

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

In re:

NEW ENGLAND COMPOUNDING
PHARMACY, INC.,

Debtor.

Chapter 11

Case No. 12-19882-HJB

**IMPORTANT NOTICE OF DEADLINE TO FILE CLAIMS AGAINST
NEW ENGLAND COMPOUNDING PHARMACY, INC.**

Personal Injury, Death, Distress or Other Claims Against
New England Compounding Pharmacy, Inc. Must Be Submitted
By January 15, 2014 at 4:00 p.m. (prevailing Eastern Time)

Please Read This Notice. You May Have A Claim.

- Claims must be submitted in accordance with the attached “Notice of Deadlines for Submitting Proofs of Claim and Claim Procedures” (“Instructions”).
- All forms required for submission of a claim are available at <http://www.donlinrecano.com/Cases/ProofOfClaim/necp>

On December 21, 2012, New England Compounding Pharmacy, Inc., d/b/a/New England Compounding Center (“NECC”), filed for bankruptcy protection in the United States Bankruptcy Court in Massachusetts. That case is being administered from the Court’s offices in Springfield, Massachusetts. NECC filed for bankruptcy as a result of potential claims against the company for production of allegedly contaminated products that resulted in death and injuries.

All claims, including claims for personal or economic injury, death, distress, or other claims that resulted from the use of any NECC drug must be submitted in accordance

with the attached Instructions by January 15, 2014 at 4:00 p.m. (prevailing Eastern Time) ("Bar Date").

If you do not submit a claim before the Bar Date, then you may never be able to recover from any person or entity (including health care providers) related in any way to the use of an NECC product. You must submit any and all claims against NECC you have before the Bar Date, even if you are not experiencing any symptoms currently or are not asserting claims due to alleged personal injuries.

Who is NECC and Why Did NECC File Bankruptcy?

- NECC was a compounding pharmacy. Compounding pharmacies are licensed to create medications tailored to the specialized needs of an individual patient. Ingredients are combined, mixed or altered by a pharmacist at the request of a physician.
- NECC made over 1,900 types of specialty drugs administered by medical personnel in 49 states, DC and Puerto Rico. The Massachusetts Department of Public Health and the U.S. Food and Drug Administration undertook an investigation of the NECC facilities. As a result of their findings, all of NECC's products were recalled. NECC surrendered its pharmacy license and shortly after filed a bankruptcy case in the District of Massachusetts.
- According to the Centers for Disease Control and Prevention ("CDC"), evidence indicates that an outbreak of fungal meningitis was traced to three lots of preservative-free methylprednisolone acetate ("MPA"), a steroid made by NECC ("Lots")¹. The CDC also found contamination in other NECC products.
- According to the CDC, as of September 6, 2013, 750 patients have developed fungal meningitis or other injuries, and 64 patients have died, as a result of receiving injections of contaminated MPA. Approximately 14,000 patients may have received contaminated injections of MPA. The injuries and costs associated with treatment, among other issues, may be the basis of a claim in the bankruptcy.

¹ The Lots are the following:

- Methylprednisolone Acetate (PF) 80 mg/ml Injection, Lot #05212012@68, BUD 11/17/2012
- Methylprednisolone Acetate (PF) 80 mg/ml Injection, Lot #06292012@26, BUD 12/26/2012
- Methylprednisolone Acetate (PF) 80 mg/ml Injection, Lot #08102012@51, BUD 2/6/2013

- You should contact your health care provider if you a) believe you may have been administered any NECC product, or b) have any medical questions about whether you have suffered any harm or injury due to any NECC product.

How were NECC products administered?

- NECC drugs were administered in clinics, hospitals, doctors' offices or other medical-related facilities.

Which NECC drugs are known by the CDC to have injured patients?

- The CDC advises that only MPA from the Lots has caused identifiable injuries and deaths to date.
- The CDC also found that other NECC drugs were contaminated. You should consult your health care provider if you believe you may have been injured by a different NECC drug.

What is MPA and why is it used?

- MPA is an anti-inflammatory steroid used to treat swelling from arthritis and other joint disorders as well as blood disorders, severe allergic reactions, certain cancers, eye conditions, skin/intestinal/kidney/lung diseases, immune system disorders, and non-penetrating spinal cord injuries.
- Paraspinal injections include, but are not limited to, spinal facet joint injection, sacroiliac joint injection, or spinal or paraspinal nerve root/ganglion block.

