

NYE COUNTY AGENDA INFORMATION FORM

☐ Action
 ☒ Presentation
 ☐ Presentation & Action

Department: District Attorney		Agenda Date:	
Category: Regular Agenda Item		May 15, 2018	
Contact: Angela A. Bello		Phone:	Continued from meeting of:
Return to: Angela A. Bello	Location: Pahrump		Phone:
Action requested: (Include what, with whom, when, where, why, how much (\$) and terms)			
Presentation by the law firm of Baron and Budd regarding its proposal to provide opioid litigation representation and discussion and deliberation of the presentation.			
Complete description of requested action: (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)			
January 18, 2018, the BoCC authorized the District Attorney to prepare and publish a Request for Proposals from law firms interested in representing Nye County to recover monetary damages for the negative impacts of opioid use in Nye County. The law firm of Baron & Budd P.C. was selected jointly by the District Attorney and the County Manager to present their proposal to the BoCC. The anticipated presentation provided by the Baron & Budd law firm will set forth the legal/litigation issues involved, the status of litigation already filed by local governments, the status of litigation filed by government entities in state and federal courts and provide relevant information regarding the hundreds of lawsuits filed against opioid drug manufacturers and distributors as well as the services the law firm may provide. Backup consists of the Response to RFP from Baron & Budd P.C.			
Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.			
Expenditure Impact by FY(s): (Provide detail on Financial Form)			
<input checked="" type="checkbox"/> No financial impact			

Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	Date
4.	Date	9. Finance	Date
5.	Date	10. County Manager	Date

☒ Place on Agenda

ITEM # 39

REQUEST FOR PROPOSALS
FOR LEGAL SERVICES PRESENTATION REGARDING LITIGATION AGAINST OPIOID
DRUG MANUFACTURERS AND DISTRIBUTORS
FOR THE COUNTY OF NYE

Introduction and Background:

The abuse of opioids is a widespread problem in Nevada and in Nye County. Nye County is issuing a Request for Proposals (RFP) to law firms interested in presenting a proposal to the Nye County Board of County Commissioners to provide legal services for litigation against opioid manufacturers and distributors on behalf of Nye County. The proposal must address the advantages/disadvantages of Nye County participating in such litigation, statement of qualifications, current assignments and proposed fee agreement. Firms may be interviewed prior to the County Manager and District Attorney jointly selecting one or more law firms from the submitted proposals to present the firm's proposal to the Nye County Board of County Commissioners. The Nye County Board of County Commissioners may take action to contract with a presenting law firm to provide legal services for litigation against opioid manufacturers and distributors.

Proposal Criteria:

Responses to this Request for Proposals must include, at a minimum, the following information:

1. Overview of Legal Issues/ Litigation

Provide a brief narrative addressing 1) the advantages/disadvantages of Nye County participating in litigation against opioid manufacturers and distributors and 2) the status of litigation already filed by government entities in state and federal courts.

2. Statement of Qualifications

Experience of Firm: Provide a summary statement of the firm's experience with similar types of lawsuits during the past ten (10) years including a list of clients for which the firm has provided these services and the dates such services were provided.

Experience/Qualifications of Assigned Professional(s): Provide a resume for the individual employees who may be assigned to this litigation and designate who would have primary responsibility for this litigation. Also indicate the specific role the proposed individual(s) had in the above referenced lawsuits.

3. Current Assignments

Provide a statement concerning your firm's ability to devote sufficient time and resources to this type of type of litigation in relation to existing or anticipated assignments of the firm.

4. Disclosure of Potential Conflict of Interest

Provide a statement regarding any potential conflict of interest issues the firm or attorney(s) that may be assigned to this litigation might have or encounter.

5. Nye County Resources

Provide a statement regarding the extent to which Nye County staff resources will be needed to assist in the litigation by providing information, data, documents, etc. Identify what those needed

resources will be along with an explanation as to how the staff time and resources may be reimbursed via the lawsuit.

6. Proposed Fee Agreement

Provide a copy of your firm's proposed fee agreement. The fee agreement must address Nye County's exposure for any costs or expenses. The fee agreement must address indemnification for Nye County against any liability that could arise out of this litigation.

Proposal Evaluation:

Proposals for legal services will be evaluated based on the following criteria:

- Statement of Qualifications (25%);
- Current Assignments (25%);
- Proposed Fee Agreement (25%); and
- Overview of Legal Issues/ Litigation, Disclosure of Potential Conflict of Interest and Nye County Resources (25%).

Nye County reserves the right to establish further criteria for evaluation of proposals, to require additional submissions, to waive any informalities in submissions, to reject any or all submissions, to negotiate with successful proposers, and to not take action to select a law firm for representation.

Qualification Response Deadlines:

Five (5) hard copies or one (1) electronic copy of your proposal packet must be received by 12:00 p.m. Pacific Standard Time on February 28, 2018. Proposals should be emailed, mailed, or delivered to:

Nye County District Attorney, Angela A. Bello (abello@co.nye.nv.us)
P.O. Box 39
Pahrump, Nevada 89041

**Response to Request For Proposal #2018-02
Nye County, Nevada**



**Legal Services Regarding
Litigation Against Opioid Drug
Manufacturers and Distributors**

February 28, 2018

Baron & Budd, PC • Dallas, TX

Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, PA • Pensacola, FL

Greene, Ketchum, Farrell, Bailey & Tweel, LLP • Huntington, WV

Hill, Peterson, Carper, Bee & Deitzler, PLLC • Charleston, WV

The McHugh Fuller Law Group, PLLC • Hattiesburg, MS

Powell & Majestro, PLLC • Charleston, WV

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Appendix A – Attorney Biographies

Exhibit 1 – Representative List of Opioid Litigation
Clients

Exhibit 2 – Baron & Budd representing States' AGs

Exhibit 3 – Representative MDL Appointments

Exhibit 4 – Proposed Fee Agreement

CONTACT:

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The law firms of Baron & Budd, P.C. and Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, PA, together with their National Consortium Co-Counsel Greene, Ketchum, Farrell, Bailey & Tweel, LLP; McHugh Fuller Law Group, PLLC; Hill, Peterson, Carper, Bee & Dietzler, PLLC; and Powell & Majestro, PLLC, (the "Firms" or the "Legal Team"), submit this response to Nye County, Nevada's Request for Proposals regarding Prescription Opiate Litigation.

The Firms offer heavyweight resources and experience. The firms comprising our Consortium have taken on and defeated Big Tobacco, Asbestos, BP, and DuPont, as well as numerous pharmaceutical and medical device giants, including Bayer, Merck, Johnson & Johnson, Abbvie, Stryker, and Roche.

The opioid litigation is receiving our utmost attention. Attorneys in the Consortium legal team developed the diversion theories at the heart of the current opioid litigation, and currently represent more than 200 governmental entities and sovereign Indian Nations in their litigation against prescription opioid manufacturers and distributors (see **Exhibit 1** for a representative list). This group has investigated and filed more cases against opioid manufacturers and distributors than any other group in the country, and their attorneys occupy five leadership seats in the recently created opioid multidistrict litigation (MDL), including Co-lead Counsel, Co-liaison Counsel, and three positions on the Plaintiffs' Executive Committee.

The Firms have devoted significant manpower and financial resources to carrying out this litigation from beginning to end. We routinely front thousands of attorney hours and millions of dollars in costs in exchange for being compensated via a contingency fee arrangement, under which, if the client does not obtain a recovery, the client does not pay any fees or costs. We propose this same arrangement to Nye County. The firms and attorneys comprising the Legal Team are all appropriately insured against malpractice claims. Proof of insurance will be made available should the contract be awarded.

