRx is in the best interests of our shareholders, employees and the clients and patients we serve,” said Brian Griffin, chairman and chief executive officer of Diplomat.

“Since co-founding the company in 1975 with my father, I have had the honor of helping to transform Diplomat into a specialty pharmacy services leader,” said Diplomat co-founder and chairman emeritus Philip R. Hagerman, RPh. “This combination will create significant value for Diplomat’s specialty pharmacy consumers and clients, and I look forward to the combined companies’ future success.”

Mr. Hagerman and certain persons and entities affiliated with Mr. Hagerman own approximately 23% of the outstanding common stock of Diplomat, and have agreed to tender their shares in connection with the offer.

The Recommendation Statement Misleads Diplomat Stockholders by Omitting Material Information

28. On January 9, 2020, the Company filed the materially misleading and incomplete Recommendation Statement with the SEC. Designed to convince the Company's stockholders to tender their shares in the Offer, the Recommendation Statement is rendered misleading by the omission of critical information concerning the financial valuation analyses that support the fairness opinion provided by Foros, the background of the Proposed Transaction, and Company insiders' potential conflicts of interest.

Material Omissions Concerning Foros' Financial Analyses

29. The Recommendation Statement describes Foros' fairness opinion and the various valuation analyses performed in support of its opinion. However, the description of Foros' fairness opinion and analyses fails to include key inputs and assumptions underlying these analyses. Without this information, as described below, Diplomat's public stockholders are unable to fully understand these analyses and, thus, are unable to determine what weight, if any, to place on Foros' fairness opinion in determining whether to tender their shares in the Proposed Transaction.

30. With respect to Foros' *Discounted Cash Flow Analysis*, the Recommendation Statement fails to disclose: (i) the adjusted unlevered free cash flows of the Company during the terminal period; (ii) the terminal value of the Company; (iii) quantification of the inputs and assumptions underlying the discount rate of 10.5%; and (iv) the implied terminal multiples resulting from the analysis.

31. With respect to Foros' *Historical Trading Multiples Analysis*, the Recommendation Statement fails to disclose the Company's next twelve months Adjusted EBITDA and share based compensation, utilized by Foros in its analysis.

32. The omission of this information renders certain portions of the Recommendation Statement materially misleading, including, inter alia, the following section: "Opinion of Foros Securities LLC."

Material Omissions Concerning the Background of the Proposed Transaction

33. The Recommendation Statement omits material information regarding the background process leading to the Proposed Transaction.

34. The Recommendation Statement sets forth:

On April 29, 2019, the Board held a telephonic meeting . . . [and] directed Company management and Foros to contact a broad range of potential counterparties and allow the opportunity for those parties to make proposals with respect to a broad range of strategic alternatives in order to allow the Board to evaluate as many strategic alternatives as possible . . . Over the next two months, representatives of Foros and members of Company management had contact with 34 potential counterparties, including 17 potential strategic buyers and 17 financial sponsors, and Foros provided interested parties with a form of confidentiality agreement (or extension to a confidentiality agreement that had been executed with the Company in 2018), which was substantially similar to the form used in 2018. Following negotiations of such confidentiality agreements, 28 of those potential counterparties executed confidentiality agreements with the Company (or extensions thereof with respect to confidentiality agreements that had been executed with the Company in 2018).

Recommendation Statement at 20. Yet, the Recommendation Statement fails to disclose whether the form of confidentiality agreement, or extension of the 2018

confidentiality agreement, executed by 28 potential counterparties throughout 2019, includes “don’t-ask, don’t-waive” standstill provisions that are presently precluding any of these potential counterparties from submitting a topping bid for the Company.

35. The disclosure of the terms of these non-disclosure agreements is crucial to Diplomat stockholders being fully informed of whether their fiduciaries have put in place restrictive devices to foreclose a topping bid for the Company.

36. The omission of this information renders certain portions of the Recommendation Statement materially misleading, including, inter alia, the following section: “Background of the Transactions.”

Material Omissions Concerning Company Insiders’ Potential Conflicts of Interest

37. The Recommendation Statement omits material information regarding Company insiders’ potential conflicts of interest.

38. The Recommendation Statement fails to disclose the specific details of any employment and retention-related discussions and negotiations that occurred between Diplomat executive officers and OptumRx, Optum or UnitedHealth, including who participated in all such communications, when they occurred and their content. The Recommendation Statement further fails to disclose whether any of Parent’s proposals mentioned management retention.

39. Communications regarding post-transaction employment and merger-related benefits during the negotiation of the underlying transaction must be

disclosed to stockholders. This information is necessary for stockholders to understand potential conflicts of interest of management and the Board, as that information provides illumination concerning motivations that would prevent fiduciaries from acting solely in the best interests of the Company's stockholders.

40. The omission of this information renders certain portions of the Recommendation Statement materially misleading, including, inter alia, the following section: "Background of the Transactions."