What symptoms or injuries resulted from the contamination?

Meningitis:

Fever, headache, stiff neck, nausea and vomiting, sensitivity to light, and altered mental status.

Stroke:

Altered mental status, visual disturbances, slurred speech, walking abnormalities, and weakness.

Localized Spinal Infections:

Infection and inflammation of the bone or bone marrow, abscess or other, in the spinal or paraspinal structures at or near the site of injection following epidural or paraspinal injection.

Peripheral Joint Infection and/or Inflammation:

Infection and inflammation of the bone or bone marrow or worsening inflammatory arthritis of a peripheral joint (e.g., knee, shoulder, or ankle) diagnosed following joint injection.

Symptoms: Headache, fever, nausea, and sensitivity to light, swelling, increasing pain, redness and/or warmth at injection site, visual changes, pain, redness or discharge from the eye, chest pain, fungal infections, altered mental state, or drainage from the surgical site (infection within the chest).

In some cases, you may not have symptoms. Or, you may have unexplained symptoms and not know the cause. You should contact your health care provider if you a) believe you may have been administered any NECC product, or b) have any medical questions about whether you have suffered any harm or injury due to any NECC product.

How would I find out if I was exposed to an NECC drug?

- The list of facilities that received certain contaminated NECC drugs is available at <http://www.cdc.gov/hai/outbreaks/meningitis-facilities-map.html>. If you find that you or family members were treated at one or more of these facilities, contact the facility and/or your doctor. It is also possible that you may have received an NECC drug from a facility not listed. Ask your doctor if any NECC drugs were used in your treatment.

Can I file a claim if I received an NECC product other than MPA from the Lots?

- Any person who suffered any injury from exposure to any NECC product or otherwise claims to have a right to payment of money from NECC may file a claim. See the section below under “Will I receive money if I file a claim?” for how questions about claim validity will be handled.

Who can file a claim?

- Individuals, or a guardian or on behalf of a minor.
- Family and beneficiaries of anyone who died or was injured as a result of exposure to an NECC product.
- Any person or family member who claims to have suffered any personal and non-personal injury or distress as a result of exposure to NECC products. This includes loss of spousal and parental relations due to injury or death as well as monetary claims.

What is the PITWD Addendum?

- The initials, PITWD, stand for “personal injury tort wrongful death”. The PITWD Addendum is a questionnaire you must complete to the best of your ability and submit with your Proof of Claim Form. The PITWD Addendum asks for information to help evaluate whether your claim is valid. It is important that you complete as much of the PITWD Addendum as you can and submit it, together with your proof of claim before January 15, 2014 at 4:00 p.m. (prevailing Eastern Time). This is the Bar Date by which all such claims must be filed.

Will my personal medical information in the PITWD Addendum be made public?

- It is intended that your answers to the questions in the PITWD Addendum will be kept confidential, and made available only to a limited number of people for limited purposes. The attached Instructions provide information about the steps the Court has ordered to keep your private medical information confidential.

Will I receive money if I file a claim?

- Not necessarily. Only valid claims, which in bankruptcy are called “allowed” claims, will be honored and paid. After the Bar Date, claims will be reviewed to ensure only valid claims are paid. Objections may be filed to claims if there are questions about the validity of such claims. You will receive notice, at the address you provide in your claim form, if an objection is filed to your claim.
- The Court will hold a hearing to determine whether to allow or disallow disputed claims. You will have an opportunity to appear and be heard by the Court at any such hearing. Your claim will be deemed allowed without further Court action if a) your claim is filed by the Bar Date, and b) no objection is filed to your claim.

Are there other companies or people that may be held accountable for my claim?

- Yes. It is possible that other companies or people may contribute to paying for the claims of those injured. They may include health care providers, companies that designed, installed and maintained NECC’s pharmacy and property, and companies involved in the production, sale, marketing, distribution, testing, administration and consulting related to NECC’s products, and the owners of NECC. These companies and people are called “**potentially responsible parties.**”

If I submit one claim will this cover claims I may have against these other potentially responsible parties?