1. Overview of Legal Issues / Litigation

Provide a brief narrative addressing 1) the advantages/disadvantages of Nye County participating in litigation against Opioid Manufacturers and distributors and 2) the status of litigation already filed by government entities in state and federal courts.

Nye County's best opportunity for obtaining relief through legal action is a lawsuit in federal court. The legal theories arising out of the federal controlled substance act and RICO invoke federal question subject matter jurisdiction and cannot remain in state court. Not only does a federal case afford the strongest causes of action, but federal courts have robust powers, including broad subpoena power, that we can use to the County's advantage.

The opioid-related cases that have been filed across the country on behalf of local governments were recently consolidated in front of a single federal judge—Judge Dan Polster in the Northern District of Ohio— into MDL 2804, *In Re: National Prescription Opiate Litigation*. The MDL process permits the temporary transfer of civil lawsuits to one district court for pretrial consideration and/or consolidation. The purpose of the MDL is to promote efficiency and consistency by reducing the risk of contrary legal opinions and allowing for coordinated discovery. If Nye County’s lawsuit is filed in federal court, which we recommend, it will also become part of this pending MDL.

As stated above, members of our Legal Team developed the diversion and RICO theories at the heart of the current opioid litigation, and currently represent more than 200 governmental entities and sovereign Indian Nations in their litigation against prescription opioid manufacturers and distributors. We have investigated and filed more cases against opioid manufacturers and distributors than any other group in the country, and our attorneys occupy five leadership seats in the Opioid MDL, including Co-lead Counsel; Co-liaison Counsel; and three Plaintiffs’ Executive Committee positions.

Based on our investigation and experience in other litigation against wholesale distributors and manufacturers of prescription opioids, the Firms believe that Nye County may have causes of action based on Nevada’s nuisance statutes; the federal Racketeer Influenced and Corrupt Organizations (RICO) Act and Nevada racketeering statutes; and claims arising under the Nevada Food, Drug, and Cosmetic Act, Nevada consumer-protection law, and Nevada tort law.

Potential Causes of Action

In Nevada, a nuisance action may be brought to abate, *inter alia*, “[a]nything which is injurious to health . . . so as to interfere with the comfortable enjoyment of life.” Nev. Rev. Stat. Ann. § 40.140. The Firms believe that Nye County may pursue a civil action for abatement of public nuisances and recovery of damages caused by the diversion of prescription opioids into illicit channels.

The Firms also believe that Nye County may pursue civil action for racketeering activity prohibited under both the federal Racketeer Influenced and Corrupt Organizations (RICO) Act and Nevada racketeering statutes. The federal RICO Act prohibits “(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.” *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 496 (1985) (footnote omitted); see 18 U.S.C. § 1962 (prohibiting racketeering activity). Nevada law similarly prohibits engaging in racketeering activity. Nev. Rev. Stat. Ann. § 207.400. The Firms would consider bringing racketeering claims against opioid manufacturers and/or wholesale distributors predicated on mail and/or wire fraud, as well as failure to comply with controlled substances laws.

For over a decade, opioid manufacturers and distributors aggressively sought to bolster their revenue, increase profit, and grow their share of the prescription painkiller market by unlawfully and surreptitiously increasing the volume of opioids they sold and distributed. However, manufacturers and distributors were limited by federal and state requirements to, *inter alia*, maintain effective controls against diversion of the controlled substances that they manufacture or distribute; design and operate a system to identify suspicious orders of controlled substances, halt such unlawful sales, and report them to the Drug Enforcement Administration (DEA) and the Food and Drug Administration (FDA); and make sales within a limited quota set by the DEA for the overall production of controlled substances like opioids. Finding it impossible to legally achieve their ever-increasing sales ambitions, opioid manufacturers and distributors worked together as an enterprise to systematically and fraudulently engage in unlawful sales of painkillers which, in turn, artificially and illegally increased the annual production quotas throughout the United States for opioids allowed by the DEA. The opioid manufacturers and distributors operated their enterprise by hiding from the public, suppressing, and/or ignoring warnings from third parties, whistleblowers, and governmental entities about the reality of the suspicious orders that the distributors were filling on a daily basis, leading to the diversion of tens of millions of doses of prescriptions opioids into the illicit market and increasing production quotas.

Finally, opioid manufacturers and/or wholesale distributors are potentially liable for several other causes of action, including violations of the Nevada Food, Drug, and Cosmetic Act, Nev. Rev. Stat. Ann. § 585.520 (prohibiting manufacture, sale, and distribution of misbranded or adulterated drugs), Nevada consumer-protection law, *id.* § 598.0915 (prohibiting engaging in deceptive trade practices), strict products liability (design defect and failure to warn), fraud, negligence, fraudulent and negligent misrepresentation, and breach of implied and express warranties.

Damages Assessment and Available Relief

The opioid epidemic has imposed and will continue to impose significant costs upon Nye County, including costs for (1) medical care, additional therapeutic and prescription drug purchases, and other treatments for patients suffering from opioid-related addiction or disease, including overdoses and deaths; (2) counseling and rehabilitation services; (3) treatment of infants born with opioid-related medical conditions; (4) welfare for children whose parents suffer from opioid-related disability or incapacitation; (5) payments for illegally distributed opioids through government payor programs; and (6) law enforcement and public safety relating to the opioid epidemic.

Actual damages for these costs are available under Nevada nuisance law, Nev. Rev. Stat. Ann. § 40.140; federal racketeering law, 18 U.S.C. § 1964(c); state racketeering law, Nev. Rev. Stat. Ann. § 207.470(1); Nevada's deceptive trade practices law, *id.* § 598.0999; and common-law causes of action. Treble damages are also

available under Nevada's deceptive trade practices statutes, *id.*, as well as the federal RICO Act, 18 U.S.C. § 1964(c).

Additionally, defendants are subject to a civil penalty of up to \$5000 for each willful violation of Nevada's deceptive trade practices statutes. Nev. Rev. Stat. Ann. § 598.0999(2). Furthermore, injunctive relief is available under state deceptive trade practices law, *id.* § 598.0979(1), and nuisances "may be enjoined or abated," *id.* § 40.140(1).

Finally, Nye County may obtain punitive or exemplary damages by showing that opioid manufacturers and/or distributors are "guilty of oppression, fraud or malice, express or implied." *Id.* § 42.005.

The effects of the opioid epidemic are widespread throughout Nye County, and we are pursuing a damage model that is expansive and encompasses both retrospective and prospective relief.

Retrospectively, our lawsuit will seek to recover for Nye County the funds the County has already spent addressing the crisis. This will include direct expenditures by the County, such as:

- EMS and other first responders
- Drugs such as Naloxone (Narcan)
- Medical examiner expenses
- Public hospital expenses
- Increased law enforcement expenses
- Increased jailing expenses
- Substance abuse programs (including education, prevention, and treatment)
- Increased expenses due to the Dependency docket associated with child welfare.

In addition to the direct and obvious retroactive expenses, our lawsuit will also seek to recover indirect costs and expenses that are related to the opioid epidemic. We have retained experts to investigate and opine on categories of damages, such as urban or rural blight, that may have been caused by the epidemic. Blight can illustrate itself in many ways, including the loss of the workforce, increased crime and incarceration, increased homelessness, and the closure of businesses. Nye County has suffered and continues to suffer real damages from these factors, including possible loss of tourism dollars and loss of quality of life.