41. Accordingly, Plaintiff seeks injunctive and other equitable relief to prevent the irreparable injury that Company stockholders will continue to suffer absent judicial intervention.

CLAIMS FOR RELIEF

COUNT I

Claims Against All Defendants for Violations of Section 14(d) of the Exchange Act and SEC Rule 14d-9

22. Plaintiff repeats all previous allegations as if set forth in full.

23. Defendants have caused the Recommendation Statement to be issued with the intention of soliciting Diplomat stockholders to tender their shares in the Offer.

24. Section 14(d)(4) of the Exchange Act and SEC Rule 14d-9 promulgated thereunder require full and complete disclosure in connection with tender offers.

25. The Recommendation Statement violates Section 14(d)(4) and Rule 14d-9 because it omits material facts, including those set forth above, which omission renders the Recommendation Statement false and/or misleading.

26. Defendants knowingly or with deliberate recklessness omitted the material information identified above from the Recommendation Statement, causing certain statements therein to be materially incomplete and therefore misleading. Indeed, while defendants undoubtedly had access to and/or reviewed the omitted material information in connection with approving the Proposed Transaction, they allowed it to be omitted from the Recommendation Statement, rendering certain portions of the Recommendation Statement materially incomplete and therefore misleading.

27. The misrepresentations and omissions in the Recommendation Statement are material to Plaintiff and the other stockholders of Diplomat, who will be deprived of their right to make an informed decision whether to tender their shares if such misrepresentations and omissions are not corrected prior to the expiration of the Offer. Plaintiff has no adequate remedy at law. Only through the exercise of this Court's equitable powers can Plaintiff be fully protected from the immediate and irreparable injury that defendants' actions threaten to inflict.

COUNT II

Claims Against All Defendants for Violations of Section 14(e) of the Exchange Act

28. Plaintiff repeats all previous allegations as if set forth in full.

29. Defendants violated Section 14(e) of the Exchange Act by issuing the Recommendation Statement in which they made untrue statements of material facts or failed to state all material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, or engaged in deceptive or manipulative acts or practices, in connection with the Offer.

30. Defendants knew that Plaintiff would rely upon their statements in the Recommendation Statement in determining whether to tender his shares pursuant to the Offer.

31. As a direct and proximate result of these defendants' unlawful course of conduct in violation of Section 14(e) of the Exchange Act, absent injunctive relief from the Court, Plaintiff has sustained and will continue to sustain irreparable injury by being denied the opportunity to make an informed decision in deciding whether or not to tender his shares.

COUNT III

Claims Against the Individual Defendants for Violation of Section 20(a) of the Exchange Act

32. Plaintiff repeats all previous allegations as if set forth in full.

33. The Individual Defendants acted as controlling persons of Diplomat within the meaning of Section 20(a) of the Exchange Act as alleged herein. By virtue of their positions as officers or directors of Diplomat and participation in or awareness of the Company's operations or intimate knowledge of the false statements contained in the Recommendation Statement filed with the SEC, they had the power to influence and control and did influence and control, directly or indirectly, the decision-making of the Company, including the content and dissemination of the various statements which Plaintiff contends are false and misleading.

34. Each of the Individual Defendants was provided with or had unlimited access to copies of the Recommendation Statement and other statements alleged by Plaintiff to be misleading prior to or shortly after these statements were issued and had the ability to prevent the issuance of the statements or cause the statements to be corrected.

35. In particular, each of the Individual Defendants had direct and supervisory involvement in the day-to-day operations of the Company, and, therefore, is presumed to have had the power to control or influence the particular transactions giving rise to the securities violations as alleged herein, and exercised the same. The Recommendation Statement at issue contains the unanimous recommendation of each of the Individual Defendants to approve the Proposed

Transaction. They were, thus, directly involved in the making of this document.

36. In addition, as the Recommendation Statement sets forth at length, and as described herein, the Individual Defendants were each involved in negotiating, reviewing, and approving the Proposed Transaction. The Recommendation Statement purports to describe the various issues and information that they reviewed and considered — descriptions which had input from the Individual Defendants.

37. By virtue of the foregoing, the Individual Defendants have violated section 20(a) of the Exchange Act.

38. Plaintiff has no adequate remedy at law. Only through the exercise of this Court's equitable powers can Plaintiff be fully protected from the immediate and irreparable injury that defendants' actions threaten to inflict.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment and preliminary and permanent relief, including injunctive relief, in his favor on behalf of Diplomat, and against defendants, as follows:

A. Preliminarily and permanently enjoining defendants and all persons acting in concert with them from proceeding with, consummating, or closing the Proposed Transaction;

B. In the event defendants consummate the Proposed Transaction, rescinding it and setting it aside or awarding rescissory damages to Plaintiff;

C. Directing the Individual Defendants to disseminate a Recommendation Statement that does not contain any untrue statements of material fact and that states all material facts required in it or necessary to make the statements contained therein not misleading;

D. Awarding Plaintiff the costs of this action, including reasonable allowance for Plaintiff's attorneys' and experts' fees; and

E. Granting such other and further relief as this Court may deem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all claims and issues so triable.