- No. Submission of a claim covers ONLY claims against NECC. NECC's bankruptcy Trustee is attempting to negotiate settlements with other potentially responsible parties. He is trying to obtain monetary contributions from these parties in order to increase the amount of money distributed to holders of valid claims. It is not known at this time if some, all, or none of the other potentially responsible parties will be settling their potential financial responsibility within this bankruptcy procedure. It is possible that legal action will have to be undertaken against these potentially responsible parties individually, outside the bankruptcy procedure. You should consult with your attorney regarding your legal rights, if any, against potentially responsible parties.
- Submitting a claim in the bankruptcy keeps your legal rights only against NECC. If settlements with potentially responsible parties occur within the bankruptcy, then your rights against the potentially responsible parties who participate in the settlement also may be cut off and released through a bankruptcy plan approved by the court. The bankruptcy plan approved by the court is called a "Plan". You should consult with your attorney if you have any questions.

How do I submit a claim?

- The documents you need to submit with your claim are attached to this notice and/or are also available at:
<http://www.donlinrecano.com/Cases/ProofOfClaim/necp>
- All claims and completed PITWD Addenda must be received on or before January 15, 2014 at 4:00 p.m. (prevailing Eastern Time). The claims and completed PITWD Addenda should be submitted as follows:

If Proof of Claim is sent by mail, send to:

Donlin, Recano & Company, Inc.
Re: New England Compounding Pharmacy, Inc.
P.O. Box 2053
Murray Hill Station
New York, NY 10156

If Proof of Claim is sent by Overnight Courier or Hand Delivery, send to:

Donlin, Recano & Company, Inc.
Re: New England Compounding Pharmacy, Inc.
419 Park Avenue South, Suite 1206
New York, NY 10016

What happens if I don't submit a claim on time?

- If your claim is not submitted and received by the Bar Date, then you may be prevented from bringing a claim in the future against NECC and any settling potentially responsible party that contributes money to the bankruptcy plan. In that case, you may receive no money and may not be able to a) vote on any plan of reorganization, or b) bring your claims against NECC and any settling potentially responsible party that contributes money to the bankruptcy plan in the future. However, you will be bound by the terms of any plan of reorganization approved by the Court.

How do I get more information?

- This Notice provides only a summary of the bankruptcy proceedings and the strict deadline for filing of claims. Complete details and information are contained in the attached instructions titled "Notice of Deadlines For Submitting Claims and Claim Procedures," which you are encouraged to read carefully. You should consult a lawyer to fully understand the attached Instructions. Further information also is available at <http://www.donlinrecano.com/necp>
- **Please Do Not Call The Trustee Or The Court, As They Are Unable To Provide You With Legal Advice. Please Consult With Your Attorney If You Have Any Questions About Your Rights Or If You Want Any Other Legal Advice.**

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

In re:

NEW ENGLAND COMPOUNDING
PHARMACY, INC.,

Debtor.

Chapter 11

Case No. 12-19882-HJB

**NOTICE OF DEADLINES FOR SUBMITTING CLAIMS
AND CLAIM PROCEDURES**

This is an important legal notice about your rights regarding any claim you have or might have against New England Compounding Pharmacy, Inc. ("**NECC**").

Please read the entire notice completely as there are deadlines by which you need to act in order to preserve your claim(s).

This is an important notice. It concerns your rights about any harm that you may have suffered because of products compounded or distributed by NECC. **THE BANKRUPTCY COURT HAS SET A DEADLINE OF JANUARY 15, 2014 AT 4:00 P.M. (PREVAILING EASTERN TIME) TO SUBMIT ALL CLAIMS AGAINST NECC.** This deadline applies to you. Please read this notice and consider whether to submit a claim as described below, if you believe you were harmed.

Anyone who believes that he or she may have a claim against NECC should read the entire attached notice.

Each person who was exposed to a product of NECC, and anyone who believes he or she has a right to payment from NECC, may possibly have a claim. Your failure to submit a claim against NECC before January 15, 2014 at 4:00 p.m. (prevailing Eastern Time) may affect your rights against NECC and parties other than NECC.

By submitting a claim you are keeping your rights only against NECC. This claim does not keep your rights against any other parties, and the submission of this claim against NECC will not

relieve you from the need to meet any deadlines or other requirements to bring claims against any other party.