Our lawsuit will also address damages in a prospective manner. We will ask (and then answer) the question: "How much money will it take to put Nye County back into the position that it was in before the opioid crisis began?" While this is an individual lawsuit and Nye County's damages will certainly be distinct from those suffered by other governmental entities in certain respects, we generally envision an abatement fund covering three broad areas.

First, we anticipate funding being spent on education. We must ensure that children understand that the pills in their parents' cupboards are just as dangerous as a heroin needle. Additionally, public awareness campaigns are needed, to help combat the dangerous marketing that, for so many years, has steered the conversation about these addictive drugs.

Second, funding is needed to support law enforcement and jailing so that the community can stay safe while Nye County is in the process of addressing this crisis.

Third, and likely most importantly, to truly have a chance at rehabilitating the community, funding is needed for healthcare and addiction recovery services. This will require extensive resources, both in the form of facilities and employing personnel.

2. Statement of Qualifications

Experience of Firm: Provide a summary statement of the firm's experience with similar types of lawsuits during the past ten (10) years including a list of clients for which the firm has provided these services and the dates such services were provided.

Experience/Qualifications of Assigned Professional(s): Provide a resume for the individual employees who may be assigned to this litigation and designate who would have primary responsibility for this litigation. Also indicate the specific role the proposed individual(s) had in the above referenced lawsuits.

Baron & Budd, P.C.

Baron & Budd, PC is a professional corporation that was founded in 1977 with offices in Dallas and Austin, Texas; Baton Rouge and New Orleans, Louisiana; Los Angeles and San Diego, California; and Washington, D.C. Baron & Budd is one of the largest and most accomplished plaintiffs' law firms in the country. The firm employs more than 60 attorneys and more than 120 support staff, which includes paralegals, legal secretaries, technical support personnel and accounting personnel. For nearly 40 years, Baron & Budd has represented individuals, businesses, and public entities in matters from coast to coast. The firm's experience and capacity in complex litigation are virtually unmatched. Its primary focus is on representing plaintiffs on a contingency fee basis, and its significant areas of litigation include environmental damages cases, occupational and

environmental injury cases, property damage claims, pharmaceutical injury cases, investor protection, consumer protection, class action and qui tam litigation.

Baron & Budd represents hundreds of public entities in various types of litigation and together with the National Consortium Co-Counsel represents over 200 public entities in opioids litigation alone. Please see **Exhibit 1** for a list of the Legal Team's representative clients.

Baron & Budd currently represents the Attorney General of the State of New Mexico in opioids litigation. Baron & Budd also represents the Attorneys General of the States of Hawaii, Mississippi and New Mexico in litigation unrelated to opioids. Additional details regarding these cases are attached as **Exhibit 2**.

Baron & Budd attorneys, together with co-counsel, represented the States of Mississippi, West Virginia, Utah, New Mexico, Maryland, Kentucky, and South Carolina in litigation against GlaxoSmithKline, LLC for the fraudulent marketing of the diabetes drug Avandia. The state causes of action litigated in these 7 cases included state consumer protection and, where applicable, state Medicaid Fraud statutes. These cases settled in 2013 for \$177 million.

Commonwealth of Kentucky, ex rel. Jack Conway, Attorney General v. GlaxoSmithKline LLC, formerly SmithKline Beecham Corporation d/b/a GlaxoSmithKline; 13-CI-208, Division I, Franklin Circuit Court, Commonwealth of Kentucky;

State of Louisiana v. GlaxoSmithKline, LLC, formerly SmithKline Beecham Corporation d/b/a GlaxoSmithKline; and GlaxoSmithKline, PLC; Case No. 599353, Nineteenth Judicial District Court for the Parish of Baton Rouge, Louisiana;

The State of Maryland v. GlaxoSmithKline LLC, formerly SmithKline Beecham Corporation d/b/a GlaxoSmithKline; No. 24-C-13-000983, Circuit Court for Baltimore City, Maryland;

Jim Hood, Attorney General of the State of Mississippi, ex rel. The State of Mississippi v. GlaxoSmithKline, LLC, formerly SmithKline Beecham Corporation d/b/a GlaxoSmithKline; Civil Action No.: G-2011-1344, Chancery Court of Hinds County, Mississippi;

The State of New Mexico By and Through the Attorney General for the State of New Mexico, Gary King v GlaxoSmithKline, LLC, formerly SmithKline Beecham Corporation d/b/a GlaxoSmithKline; Case No. D-101-CV-2012-01432, First Judicial District Court for the County of Santa Fe, New Mexico;

State of South Carolina, ex rel. Alan Wilson, in his capacity as Attorney General of the State of South Carolina v. GlaxoSmithKline, LLC, formerly SmithKline Beecham Corporation d/b/a GlaxoSmithKline; Civil Action No.: 2011-CP-42-2174, South Carolina Court of Common Pleas, Seventh Judicial District, County of Spartanburg;

Mark L. Shurtleff, Attorney General of the State of Utah, ex rel. the State of Utah v. GlaxoSmithKline, LLC, formerly SmithKline Beecham Corporation d/b/a GlaxoSmithKline; Civil No. 100423795, Third Judicial District Court of Salt Lake County, West Jordan Department, State of Utah.

These seven separate actions arose from GlaxoSmithKline's ("GSK") deceptive acts in wrongfully and illegally marketing, promoting, and selling the diabetes medication *rosiglitazone maleate*, sold by GSK under the trade names Avandia, Avandamet, and Avandaryl (hereafter referred to as "Avandia"). GSK engaged in an illegal and deceptive marketing program nationwide to promote the use of Avandia as an alleged "wonder drug" in the treatment of diabetes. Through a variety of schemes, including corrupting the medical literature, threatening a preeminent physician, and dishonest promotions, GSK sold Avandia as a "significant advance" in diabetes treatment. GSK affirmatively represented that Avandia was superior to existing drugs, such as metformin and sulfonylureas, at lowering diabetics' blood sugar, a critical goal in diabetes treatment. GSK affirmatively represented that Avandia could reduce diabetics' cardiovascular risks when GSK in fact knew that Avandia posed serious cardiovascular risks, including heart attack and sudden cardiac death.

As a result of GSK's exploitation of the States' Employee Healthcare and Medicaid programs, the States dispensed millions of dollars of State funds in purchasing Avandia. The States also paid and must cover the costs of care for those Employees and Medicaid recipients rendered chronically ill and/or injured by Avandia's undisclosed side effects. Included in the causes of action brought by the States were allegations regarding violations of the states' consumer protection laws, false claims acts, truth in advertising laws, and where applicable, state Medicaid Fraud statutes.

These seven individual civil cases were filed in 2011, 2012 and 2013. Baron & Budd Managing Shareholder, Russell Budd, played a key role in negotiating the settlement of the seven States' claims for \$177 million in 2013. In comparison, the federal/multi-state settlement of 37 States and the District of Columbia resulted in a collective settlement of \$90 million for those 38 entities combined.

Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, P.A.

Levin Papantonio was established in 1955 and is "AV" rated with nearly 40 attorneys and more than 150 support staff. In the past 25 years the firm has received more than 150 jury verdicts throughout the country in the amount of \$1 million or more each and has achieved verdicts and settlements in excess of \$3 billion. Two of its attorneys have been inducted into the National Trial Lawyer Hall of Fame and four have been listed in Best Lawyers in America. The firm pioneered the tobacco litigation and, recently, victories by Levin Papantonio attorneys, including Mike Papantonio and Jeff Gaddy, in the nationwide DuPont C8 litigation helped bring about a \$670 million settlement in February 2017. The firm's attorneys have been profiled by the New York

Times, Los Angeles Times, Forbes, Time Magazine, Newsweek, Fox News, ABC News, CNN, The American Lawyer, and the National Law Journal. Firm attorneys are routinely called upon to speak at industry and legal education seminars across the nation.

