

George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

July 26, 2024

Honorable Westchester County Board of Legislators
County of Westchester
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Re: Request to 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

Dear Members of the Honorable Board of Legislators:

Attached for your consideration is an Act which, if approved by your Honorable Board, 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 is simultaneously being 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 Office of the County Attorney 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.

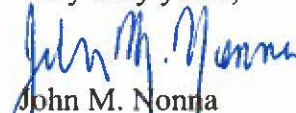
This office has been informed by Napoli Shkolnik that they will be compensated on a contingency fee basis, the terms of which are as follows:

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

- i. 7.5% of pre-complaint recovery;
- ii. 15% of recovery after ruling on a motion to dismiss;
- iii. 20% of recovery after close of pretrial discovery; and
- iv. 25% of recovery after a ruling on summary judgment.

For the foregoing reasons, I request 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 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.

Very truly yours,


John M. Nonna
County Attorney

JMN/lz
Encls.

COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act, which, if enacted by your Honorable Board, would 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.

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.

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