The chapter 11 trustee of NECC has established the following website with additional information: www.donlinrecano.com/necp Claim forms also are available at <http://www.donlinrecano.com/Cases/ProofOfClaim/necp>

If you have any questions regarding this notice, please contact an attorney.

Dated: September 27, 2013

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

**NOTICE: FURTHER INFORMATION AND LINKS
DIRECTING YOU TO A PAGE WITH COPIES OF
REQUIRED PROOF OF CLAIM FORMS AND THE PITWD
ADDENDUM ARE AVAILABLE AT:
www.donlinrecano.com/necp**

In re:

NEW ENGLAND COMPOUNDING
PHARMACY, INC.,

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Chapter 11

Case No. 12-19882-HJB

**NOTICE OF DEADLINES FOR SUBMITTING PROOFS OF
CLAIM AND CLAIM PROCEDURES**

On December 21, 2012 (the "Petition Date"), New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center ("NECC" or the "Debtor") filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code").

On January 18, 2013, the Office of the United States Trustee (the "UST") appointed a nine-member Official Committee of Unsecured Creditors (the "Committee").

On January 25, 2013, the Bankruptcy Court (as defined below) approved the appointment of Paul D. Moore as Chapter 11 Trustee of the Debtor (the "Trustee").

PLEASE TAKE NOTICE THAT on September 27, 2013, the United States Bankruptcy Court for the District of Massachusetts (the "Bankruptcy Court") entered an order (the "Bar Date Order") in the Debtor's Chapter 11 case establishing certain deadlines for submission of claims in the Debtor's Chapter 11 case as set forth below.

KEY DEFINITIONS

As used in this Notice, the term "Claim" shall mean, as to or against the Debtor, and in accordance with 11 U.S.C. § 101(5): (a) any right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured, or (b) any right to an equitable remedy for breach of performance if such breach gives right to payment, whether or not such right to an

equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.

As used in this Notice, the term “Governmental Unit” shall have the meaning attributed to it in 11 U.S.C. § 101(27) and includes the United States, states, commonwealths, districts, territories, municipalities, foreign states, or departments, agencies or instrumentalities of the foregoing.

As used in this Notice, the term “PITWD Addendum” shall mean the addendum titled “Confidential Personal Injury or Wrongful Death Claim Information Form,” enclosed herein or otherwise available on the website maintained in this case by Donlin Recano at <http://www.donlinrecano.com/Cases/ProofOfClaim/necp>

As used in this Notice, the term “PITWD Claim” shall mean a personal injury tort or wrongful death claim arising from exposure to NECC products.

As used in this Notice, the term “PITWD Claimant” shall mean a holder of a PITWD Claim.

THE DEADLINES (“BAR DATES”)

(a) Pursuant to the Bar Date Order, the Bankruptcy Court established **January 15, 2014 at 4:00 p.m. (prevailing Eastern Time)** as the deadline (the “General Bar Date”) for all entities, including Governmental Units, to file proofs of claim against the Debtor.

(b) The Bankruptcy Court approved certain requirements and procedures for PITWD Claims. Specifically, each PITWD Claimant must submit BOTH a proof of claim and a PITWD Addendum to Donlin, Recano & Company, Inc. (“DRC”), which PITWD Addendum will NOT be made available to the general public and will ONLY be made available to the Trustee, counsel for, but not individual members of, the Committee, lead counsel for, but not the members of, the Plaintiffs’ Steering Committee appointed in NECC’s multi-district litigation, and certain Permitted Parties (as set forth more fully below) and subject to protections to maintain confidentiality, limit access and safeguard data. DRC may make publicly available the PITWD Claimants’ proof of claim forms, but NOT the accompanying PITWD Addenda.

(c) The General Bar Date applies to all types of Claims against NECC that arose prior to December 21, 2012 (the “Petition Date”), including secured claims, unsecured priority claims and unsecured nonpriority claims.

(d) If the Trustee amends NECC’s Schedules after the date on which this Notice and the accompanying Bar Date Order is served (the “Service Date”) to change the amount, nature, classification or characterization of a debt owing to a creditor after the Service Date, the bar date for filing of proofs of claim on account of those affected Claims is on or before the later of: (a) the General Bar Date or (b) thirty (30) days from the date that notice of the amended Schedules is given to the holders of the Claims affected.

