HIV Drugmaker Settles Lawsuit Alleging Deals to Keep Prices High

Bristol Myers Squibb agrees to pay $11 million. The 2019 class-action lawsuit filed by AIDS activists includes several other drugmakers.

April 20, 2022 By Trent Straube

Drugmaker Bristol Myers Squibb has agreed to pay up to $11 million to settle a class-action lawsuit filed in 2019 that alleges several pharma giants made deals to block competition and extend profits on certain HIV meds, reports Fierce Pharma. The lawsuit Peter Staley, et al. v. Gilead Sciences, Inc., et al. also names Gilead Sciences and the Johnson & Johnson subsidiary Janssen as defendants, but those drug manufacturers are not involved in the Bristol Myers settlement; their cases could go to trial next year.

Although AIDS activist Peter Staley, who was on the cover of POZ last month, is the lead plaintiff, five other activists—Gregg Gonsalves, Brenda Goodrow, Andrew Spieldenner, Robert Vázquez and Jason Walker—joined consumers in filing the antitrust compliant in the United States District Court for the Northern District of California.

Peter Staley on the March 2022 cover

When the complaint was filed in 2019, Staley described the lawsuit in a series of tweets:

> Staley v Gilead. Actually, it's a class action antitrust lawsuit with all the payers of AIDS drugs (including people living with HIV) on one side, and @GileadSciences +3 other pharma companies on the other. If you take HIV meds you can join the class. Keep reading next tweets /1 pic.twitter.com/w88QUb42D1
>
> — Peter Staley (@peterstaley) May 14, 2019

As POZ reported in May 2019, the complaint alleges, for example, that Gilead made agreements with partner companies requiring them to use Gilead's HIV med tenofovir in their combination tablets even when much cheaper generic versions could be used.

The settlement means, according to Fierce Pharma, that consumers could see a generic version of the combo med Evotaz, a protease inhibitor manufactured by Bristol Myers that includes a drug it manufactures (atazanavir, or Reyataz) and one made by Gilead (cobicistat, or Tybost).

Staley has said that $10.8 million of the likely settlement will go to the people who paid more for their copays for HIV meds.

In a statement to Firece Pharma, a Bristol Myers spokesperson responded to the settlement, writing: "While we believe the plaintiffs' claims are without merit, we are pleased to put this matter behind us so that we can continue to focus our resources on advancing more scientific innovations for patients in areas of significant unmet need."

When the Bristol Myers settlement was announced, AIDS Healthcare Foundation tweeted: "Hat tip to AIDS activist Peter Staley! Lawsuits against 3 Rx cos-BMS, Gilead & J&J-for blocking generic HIV drugs; $11M settlement w @bmsnews-w most $ going to ppl who paid more for co-pays. Barring his settlement, generics nixed until Sept. 2029. Kudos!"

> Thanks! But, um, strange. I asked your @AIDSHealthcare CEO to help with this case, and he

refused. ???? https://t.co/3Ngc31vJgJ

— Peter Staley (@peterstaley) April 18, 2022

To which Staley replied: “Thanks! But, um, strange. I asked your @AIDSHealthcare CEO to help in this case, and he refused.”

In related news, Staley appeared on the March 2022 cover of POZ. The issue includes an excerpt, “Searching for ACT UP,” from his memoir, Never Silent: ACT UP and My Life in Activism.

Another named plaintiff in the Staley antitrust case, artist and activist Ivy Kwan Arce, is on the current April/May cover of POZ. To read her inspiring story, see “A Woman’s Journey.”

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