

## ACT 155 - 2024

### COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act, which, if enacted by your Honorable Board, would authorize the authorize the retention of the law firm of Napoli Shkolnik to be of counsel to the County Attorney in an action on behalf of the County of Westchester against certain drug manufacturers and pharmacy benefit managers for anticompetitive activities and unlawful, unfair, and deceptive business practices related to insulin and other diabetic medication in the United States.

Another piece of proposed legislation has been simultaneously submitted to your Honorable Board. That legislation, if passed, would authorize the County Attorney to commence an action on behalf of the County of Westchester against certain drug manufacturers and pharmacy benefit managers for anticompetitive activities and unlawful, unfair, and deceptive business practices related to insulin and other diabetic medication in the United States.

The County Attorney has informed Your Committee that the Law Department does not have the resources necessary to commence and maintain such a large, complex action. Consequently, by submission of this proposed legislation, authorization is being sought to retain the law firm of Napoli Shkolnik to be of counsel to the County Attorney in this matter. Napoli Shkolnik has already filed actions on behalf of 11 New York cities/counties with 3 New York cities/counties soon to be filed.

The Law Department has been informed by Napoli Shkolnik that they will be compensated on a contingency fee basis, the terms of which are as follows:

Counsel shall be paid on a contingency fee basis under which Counsel shall receive:

- v. 7.5% of pre-complaint recovery;
- vi. 15% of recovery after ruling on a motion to dismiss;
- vii. 20% of recovery after close of pretrial discovery; and
- viii. 25% of recovery after a ruling on summary judgment.

Your Committee has carefully considered the subject matter and the attached act and recommends retaining the law firm of Napoli Shkolnik to be of counsel to the County Attorney in an action against certain drug manufacturers and pharmacy benefit managers for anticompetitive activities and unlawful, unfair, and deceptive business practices related to insulin and other diabetic medication in the United States.

An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York  
September 4<sup>th</sup>, 2024

*Handwritten signatures on the left side of the page:*  
1. *James Bell Jones*  
2. *[Signature]*  
3. *Colin [Signature]*  
4. *[Signature]*  
5. *[Signature]*  
6. *[Signature]*  
7. *Yanoffbaum*

*Handwritten signatures on the right side of the page:*  
1. *David [Signature]*  
2. *[Signature]*  
3. *[Signature]*  
4. *Yanoffbaum*

COMMITTEE ON

Budget & Appropriations

Law & Major Contracts

Dated: September 4, 2024  
White Plains, New York

***The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.***

*Emiljana Ulag*

**COMMITTEE ON**  
Law & Major Contracts

# FISCAL IMPACT STATEMENT

SUBJECT: Law Firm of Napoli Shkolnik  NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

GENERAL FUND  AIRPORT FUND  SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense TBD

Total Current Year Revenue TBD

Source of Funds (check one):  Current Appropriations  Transfer of Existing Appropriations

Additional Appropriations  Other (explain)

Identify Accounts: The law firm will be paid on a contingency fee basis from the revenues received.

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: Request to authorize the retention of the law firm of Napoli Shkolnik to be of Counsel in an action on behalf of the County of Westchester against certain drug manufacturers and pharmacy benefit managers for anticompetitive activities and unlawful activities related to insulin.

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

Next Four Years: N/A

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: July 25, 2024

Reviewed By: *Christina Rando*

Budget Director

Date: 7/25/24

ACT NO. 155 - 2024

AN ACT authorizing the retention of the law firm of Napoli Shkolnik to be of counsel to the County Attorney in an action on behalf of the County of Westchester against certain drug manufacturers and pharmacy benefit managers for anticompetitive activities and unlawful, unfair, and deceptive business practices related to insulin and other diabetic medication in the United States.

BE IT ENACTED by the County Board of Legislators of the County of Westchester as follows:

§ 1. The law firm of Napoli Shkolnik is retained to be of counsel to the County Attorney in an action on behalf of the County of Westchester against certain drug manufacturers and pharmacy benefit managers for anticompetitive activities and unlawful, unfair, and deceptive business practices related to insulin and other diabetic medication in the United States.

§ 2. The County Attorney or his designee is hereby authorized and empowered to undertake such legal proceedings and prepare all documents necessary or desirable to accomplish the purpose of this Act.

§ 3. This Act shall take effect immediately.

STATE OF NEW YORK            )  
  )  
WESTCHESTER COUNTY         )    ss.

**I HEREBY CERTIFY** that I have compared the foregoing Act, Act No. 155 - 2024, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Act, which was duly adopted by the County Board of Legislators, of the County of Westchester on September 16, 2024, and approved by the County Executive on September 17, 2024.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 18<sup>th</sup> day of September, 2024.



Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