(e) Proofs of claim for Claims arising out of the entry of an Order approved by the Bankruptcy Court rejecting an executory contract and/or an unexpired lease of the Debtor pursuant to section 365 of the Bankruptcy Code (each, a “Rejection Order”) prior to the confirmation of a plan of reorganization in the Debtor’s Chapter 11 case, must be filed on or before the later of: (a) the General Bar Date or (b) thirty (30) days after the entry date of the Rejection Order.

WHO MUST FILE A PROOF OF CLAIM

You **MUST** submit a proof of claim (substantially conforming to the proof of claim form enclosed herein) if you have a Claim against the Debtor that: (a) arose prior to December 21, 2012 and (b) your Claim is not set forth as an Excluded Claim (defined below).

HOLDERS OF PITWD CLAIMS

PITWD Claimants MUST submit both a proof of claim and a PITWD Addendum (enclosed herein or available at <http://www.donlinrecano.com/Cases/ProofOfClaim/necp>). In order to protect confidential patient information, PITWD Claimants are directed NOT to file their proofs of claim and PITWD Addenda with the Bankruptcy Court. Instead, an original proof of claim and PITWD Addendum must be mailed or delivered to DRC (see “When and Where to Submit Claims” below).

The PITWD Addendum and any supporting documentation submitted by a PITWD Claimant shall be held and treated as confidential by DRC, and will not be made available to the general public, except as the Court may otherwise order. Such PITWD Addenda and supporting documentation will be made available only to the Trustee, solely for the purpose of fulfilling the statutory duties of the Trustee and made available by the Trustee (directly or from DRC, at the Trustee’s direction) only to (i) the Trustee’s professionals and experts retained by the Trustee, and (ii) the Permitted Parties (as defined below), subject to each Permitted Party executing and returning to counsel to the Trustee in advance a written confidentiality agreement in form and substance satisfactory to the Trustee, and to such other persons as the Bankruptcy Court determines. All parties with access to PITWD Addenda and supporting documentation submitted by PITWD Claimants shall agree to keep the information provided in any PITWD Addendum and supporting documentation submitted by PITWD Claimants confidential. All parties are prohibited from disclosing information provided by PITWD Claimants in any PITWD Addendum and supporting documentation for any purpose, except as otherwise may be permitted by an order entered by the Bankruptcy Court. Consistently, the PITWD Addenda shall only be disclosed to “Permitted Parties” (as defined below). The Official Form 10 (but NOT any PITWD Addenda and supporting documentation) submitted by each and every PITWD Claimant shall be made publicly available on DRC’s website and shall not be kept confidential.

The “Permitted Parties” are:

- i. Insurance companies (and their professionals and third party medical experts) that provide insurance that may cover claims

described in the proofs of claim and PITWD Addenda submitted by PITWD Claimants;

- ii. Counsel for, but not individual members of, the Official Committee of Unsecured Creditors of NECC;
- iii. Lead Counsel for, but not the Members of, the Plaintiffs' Steering Committee appointed in NECC's multi-district litigation;
- iv. Mediators appointed by this Court or the court overseeing NECC's multi-district litigation; and
- v. Such other persons as the Bankruptcy Court determines pursuant to an order hereafter entered by the Bankruptcy Court should have the information in order to evaluate the PITWD Claims including, without limitation, and if so ordered by an order hereafter entered by the Bankruptcy Court, the parties to the mediation program.¹

Any proof of claim and PITWD Addendum filed must be a "Single-Claimant PITWD Claim." A "Single-Claimant PITWD Claim" is a proof of claim and PITWD Addendum filed: (i) by an individual claimant on behalf of himself or herself or on behalf of an injured minor child for whom the individual is guardian or next friend; or (ii) on behalf of the estate of a deceased or incompetent individual. "Multi-Claimant PITWD Claims," or proofs of claim joining or on behalf of two (2) or more claimants, may not be filed without Bankruptcy Court approval.

