

FOREST LABORATORIES INC
Form DEFA14A
August 08, 2011

**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549**

SCHEDULE 14A

**Proxy Statement Pursuant to Section 14(a) of the Securities
Exchange Act of 1934
(Amendment No.)**

Filed by the Registrant ☒
Filed by a party other than the Registrant ☐

Check the appropriate box:

- ☐ Preliminary Proxy Statement
- ☐ **Confidential, for Use of the Commission Only (as permitted by Rule 14a-6(e)(2))**
- ☐ Definitive Proxy Statement
- ☒ Definitive Additional Materials
- ☐ Soliciting Material Pursuant to § 240.14a-12

FOREST LABORATORIES, INC.
(Name of Registrant as Specified In Its Charter)

(Name of Person(s) Filing Proxy Statement, if other than the Registrant)

Payment of Filing Fee (Check the appropriate box):

- ☒ No fee required.
- ☐ Fee computed on table below per Exchange Act Rules 14a-6(i)(1) and 0-11.

(1) Title of each class of securities to which transaction applies:

(2) Aggregate number of securities to which transaction applies:

(3) Per unit price or other underlying value of transaction computed pursuant to Exchange Act Rule 0-11 (set forth the amount on which the filing fee is calculated and state how it was determined):

(4) Proposed maximum aggregate value of transaction:

(5) Total fee paid:

- ☐ Fee paid previously with preliminary materials.

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o Check box if any part of the fee is offset as provided by Exchange Act Rule 0-11(a)(2) and identify the filing for which the offsetting fee was paid previously. Identify the previous filing by registration statement number, or the Form or Schedule and the date of its filing.

(1) Amount Previously Paid:

(2) Form, Schedule or Registration Statement No.:

(3) Filing Party:

(4) Date Filed:

**HHS-OIG DROPS POTENTIAL ACTION AGAINST FOREST CEO
HOWARD SOLOMON**

NEW YORK, August 5, 2011 Forest Laboratories, Inc. (NYSE: FRX) today announced that the Office of the Inspector General, Department of Health and Human Services (HHS-OIG) has notified Howard Solomon, Forest's Chairman, Chief Executive Officer and President, that it has decided not to pursue his exclusion from federal healthcare programs.

As previously disclosed on April 13, 2011, Mr. Solomon was notified that HHS-OIG was considering his exclusion in connection with matters that were settled by Forest in 2010. This afternoon, Mr. Solomon received notification in a letter from HHS-OIG that it had decided not to seek his exclusion.

The HHS-OIG letter states: Based on a review of the information in our file and consideration of the information that your attorneys provided to us, both in writing and during an in-person meeting, we have decided to close this case. We anticipate no further action related to this matter.

Forest's Presiding Independent, Director Kenneth Goodman, stated, "We are gratified by the HHS-OIG's determination that an exclusion of Mr. Solomon is unwarranted. Our company and board remain committed to ensuring that all Forest employees adhere to the highest standards of professional conduct and that our company operates under industry-leading compliance procedures. We also would like to thank our shareholders, employees and business partners who have consistently supported us throughout the process."

The full text of the letter from HHS-OIG follows.

Department of Health & Human Services

Office of Inspector General

Washington, D.C. 20201

August 5, 2011

Howard Solomon

c/o Forest Laboratories, Inc.

909 Third Avenue

New York, NY 10022

Dear Mr. Solomon:

Re: OI File Number H-11-40460-9

You were previously advised that an exclusion action was being proposed under section 1128(b)(15) of the Social Security Act based on your relationship to Forest Pharmaceuticals, Inc.

Based on a review of the information in our file and consideration of the information that your attorneys provided to us, both in writing and during an in-person meeting, we have decided to close this case. We anticipate no further action related to this matter.

Sincerely,

/s/ Peter Clark

Peter Clark

Exclusions Director

Office of Investigations

cc: Robert B. Fiske, Jr.

Davis Polk & Wardwell LLP

450 Lexington Avenue

New York, NY 10017

About Forest Laboratories

Forest Laboratories (NYSE: FRX) longstanding global partnerships and track record developing and marketing pharmaceutical products in the United States have yielded its well-established central nervous system and cardiovascular franchises and innovations in anti-infective and respiratory medicine. The Company's pipeline, the most robust in its history, includes product candidates in all stages of development across a wide range of therapeutic areas. The Company is headquartered in New York, NY. To learn more, visit www.FRX.com.

Except for the historical information contained herein, this release contains forward-looking statements within the meaning of the Private Securities Litigation Reform Act of 1995. These statements involve a number of risks and uncertainties, including the difficulty of predicting FDA approvals, the acceptance and demand for new pharmaceutical products, the impact of competitive products and pricing, the timely development and launch of new products, and the risk factors listed from time to time in Forest Laboratories' Annual Reports on Form 10-K, Quarterly Reports on Form 10-Q, and any subsequent SEC filings.

SOURCE: Forest Laboratories, Inc.

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Howard Solomon
c/o Forest Laboratories, Inc.
909 Third Avenue
New York, NY 10022

Dear Mr. Solomon:

Re: OI File Number H-11-40460-9

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cc: Robert B. Fiske, Jr.
Davis Polk & Wardwell LLP
450 Lexington Avenue
New York, NY 10017