Levin Papantonio represents hundreds of public entities in various types of litigation and together with the National Consortium Co-Counsel represents over 200 public entities in opioids litigation alone. Please see **Exhibit 1** for a list of the Legal Team's representative clients.

Levin Papantonio attorneys were leaders in the landmark case *In re: E. I. du Pont de Nemours and Company C-8 Personal Injury Litigation*, Case No. 2:13-md-02433, United States District Court for the Southern District of Ohio. The lawsuits, first filed in November 2013 and involving C8, alleged DuPont released millions of pounds of the chemical into the Ohio River and into the air from its plant in Parkersburg, West Virginia, causing thousands of persons to suffer injuries, including kidney and testicular cancer, and ulcerative colitis. More than 30 years ago DuPont became aware that C8 was in drinking water in Ohio and West Virginia at dangerous levels yet said nothing to the government or public. In fact, it increased its production, and continued to discharge the chemical in a manner to enter the Ohio River and air. On February 13, 2017, a global settlement in the amount of \$670 million was reached with our team of lawyers and DuPont. The settlement covers all of the C8 cases that were filed in federal court as of that date where the plaintiff suffered from a covered physical injury resulting from C8 being dumped into the Ohio River and into the air from the DuPont plant in Parkersburg, West Virginia. Levin Papantonio represented over 1,000 individual plaintiffs out of the 3,500 in the MDL.

Levin Papantonio's experience in lead counsel roles ranges from areas such as pharmaceutical litigation, environmental, class action, derivative, securities, antitrust litigation to a key role in the landmark tobacco cases brought by the states to recover health care expenditures. Levin Papantonio has held leadership positions in some of the country's most complex multi-district litigations, including the Plaintiffs' Executive Committee *In re Deepwater Horizon (BP) Oil Spill in the Gulf*, MDL 2179 (E.D. LA), helping to bring about the recent \$20.8 billion settlement in that action. Levin Papantonio attorneys also served on the Plaintiff Steering Committee and as co-chair of the Discovery Committee for the Bayer Yaz/Yasmin pharmaceutical litigation, in which Bayer has paid approximately \$2 billion to date.

Levin Papantonio's Securities and Business Litigation Department handles complex and business litigation, with a particular focus on public and consumer protection. The Securities and Business Litigation Department has represented more than two dozen municipalities and quasi-governmental agencies like cities, states, and special-purpose districts. In addition, it has represented more than 3,000 fraud victims across the country in state and federal court and in securities industry arbitration. The Securities and Business Litigation Department routinely manages cases with millions of documents

and dozens of witnesses and has successfully litigated against some of the largest financial institutions in the world.

Levin Papantonio is a nationally recognized litigation firm that has built a reputation on its willingness to litigate to verdict complex disputes against some of the world's largest companies. The firm routinely litigates cases that require thousands of attorney hours and millions in expenses.

Greene, Ketchum, Farrell, Bailey & Tweel, LLP is the West Virginia law firm which filed the first cases in the country against the wholesale distributors of prescription opioids on behalf of political subdivisions in southern West Virginia. Paul Farrell, Jr. is an experienced lawyer having served as trial counsel for the transvaginal mesh MDL bellwether trials in the United States District Court for the Southern District of West Virginia. Mr. Farrell has been instrumental in bringing national attention to the opioid epidemic plaguing central Appalachia and now represents communities nationwide and he was recently appointed Plaintiffs Co-Lead Counsel in the newly formed MDL 2804, *In re National Prescription Opiate Litigation*.

Greene Ketchum attorneys have successfully tried numerous civil cases to verdict in state and federal courts. Their skilled advocacy has returned millions of dollars in verdicts for their clients in both trial settings and settlements. The firm's attorneys have been recognized by legal organizations for excellence and included in The National Advocates Top 100 Trial Lawyers and West Virginia Super Lawyers®.

Hill, Peterson, Carper, Bee & Deitzler, PLLC was founded in 1980 by Senior Partner, R. Edison Hill. Located in Charleston, West Virginia, the firm is structured with 5 Partners, 3 Associate Attorneys and 15 Staff Members. Hill Peterson's attorneys have extensive legal experience both in and out of the courtroom along with a broad network of resources to undertake a wide variety of complicated claims including, but not limited to Mass Torts and Class Action Litigation, Defective Drug Litigation and Opioid Distribution Liability.

Hill Peterson's attorneys were awarded the prestigious Trial Lawyer of the Year award by Public Justice in 2005 for their work on the successful class action litigation *Leach, et al. v. E. I. du Pont de Nemours and Company* involving representation of plaintiffs who suffered various cancers and other illnesses due to exposure through drinking water to the chemical ammonium perfluorooctanoate ("PFOA" or "C-8"), a chemical utilized in the manufacture of Teflon. The firm's attorneys also served on the Plaintiffs Steering Committee for *In re: E. I. Dupont de Nemours and Company C-8 Personal Injury Litigation*, which has reached a global settlement of close to \$1 billion. Hill, Peterson, Carper, Bee & Deitzler, PLLC, has been designated by "Benchmark Plaintiff" (The Definitive Guide To American Leading Plaintiff Firms & Attorneys) as one of West Virginia's three top and "highly recommended" litigation law firms.

Since the firm was founded in 1980, Hill Peterson has garnered national recognition for their work and recent awards and appointments include: R. Edison Hill and James C. Peterson have been selected for inclusion as West Virginia *SuperLawyers* from 2009 through the present; James C. Peterson has been board certified as a Civil Trial Specialist by the National Board of Trial Advocacy (NBTA) from 1990 through the present; R. Edison Hill is a “Fellow” of the West Virginia Bar Foundation, awarded in 2008; R. Edison Hill has been selected for inclusion in *The RoundTable*, 2012 and 2017. *The RoundTable* comprises a list of “America’s 100 Most Influential Trial Lawyers”; R. Edison Hill was the recipient of the “Clarence Darrow Award” at Mass Torts Made Perfect in 2014.

The Law Firm of Hill, Peterson, Carper, Bee & Deitzler, PLLC, has been designated “benchmark Plaintiff” (The Definitive Guide to American Leading Plaintiff Firms & Attorneys) as one of West Virginia’s three top and “highly recommended” litigation law firms; and R. Edison Hill as one of West Virginia’s twelve “litigation stars.”

The McHugh Fuller Law Group, PLLC, established in 2006, is a trial firm based out of Hattiesburg, Mississippi that specializes in complex litigation and trials in the health and medical fields. With eight attorneys and twenty-seven support staff, the firm functions as an elite trial team made up of experienced litigators and legal writers.

The attorneys at McHugh Fuller are admitted to practice law in eighteen states including Tennessee, Alabama, Arkansas, Florida, Georgia, Illinois, Kentucky, Michigan, Mississippi, Missouri, New Hampshire, New York, Ohio, Oklahoma, Pennsylvania, Texas, West Virginia, Wisconsin, as well as the District of Columbia. Our lawyers have tried hundreds of cases, obtaining multi-million-dollar verdicts in courts throughout the country. The attorneys at McHugh Fuller have amassed over three-hundred million dollars in jury verdicts alone, and have successfully handled appeals before State Supreme Courts and Courts of Appeal in seven states, numerous Federal District Courts, the U.S. Courts of Appeal for the Fourth, Fifth and Eleventh Circuits, and the United States Supreme Court. Most of the attorneys have A-V ratings and many have received recognition by various groups and publications as being top in their field of practice.