Dated: January 22, 2020

WEISSLAW LLP

/s/ Richard A. Acocelli

Richard A. Acocelli
1500 Broadway, 16th Floor
New York, New York 10036
Tel: (212) 682-3025
Fax: (212) 682-3010
Email: racocelli@weisslawllp.com

OF COUNSEL:

BRAGAR EAGEL & SQUIRE, P.C.

Alexandra B. Raymond
885 Third Avenue, Suite 3040
New York, New York 10022
Tel: (646) 860-9158
Fax: (212) 214-0506
Email: raymond@bespc.com

Attorneys for Plaintiff

Attorneys for Plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

JAMES MARATTA

(b) County of Residence of First Listed Plaintiff Saginaw County, MI (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DIPLOMAT PHARMACY, INC., BRIAN GRIFFIN, PHILIP R. HAGERMAN, BENJAMIN WOLIN, REGINA BENJAMIN, DAVID C. DREYER, KENNETH KLEPPER, and SHAWN C. TOMASELLO

DEFENDANTS

DIPLOMAT PHARMACY, INC., BRIAN GRIFFIN, PHILIP R. HAGERMAN, BENJAMIN WOLIN, REGINA BENJAMIN, DAVID C. DREYER, KENNETH KLEPPER, and SHAWN C. TOMASELLO

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes like 110 Insurance, 310 Airplane, 365 Personal Injury, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 U.S.C. §§ 78n(d)(4), 78n(e), 78t(a), and Rule 14d-9, 17 C.F.R. §240.14d-9(d)

Brief description of cause: Violations of the Federal Securities Laws

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE Hon. Paul D. Borman DOCKET NUMBER 2:20-cv-10107

DATE January 22, 2020 SIGNATURE OF ATTORNEY OF RECORD

s/ Richard A. Acocelli

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

Yes
 No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes
 No

If yes, give the following information:

Court: (Please see the attached Addendum) _____

Case No.: _____

Judge: _____

Notes :

ADDENDUM TO CIVIL COVER SHEET

- *Bushansky v. Diplomat Pharmacy, Inc., et al.*
Court: Eastern District of Michigan
Case No.: 2:20-cv-10107-PDB-DRG
Judge: Hon. Paul D. Borman
- *Scarantino v. Diplomat Pharmacy, Inc., et al.*
Court: District of Delaware
Case No.: 1:20-cv-00066-CFC
Judge: Colm F. Connolly
- *Prentice v. Diplomat Pharmacy, Inc., et al.*
Court: District of Delaware
Case No.: 1:20-cv-00068-CFC
Judge: Colm F. Connolly

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

JAMES MARATTA,

Plaintiff,

v.

DIPLOMAT PHARMACY, INC., BRIAN GRIFFIN,
PHILIP R. HAGERMAN, BENJAMIN WOLIN,
REGINA BENJAMIN, DAVID C. DREYER,
KENNETH KLEPPER, and SHAWN C. TOMASELLO,

Defendant.

Civil Action No.

Hon.

SUMMONS IN A CIVIL ACTION

To:

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff’s attorney, whose name and address are:

Richard A. Acocelli, Esq.
WEISSLAW LLP
1500 Broadway, 16th Fl.
New York, NY 10036

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DAVID J. WEAVER, CLERK OF COURT

By: _____
Signature of Clerk or Deputy Clerk

Date of Issuance: _____



Summons and Complaint Return of Service

Case No. _____

Hon. _____

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____
_____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

SUMMONS LIST OF DEFENDANTS RE: DIPLOMAT PHARMACY, INC.

1. DIPLOMAT PHARMACY, INC.
4100 Saginaw St.
Flint, MI 48507
2. BRIAN GRIFFIN
c/o DIPLOMAT PHARMACY, INC.
4100 Saginaw St.
Flint, MI 48507
3. PHILIP R. HAGERMAN
c/o DIPLOMAT PHARMACY, INC.
4100 Saginaw St.
Flint, MI 48507
4. BENJAMIN WOLIN
c/o DIPLOMAT PHARMACY, INC.
4100 Saginaw St.
Flint, MI 48507
5. REGINA BENJAMIN
c/o DIPLOMAT PHARMACY, INC.
4100 Saginaw St.
Flint, MI 48507
6. DAVID C. DREYER
c/o DIPLOMAT PHARMACY, INC.
4100 Saginaw St.
Flint, MI 48507
7. KENNETH KLEPPER
c/o DIPLOMAT PHARMACY, INC.
4100 Saginaw St.
Flint, MI 48507
8. SHAWN C. TOMASELLO
c/o DIPLOMAT PHARMACY, INC.
4100 Saginaw St.
Flint, MI 48507