HOLDERS OF EXCLUDED CLAIMS ARE NOT REQUIRED TO SUBMIT A PROOF OF CLAIM ON ACCOUNT OF SUCH CLAIMS

Proofs of claim need not be submitted on account of the following claims (the "Excluded Claims"):

- (i) Any claim for which there has already been properly filed a proof of claim against the Debtor with the Clerk of the Bankruptcy Court for the District of Massachusetts or with DRC, in a form substantially similar to Official Form 10. ***However, any such creditor with a PITWD Claim, or whose previously submitted proof of claim purports to assert PITWD Claims on behalf of other individuals, MUST submit a new proof of claim and a PITWD Addendum to DRC by the General Bar Date in accordance with the PITWD Procedures;***

¹ The mediation program was established by, and will proceed in accordance with and subject to the provisions of the order entered on August 15, 2013 and entitled "Order on Mediation Program" entered in case number 1:13-md-02419-FDS, *In re New England Compounding Pharmacy, Inc. Product Liability Litigation*, in the United States District Court for the District of Massachusetts, and any further orders hereafter entered by that District Court.

- (ii) Any claim listed on the Schedules, provided that: (i) the claim is **not** listed as “disputed,” “contingent” or “unliquidated;” and (ii) the holder of such claim agrees with the amount, nature and priority of the claim as established in the Schedules;
- (iii) Any claim that has been allowed by order of the Bankruptcy Court on or before the applicable Bar Date, or for which a specific filing deadline has previously been fixed by the Bankruptcy Court;
- (iv) Any claim that has been satisfied in full, pursuant to the Bankruptcy Code or in accordance with an order of the Bankruptcy Court, prior to the applicable bar date;
- (v) Any claim allowable under Section 503(b) of the Bankruptcy Code as an administrative expense; provided, however, that claims or requests for administrative expenses under Section 503(b)(9) must have been asserted properly and timely on or before April 1, 2013, otherwise such claims or requests for administrative expenses, as applicable, shall not be paid or allowed; and
- (vi) Any claim for an interest based on equity securities (including, without limitation, ownership of common or preferred stock, membership interests, partnership interests, or warrant or rights to purchase, sell or subscribe to such a security or interest); provided, however, that any claim (as opposed to ownership interest) against the Debtor based on transactions in the Debtor’s securities, including claims for damages or rescission based on the purchase or sale of such securities, must be filed on or before the General Bar Date and, provided, further, that the Trustee reserves all rights with respect to any such claims including, *inter alia*, the right to assert that such claims are subject to subordination pursuant to section 510(b) of the Bankruptcy Code.

WHAT TO SUBMIT

You must submit (i) the original, signed and completed proof of claim, and (ii) the original, signed and completed PITWD Addendum (if you are a PITWD Claimant) (the “Claim Package”). The Claim Package must be delivered to DRC, so as to be actually received by DRC on or before the applicable bar date or any other bar date established by the Bar Date Order, for a Claim to be deemed timely filed. Proofs of claim must be in the English language and denominated in lawful currency of the United States.

Proofs of claim must substantially conform to the proof of claim form enclosed with this Notice, and set forth: (i) the amount of your claim against NECC; and (ii) whether your Claim is a secured, unsecured priority or unsecured nonpriority claim.

Any person or entity that submits a Claim Package and wishes to receive a copy with a stamp or other marking acknowledging DRC’s receipt by return mail must include an additional

copy of the Claim Package with a self-addressed envelope with the sufficient and appropriate amount of postage pre-paid.

Electronic Copies of the proof of claim form and PITWD Addendum are available at <http://www.donlinrecano.com/Cases/ProofOfClaim/necp> Other information concerning NECC's Chapter 11 case is available at <http://www.donlinrecano.com/necp>

WHEN AND WHERE TO SUBMIT CLAIMS

A claimant may submit a Claim Package in person, by courier service, by hand delivery or by mail. A proof of claim (and a PITWD Addendum, if applicable) may **NOT** be delivered by facsimile or electronic mail transmission.