Powell & Majestro, PLLC has been protecting the interests of individuals, families and businesses in West Virginia as well as handling complex litigation nationwide since 2002. The firm’s practice areas include Consumer Protection, Maritime Law, Products Liability, Workplace Injuries and Consumer Debt. Anthony J. Majestro participated in filing the first cases in the country on behalf of public entities against the wholesale distributors of prescription opioids in southern West Virginia.

While a brief profile of each firm is listed above, biographies and experience of each of the key experienced attorneys working on this litigation, can be found in the attached **Appendix A.**

3. Current Assignments

Provide a statement concerning your firm's ability to devote sufficient time and resources to this type or litigation in relation to existing or anticipated assignments of the firm.

The members of our Legal Team are all trial law firms who specialize in complex litigation. While all members of our Legal Team have a history of pursuing these types of cases, Baron & Budd and Levin Papantonio are widely considered giants in the world of mass torts and complex litigation and have been leaders in national lawsuits going back to the days of asbestos and tobacco. Additionally, several of our firms—Greene Ketchum, Hill Peterson and Powell & Majestro—are located in Southern West Virginia—the area that is largely viewed as the epicenter of the opioid epidemic—and they have seen the effects of this public health crisis first-hand and are some of the innovators of this litigation.

There should be no doubt our Legal Team possesses the resources to adequately carry out this litigation from beginning to end. Our Legal Team consists of six highly successful national law firms, whose business models consist of fronting thousands of attorney hours and millions of dollars in costs in exchange for being compensated via a contingency fee. The firms included in this Legal Team have taken on and defeated Big Tobacco, Asbestos, BP, and numerous pharmaceutical and medical device giants, such as Bayer, Merck, Johnson & Johnson, Abbvie, Stryker, and Roche. The Firms attorneys have served and continue to serve in leadership roles in some of the nation's most high-profile and complex cases (*see Exhibit 3*). This case is receiving our utmost attention and we have and will continue to devote significant manpower and financial resources in our effort to hold the pharmaceutical industry accountable for the harm caused by their actions and inactions.

The financial resources of our Legal Team are robust. All six Legal Team firms have long histories of success and profitability, and several of our firms have established lines of credit that ensure that we are financially capable of handling even the most complex and costly cases from outset to conclusion. The Firms have already retained a stable of experts to develop the legal, factual, and damages theories, and we will continue to retain additional experts as needed to prove the County's claims.

Our firms collectively have hundreds of attorneys and staff members that we can call on to successfully resolve this litigation. As mentioned herein, the firms in our Legal Team currently represent more than 200 local governments in opioid litigation. To support this effort, we have collectively committed dozens of attorneys dedicated to work full time on the opioid litigation.

Firm	Location	Attorneys	Function/Roles
Baron & Budd	3102 Oak Lawn Ave. Suite 1100 Dallas, TX 75219	Russell Budd Laura Baughman Ann Saucer Chris Mansour Daniel MacDonald	County point of contact, litigation strategy, taking depositions, arguing in court, settlement negotiations, drafting pleadings and discovery, research and briefing complex legal issues, reviewing documents, working with key experts, writing briefs, and appellate work. B&B also has an in-house document review system and full-service copy center.
	2600 CitiPlace Suite 400 Baton Rouge, LA 70808	Burton LeBlanc (also serves as State Attorneys General Liaison Counsel to the Plaintiffs Executive Committee in the opioids MDL)	
	7000 North Mopac, Suite 200 Austin, TX 78731	Alicia Butler	
	15910 Ventura Blvd. Suite 1600 Encino, CA 91436	Roland Tellis* Mark Pifko *Roland Tellis has been appointed to the Plaintiffs Executive Committee in the opioids MDL	

Firm	Location	Attorneys	Function/Roles
Levin Papantonio	316 S. Baylen Street Pensacola, FL 32502	Mike Papantonio Troy Rafferty* Peter Mougey** Laura Dunning Page Poerschke Archie Lamb Jeff Gaddy *Troy Rafferty has been appointed Plaintiffs Liaison Counsel in the opioids MDL **Peter Mougey has been appointed to the Plaintiffs Executive Committee in the opioids MDL	Litigation strategy, taking depositions, arguing in court, settlement negotiations, drafting pleadings and discovery, research and briefing complex legal issues, reviewing documents, working with key experts, writing briefs, and appellate work.
Greene Ketchum	419 11th St. Huntington, WV 25701	Paul Farrell* Bert Ketchum *Paul Farrell has been appointed Plaintiffs Co-Lead Counsel in opioids MDL	Litigation strategy, drafting pleadings and discovery, taking depositions, arguing in court.
Hill Peterson	500 Tracy Way Charleston, WV 25311	Ed Hill Jim Peterson	Litigation strategy, taking depositions, arguing in court.
McHugh Fuller	97 Elias Whiddon Rd. Hattiesburg, MS 39402	Mike Fuller* Amy Quezon *Mike Fuller has been appointed to the Plaintiffs Executive Committee in the opioids MDL	Litigation strategy, drafting pleadings and discovery, taking depositions, arguing in court.

Firm	Location	Attorneys	Function/Roles
Powell & Majestro	405 Capitol St., Suite 1200 Charleston, WV 25301	Anthony Majestro	Draft pleadings, discovery, motions, briefs, take depositions, argue motions, work with experts, aid with overall litigation and trial strategy, and appellate work.

4. Disclosure of Potential Conflict of Interest

Provide a statement regarding any potential conflict of interest issues the firm or attorney(s) that may be assigned to this litigation might have or encounter.

The Firms know of no such conflict of interest issues at this time. Should any conflicts of interest present themselves, the Firms will make those conflicts known to Nye County as soon as possible.

5. Nye County Resources

Provide a statement regarding the extent to which Nye County staff resources will be needed to assist in the litigation by providing information, data, documents, etc. Identify what those resources will be along with an explanation as to how the staff time and resources may be reimbursed via the lawsuit.

The most helpful information Nye County could provide would be data on how the opioid crisis has harmed the County and its residents, monetarily and otherwise. These data could include statistics on rates and types of licit and illicit drug use in Nye County; costs of medical care, additional therapeutic and prescription drug purchases, and other treatments for patients suffering from opioid-related addiction or disease, including overdoses and deaths; costs of counseling and rehabilitation services; costs for treatment of infants born with opioid-related medical conditions; rates and costs of welfare for children whose parents suffer from opioid-related disability or incapacitation; costs of opioids distributed through Nye County healthcare programs; and costs of law enforcement and public safety issues relating to the opioid epidemic.

The Firms propose to work with the County to ascertain which of these costs fall upon it, to further ascertain which departments within the County may possess statistics or cost data relevant to this potential litigation, and to work with those departments to enable the sharing, with all necessary confidences, of those statistics and data with the Firms to further their investigation and prosecution of this potential litigation.

6. Proposed Fee Agreement

Provide a copy of your firm's proposed fee agreement. The fee agreement must address Nye County's exposure for any costs or expenses. The fee agreement must address indemnification for Nye County against any liability that could arise out of this litigation.

The Firms attach a proposed contract with Nye County to this response (*see Exhibit 4*). Details for the payment of fees and the reimbursement of expenses is set forth in the proposed contract.

Nye County would see cost savings by filing in federal court and participating in the MDL process that is being established. The MDL process will promote efficiency and prevent redundant and repetitive efforts from being made at an increased expense to the County. The structure of the MDL process and use of a bellwether trial process also significantly reduces the exposure of the County or any plaintiff to an adverse cost judgment.

As stated in the proposed Contract, there is no reimbursement of litigation expenses if there is no recovery.

APPENDIX A



Baron & Budd, P.C. is among the largest and most accomplished plaintiffs' law firms in the country. With 40 years of experience, Baron & Budd has the expertise and resources to handle complex litigation throughout the United States. As a law firm that takes pride in remaining at the forefront of litigation, Baron & Budd has spearheaded many significant cases for entities and individuals. Since the firm was founded in 1977, Baron & Budd has achieved substantial national acclaim for its work on cutting-edge litigation, trying hundreds of cases to verdict and settling tens of thousands of cases in areas of litigation as diverse as pharmaceuticals and defective medical devices, asbestos and mesothelioma, water contamination, fraudulent banking practices, motor vehicles, employment, and other consumer fraud issues.

Baron & Budd has represented hundreds of public entities in pharmaceutical, environmental, consumer and securities litigation. The Firm's attorneys were part of an attorney group that recently negotiated a \$553 million settlement with 4 vehicle manufacturers regarding their use of faulty airbags manufactured by Takata. Baron & Budd's environmental litigation group litigated and settled claims on behalf of more than 150 water providers in 17 states regarding Methyl Tertiary Butyl Ether (MTBE) contamination in groundwater. The \$423 million settlement, reached with many of the country's leading gas companies, requires gasoline refiners to pay water providers' costs to remove MTBE from public drinking water wells and for refiners to pay for treatment of qualifying wells that may become contaminated within the next 30 years. The Firm's attorneys were co-lead counsel in litigation brought on behalf of seven states' attorneys general against GlaxoSmithKline regarding its fraudulent marketing of the diabetes drug Avandia; these cases settled for \$177 million. Baron & Budd's environmental litigation group represented 30 mid-west water providers in litigation regarding the contamination of water systems by the agricultural chemical atrazine; these cases settled for \$105 million. The firm also served as co-lead counsel for the states of West Virginia, Hawaii and Mississippi for their claims against various financial institutions regarding fraudulent marketing of payment protection plans and related credit card services, ultimately settling the cases for more than \$43 million.

Baron & Budd represents thousands of individuals in pharmaceutical, defective medical device, securities, environmental and motor vehicle-related cases. The firm's attorneys have served or continue to serve on Plaintiffs Steering Committees and in key leadership roles in complex, multi-district litigations, including *In Re: 7-Eleven, Inc. Shareholders Litigation*; *In re Semtech Corporation Securities Litigation*; *In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*; *In Re: Checking Account Overdraft Litigation*; *In Re: Oil Spill by the Oil Rig Deepwater Horizon in the Gulf of Mexico*; the 7 Pelvic Repair System Products Liability MDLs; *In Re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation*; *In re: Cook Medical, Inc., IVC Filters Marketing, Sales Practices and Products Liability Litigation*; *In Re: Bard IVC Filters Products Liability Litigation*; *In Re: Takata Airbag Products Liability Litigation*; *In Re: Fluoroquinolone Products Liability Litigation*; *In Re: Zofran (Ondansetron) Products Liability Litigation*; *In Re: Volkswagen Clean Diesel Marketing, Sales Practices, and Products Liability Litigation*; and *In Re: National Prescription Opiate Litigation*.

Baron & Budd's attorneys are consistently recognized for excellence in advocacy by both peers and national legal publications and organizations, including the *Best Lawyers in America*, *National Trial Lawyers Top 100 Trial Lawyers List*, and the Firm's attorneys won a 2017 Burton Award, recognizing outstanding legal writing for an article appearing in *Trial Magazine*. *The National Law Journal* has included the firm in its NLJ "Hot List" of exemplary plaintiffs firms in the United States eight years since the list's inception in 2002 (American Lawyer Media). *The National Law Journal* also named Baron & Budd to the list of America's Elite Trial Lawyers, a list is comprised of 50 law firms that have achieved significant results on behalf of plaintiffs within the previous year and have an established track record of delivering impressive results. Baron & Budd has been a finalist for the Public Justice Foundation's "Trial Lawyer of the Year" award four times – most recently in 2013 for the Atrazine litigation and 2012 for the *In Re Checking Account Overdraft Litigation* – and was awarded the honor in 2006 for its work on a decades-long case against fighting water contamination in Tucson, Arizona.

Baron & Budd has frequently contributed resources and finances to a number of worthwhile nonprofit organizations including the International Mesothelioma Program at Brigham and Women's Hospital, Asbestos Disease Awareness Organization, Lung Cancer Alliance, the National Comprehensive Cancer Network (NCCN), Attorneys Serving the Community (a Dallas-Ft. Worth area women's attorney group), Genesis Women's Shelter and the Dallas Children's Advocacy Center.

BARON BUDD



Russell W. Budd, a shareholder of Baron & Budd since 1985 and president and managing shareholder since 2002, has devoted his entire career to championing the rights of people and communities harmed by corporate malfeasance. As chair and member of several asbestos creditors' bankruptcy committees, Budd has successfully resolved over 100,000 victims' claims with some of Wall Street's biggest companies, including establishing trust funds and settlement funds valued at nearly \$11 billion to protect present and future asbestos victims throughout the United States.

Budd has also been instrumental in conducting national negotiations for non-asbestos claims. Budd was a leader in settlement negotiations in *In Re Checking Account Overdraft Litigation* that resulted in settlements valued at more than \$500 million in cash and more than \$100 million in business practice changes. Budd was one of the negotiators of a \$177 million settlement for litigation brought on behalf of seven states' attorneys general against GlaxoSmithKline regarding its fraudulent marketing of the diabetes drug Avandia, and was a key negotiator of settlements valued at more than \$43 million for the states of West Virginia, Hawaii and Mississippi for their claims against various financial institutions regarding fraudulent marketing of payment protection plans and related credit card services.



Baron & Budd shareholder Burton LeBlanc has successfully represented both individuals and governmental entities, including the States of Hawaii, Mississippi, Louisiana, and West Virginia in complex consumer fraud litigation. He was part of Baron & Budd's team that pursued litigation on behalf of seven states' attorneys general against GlaxoSmithKline regarding its fraudulent marketing of the diabetes drug Avandia, litigation which settled for \$177 million. LeBlanc is a recent (2013-2014) past-president of the nation's largest non-profit trial lawyer group, American Association for Justice (AAJ). He remains actively involved with AAJ and shares

their commitment to relentlessly advocate for the protection of America's civil justice system and the fundamental right to a trial by jury. LeBlanc is a 2017 recipient of the Lifetime Achievement Honor from America's Top 100 Attorneys for his career dedicated to the protection of America's civil justice system. He was named as one of the top 75 plaintiff's attorneys in the United States by *The American Lawyer* in 2014 and has also been selected for inclusion in the *Louisiana Super Lawyers*® list from 2012 to the present.