A Claim Package will be deemed timely submitted only if **actually received** on or before the applicable bar date by DRC, at the following addresses:

If by mail:

Donlin, Recano & Company, Inc.
Re: New England Compounding Pharmacy, Inc.
P.O. Box 2053
Murray Hill Station
New York, NY 10156

If by overnight courier or hand delivery:

Donlin, Recano & Company, Inc.
Re: New England Compounding Pharmacy, Inc.
419 Park Avenue South, Suite 1206
New York, NY 10016

CONSEQUENCES OF FAILURE TO SUBMIT A PROOF OF CLAIM BY THE APPLICABLE BAR DATE

Any claimant that fails to timely submit and serve a Claim Package in accordance with the procedures set forth in this Notice and the Bar Date Order, may, with respect to such claim(s), be barred, estopped and enjoined from participating in the above-captioned Chapter 11 case with respect to voting on any proposed plan of reorganization, participating in any distribution in this Chapter 11 case and from asserting such claims against the Debtor.² Nonetheless, the holder of any such unfiled claims shall be bound by the terms of any Chapter 11 plan confirmed by the Bankruptcy Court.

² Claims may be amended afterwards, in accordance with the Federal Rules of Bankruptcy Procedure. Further, the Bankruptcy Court has discretion to permit late-submitted claims where the failure to submit a claim timely was the result of "excusable neglect," in accordance with *Pioneer Investment Services Company v. Brunswick Associates L.P.*, 507 U.S. 380 (1993).

THE DEBTOR'S SCHEDULES AND ACCESS THERETO

You may be listed as the holder of a Claim against the Debtor in the Debtor's Schedules, which were filed with the Bankruptcy Court on January 18, 2013.

If your Claim is not described as disputed, contingent or unliquidated in the Debtor's Schedules, and you agree with the amount and classification, you need not submit a proof of claim on account of such Claim. If it is unclear from the Schedules whether your claim is disputed, contingent or unliquidated as to amount, or whether your claim is otherwise properly listed and classified, or if you believe you hold a claim against the Debtor which has not been scheduled, you **must** submit a Claim Package to DRC on or before the applicable bar date. Any holder of a claim that fails to submit a Claim Package in reliance upon the Schedules bears sole responsibility for determining that its claim is accurately listed therein.

Copies of the Schedules may be found on the case website, www.donlinrecano.com/necp. Copies of the Schedules may also be examined by interested parties between the hours of 8:30 a.m. and 5:00 p.m., prevailing Eastern time, at the office of the Clerk of the Bankruptcy Court, United States Bankruptcy Court for the District of Massachusetts, John W. McCormack Post Office and Courthouse, 5 Post Office Square, Suite 1150, Boston, Massachusetts 02109-3945.

RESERVATION OF RIGHTS.

The Trustee retains all rights to (a) object to any proof of claim on any grounds and (b) dispute, or assert offsets or defenses against, any filed Claim, or any Claim listed or reflected in the Schedules or any amendments thereto, as to the nature, amount, liability, priority, classification or otherwise of such Claim. Nothing contained in this Notice shall preclude the Trustee from objecting to any Claim, whether scheduled or filed, on any grounds.

Please note that the fact that you have received this notice does not mean that you have a Claim or that the Trustee, the Official Committee or the Bankruptcy Court believes that you have a Claim.

Please note that anyone who was exposed to any NECC products at any time may have a claim which may be a PITWD Claim. Your failure to submit a claim against NECC before the applicable bar date may affect your rights against parties other than NECC. **YOU SHOULD CONSULT WITH YOUR ATTORNEY IF YOU HAVE ANY QUESTIONS ABOUT WHETHER TO SUBMIT A PROOF OF CLAIM OR REGARDING THE CONTENTS OF ANY PROOF OF CLAIM YOU MAY CHOOSE TO FILE.**

If you decide to submit a Claim Package, then you must do so before the applicable bar date and comply with the procedures outlined in this Notice and the Bar Date Order.

DO NOT CALL THE BANKRUPTCY COURT OR THE UNDERSIGNED IF YOU HAVE LEGAL QUESTIONS, AS THE BANKRUPTCY COURT AND THE UNDERSIGNED ARE PROHIBITED FROM PROVIDING YOU WITH LEGAL ADVICE. A CLAIMANT SHOULD CONSULT AN ATTORNEY IF THE CLAIMANT HAS ANY QUESTIONS REGARDING ANY CLAIM THE CLAIMANT MAY HAVE

AGAINST NECC, INCLUDING WHETHER SUCH CLAIMANT SHOULD FILE A PROOF OF CLAIM (AND A PITWD ADDENDUM, IF APPLICABLE) TO PROTECT ITS INTERESTS.

Dated: September 27, 2013

DUANE MORRIS LLP

/s/ Jeffrey D. Sternklar

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