Laura Baughman joined Baron & Budd, P.C. in 1995 and has been a shareholder in the firm since 2001. Ms. Baughman litigated and managed the Firm's day-to-day work on consumer protection cases filed on behalf of seven states (Hawaii, West Virginia, Mississippi, New Mexico, Utah, Kentucky and Maryland) against GlaxoSmithKline regarding its fraudulent and deceptive marketing of the diabetes drug Avandia. This litigation settled for \$177 million. Ms. Baughman performed the same role in litigation filed on behalf of the states of Hawaii, Mississippi and West Virginia against various financial institutions regarding violation of those states'

consumer protection laws via fraudulent payment protection plans and related credit card services. These cases were successfully resolved for more than \$43 million. Ms. Baughman was appointed as Class Counsel by the Los Angeles Superior Court in *In Re GIB, LLC Cases*, a nationwide consumer class action on behalf of salon stylists and consumers regarding deceptive marketing of Brazilian Blowout Solution (i.e., marketing as "formaldehyde-free" when the product contained the carcinogen formaldehyde), which settled for \$4.2 million. Ms. Baughman also has extensive experience with the law firm's toxic tort litigation group. Her notable victories in this area include the successful resolution of a case filed on behalf of 137 people who were exposed to lead and other toxic substances while playing at an abandoned oil refinery in Central Texas. She was also part of the attorney team at Baron & Budd that represented 153 water providers in 17 states whose water was contaminated with MTBE.

In addition to her law degree, Ms. Baughman holds bachelor of science and master of engineering degrees in civil (environmental) engineering and she is licensed in the states of Texas, New York, California and Missouri as well as numerous federal courts across the country. Prior to joining Baron & Budd, she served as a briefing attorney to Justice Rose Spector of the Supreme Court of Texas.

BARON BUDD®



Roland Tellis' practice focuses on complex, high-profile litigation, including consumer class actions, financial fraud, business torts, corporate misconduct, automobile defect, food labeling, false advertising, securities fraud and environmental contamination. He holds leadership roles in numerous multi-state, complex class action cases, including *Bias v. Wells Fargo Bank*, a certified nationwide RICO class action involving millions of mortgage loans that settled for more than \$50 million; *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, a multi-state class action in the process

of settling with values and fines totaling in the billions of dollars, involving hundreds of thousands of vehicles equipped with "defeat devices" designed to evade emissions laws; and *In Re: Takata Airbag Products Liability Litigation*, which has received preliminary approval for a settlement valued at \$553 million. Tellis received commendation from the U.S. Department of Justice and the Federal Bureau of Investigation for his assistance in a successful parallel prosecution of a \$120 million securities Ponzi scheme perpetrated by foreign currency traders. He has served on the Board of Governors of the Association of Business Trial Lawyers and as a Lawyer Representative to the Ninth Circuit Judicial Conference. Tellis has also served as a Co-Chair of the Settlement Panel of the U.S. District Court for the Central District of California. He was selected for the 2017 edition of *The Best Lawyers in America*®.



Mark Pifko has made a name for himself as a staunch advocate for consumers' rights. Mr. Pifko has more than ten years of experience litigating complex, multi-party, multi-district and class action cases. Since joining Baron & Budd's Los Angeles office in 2011, Mark Pifko has taken on powerful corporations in class action cases concerning a wide range of products and services, including, banking, motor vehicles, food products and cosmetics. Mr. Pifko's representative cases include: *Bias v. Wells Fargo Bank*, a certified nationwide RICO class action involving millions of mortgage loans that settled for more than \$50 million; *In Re: Takata Airbag Products Liability*

Litigation, which has received preliminary approval for a settlement valued at \$553 million; *Aarons, et al. v. BMW of North America, LLC, et al.*, a class action brought on behalf of Mini Cooper owners and lessees concerning automatic transmission failures, settlement valued at \$10 million; *In Re: Alexia Foods Inc. Litigation*, a class action concerning "All Natural" frozen potato products, settlement valued at \$3.2 million; and *Delacruz v. CytoSport, Inc.*, a class action concerning Muscle Milk protein drinks, settlement valued at \$5 million. In addition to his litigation work, Mr. Pifko is a talented writer whose articles on class action law and consumer advocacy have been published in California Lawyer magazine and the Daily Journal newspaper.



Former Baron & Budd Shareholder S. Ann Saucer is an Of Counsel lawyer with the firm, focusing her practice on appellate advocacy and briefing in complex litigation for both individuals and public entities. She has successfully argued before the U.S. Fifth Circuit Court of Appeals, the U.S. Ninth Circuit Court of Appeals, the Texas Court of Appeals (Dallas) and federal and state trial courts across the country, often as the key author of briefings and presenter of oral argument. Ms. Saucer has also spoken and published articles on federal procedure issues. Her background covers the spectrum of commercial, financial, pharmaceutical and defective medical devices,

environmental law, consumer protection, product liability and toxic torts.



Alicia Butler has worked as an associate, shareholder, and of counsel with Baron & Budd in numerous roles, ranging from major toxic exposure cases to other wide-sweeping consumer cases. Currently, Ms. Butler focuses on pharmaceutical litigation, as well as whistleblower/qui tam cases and Medicare fraud cases.

Previously, Ms. Butler worked on a variety of toxic exposure cases with Baron & Budd that impacted thousands of people harmed by dangerous toxins. She represented hundreds of residents in a Pennsylvania community contaminated by radiation from local nuclear fuel facilities. She has also represented more than 1,500 workers suffering from health problems associated with arsenic, asbestos, benzene, beryllium, lead, mercury, and silica exposure at a plant in West Virginia. Ms. Butler has experience working with public entities, as she helped achieve a major settlement on behalf of the City of Santa Monica to hold the oil industry accountable for MTBE contamination in the local water supply.

Ms. Butler currently serves as a pro bono legal adviser to the Workers' Defense Project in Austin, Texas in the area of occupational safety and health issues.

Ms. Butler earned her J.D., with honors, from the University of Texas School of Law (1996). She also holds a B.A. in English and Sociology from Rice University, where she graduated *magna cum laude* (1992). Prior to joining Baron & Budd as an associate in 1998, she served as a Briefing Attorney to Justice Rose Spector of the Texas Supreme Court (1996-97), and as an Americorps*VISTA volunteer at Bexar County Legal Aid (1997-98).



Chris Mansour is an associate in Baron & Budd's Pharmaceutical Litigation Group, working to help cities, counties and states hold the drug industry accountable for its malfeasance. She devotes her time to researching complex legal issues, writing briefs, and developing litigation strategies. Prior to joining Baron & Budd, Chris Mansour worked for almost ten years at a Dallas non-profit representing immigrants who had been victims of violence. These included survivors of domestic violence, violent crime and child abuse, as well as those who had suffered human rights abuses in their home countries. Her accomplishments included numerous successful trials and

appeals that led to hundreds of immigrants obtaining legal status in the United States. Before that, she spent seven years at major law firms in Wisconsin and Ohio practicing commercial civil litigation. During this time she cultivated her appellate and trial advocacy skills, obtaining significant experience authoring appellate briefs on a variety of topics and handling all aspects of litigation including drafting pleadings, conducting discovery, motion practice and preparing for trial.

Ms. Mansour earned her J.D., with honors, from the University of Michigan School of Law (1998). She also holds a B.A. in American Studies from the University of Notre Dame, where she graduated *magna cum laude* (1991).



As an associate in Baron & Budd's Pharmaceutical Litigation Group, Daniel MacDonald works primarily on litigation against manufacturers of dangerous drugs and medical devices. Prior to joining Baron & Budd, Mr. MacDonald clerked for the Honorable Royce C. Lamberth of the U.S. District Court for the District of Columbia.

At Baron & Budd, Mr. MacDonald focuses on litigation against manufacturers of dangerous drugs and medical devices. He has worked on multidistrict litigation representing plaintiffs asserting pharmaceutical tort claims involving numerous products, including inferior vena cava (IVC) filters, the Essure birth control device, fluoroquinolones, GranuFlo, proton-pump inhibitors, Risperdal, Xarelto, and Zofran. Mr. MacDonald has taken a particularly active role in IVC multidistrict litigation, working closely with the members of plaintiffs' steering committees in multiple cases by researching and drafting memoranda, motions, and orders on significant legal issues; searching and analyzing large document productions; managing document-review projects; and preparing for and attending multiple depositions of fact and expert witnesses. Mr. MacDonald has also worked on litigation representing municipalities asserting fraud and consumer-law claims against drug and device manufacturers.

Mr. MacDonald received his juris doctor from the George Washington University Law School and his bachelor of arts with honors from the University of Texas at Austin in 2006, where he majored in government and history. He is licensed in the State of Texas, as well as the U.S. District Court for the District of Columbia.



LEVIN PAPANTONIO

Thomas • Mitchell • Battaglia • Presner • P.A.

The Levin Papantonio Law Firm was founded in 1955, in Pensacola, Florida, and is one of the largest plaintiff's law firms in the country with nearly 40 attorneys and more than 150 support staff.

In the past 25 years, the firm has received more than 150 jury verdicts throughout the country in the amount of \$1 million or more each, and has achieved verdicts and settlements in excess of \$3 billion. In July 2002, the National Law Journal recognized Levin Papantonio as the fourth most successful law firm in America based on total jury verdicts. Senior shareholder,

Fred Levin, was named as one of the nation's "Top Ten Litigators." In 2008, after securing a \$380 million verdict against a multi-national corporation, the Public Justice Foundation nominated three of the firm's attorneys as one of the top trial teams in the country. In 2017, court victories by Levin Papantonio attorneys, including senior partner Mike Papantonio, helped bring about a \$920 million settlement in the nationwide DuPont C8 litigation.



Levin Papantonio routinely represents cities, counties, and government agencies in lead counsel roles ranging from areas such as pharmaceutical, environmental, derivative, securities,

and antitrust litigation, to a key role in the landmark tobacco cases brought by states to recover health care expenditures. Levin Papantonio has held leadership positions in some of the country's most complex multi-district litigations, including the Plaintiffs' Executive Committee In re Deepwater Horizon (BP) Oil Spill in the Gulf, MDL 2179 (E.D. LA), helping to bring about the recent \$20.8 billion settlement in that action. The firm's attorneys also served on the Plaintiff Steering Committee and as co-chair of the Discovery Committee for the Bayer Yaz/Yasmin pharmaceutical litigation, in which Bayer has paid approximately \$2 billion to date.



Levin Papantonio is "AV" rated, and its attorneys have been inducted into the National Trial Lawyer Hall of Fame, listed in Best Lawyers in America, and profiled by national publications and news outlets including the New York Times, Los Angeles Times, Forbes, Time Magazine, Newsweek, Fox News, ABC News, and CNN.

As a nationally recognized litigation firm, Levin Papantonio has built a reputation on its willingness to litigate to verdict complex disputes against some of the world's largest companies. The firm routinely litigates cases that require thousands of attorney hours and millions in expenses.



LEVIN PAPANTONIO

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Mike Papantonio is a senior partner of Levin Papantonio and is a Board Certified Civil Trial Lawyer by the Florida Bar and the National Board of Trial Advocacy. He is a member and leader of both national and international legal associations, including the National Trial Lawyers Association, of which he was the 2012 President.

Mr. Papantonio is recognized as one of the Best Lawyers in America and a Leading American Attorney, was awarded the Florida Justice Association 2011 Perry Nichols Award, and has been selected by the Public Justice Foundation as a finalist for its Trial Lawyer of the Year Award. Mr. Papantonio also founded Mass Torts Made Perfect, which has trained thousands of lawyers in how to better their legal practice, and featured speakers including United States Presidents.

Mr. Papantonio has obtained multiple settlements and verdicts in the tens and hundreds of millions of dollars. In 2001, Mr. Papantonio obtained a \$70 million settlement against polluters of waterways. In 2007, as lead trial counsel in an environmental class action Mr. Papantonio received a jury verdict award for a West Virginia community with an estimated value in excess of \$380 million. In 2017, he helped secure a \$920 million DuPont C8 settlement.



Mark Proctor is the president of Levin Papantonio, leading the firm in its large-scale, complex litigation. Under Mr. Proctor's leadership, the firm has secured billions of dollars in recoveries for clients. Mr. Proctor's extensive experience includes serving as former Assistant General Counsel for the City of Jacksonville, and the former General Counsel for

the State of Florida Department of Natural Resources.

Mr. Proctor has served as a member and in leadership roles in the Florida Bar Association, the Florida Justice Association, the American Association of Justice, and the National Trial Lawyers Association. He is a founding member of Mass Torts Made Perfect, is a member of the Board of Trustees of the Fredric G. Levin College of Law at the University of Florida, and also serves on the board of directors for several charitable organizations. An author of seminal environmental articles for the Center of Land Use Law, Mr. Proctor has also been an adjunct professor of Environmental Law at the University of Florida and the University of West Florida.



Peter Mougey is a shareholder and the Chair of Levin Papantonio's Securities and Business Litigation department. Recognized as one of Florida's top 100 trial lawyers, a Florida Super Lawyer in securities litigation, Mr. Mougey has been rated AV Preeminent through Martindale-Hubbell and has served as the president of the international securities

bar association PIABA ("Public Investors Arbitration Bar Association") and on the Board of Directors and Executive Committees thereof.

In Mr. Mougey's securities and complex litigation practice, over the last five years, Mr. Mougey has represented approximately 50 state, municipal, and institutional clients in litigation and arbitration, as well more than one thousand fraud victims in state and federal court and arbitrations across the country. He has recovered more than \$250 million on behalf of his clients.

A founding member of the Business Torts section of Mass Torts Made Perfect, Mr. Mougey is a frequent national speaker regarding issues related to complex litigation. Mr. Mougey also serves in leadership positions in local community organizations and charities, including as President of the Association of Retarded Citizens ("ARC").



Laura Sherling Dunning is an attorney in the Securities and Business Litigation department of Levin Papantonio. Mrs. Dunning has been repeatedly recognized as an Alabama and MidSouth Super Lawyer Rising Star in securities litigation. In her practice, which focuses on complex business litigation, whistleblower, class action, and antitrust litigation, Mrs.

Dunning has represented dozens of governmental entities and hundreds of fraud victims in arbitration and in state and federal court, and has helped secure more than one hundred million dollars in recoveries for clients. Mrs. Dunning also serves in leadership positions with local charitable boards.



LEVIN PAPANTONIO

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Archie Lamb is a nationally recognized leader in national healthcare and physician issues, and serves as of-counsel with Levin Papantonio. Mr. Lamb was the designated lead counsel in the massive HMO RICO lawsuit, where he, as lead negotiator in the HMO cases, successfully resolved the claims with benefits to the class estimated to exceed \$2 billion.

The case included over 60 healthcare companies, and Mr. Lamb was responsible for overseeing 26 law firms and over 170 lawyers in the litigation.

The first recipient of the California Medical Association's prestigious President's Award, Archie is a sought after speaker on legal issues facing healthcare professionals. He has appeared before the American Medical Association, numerous state and local medical associations, bar groups, and legal and medical educational seminars, as well as on CNN and National Public Radio. He is a frequent contributor to business and legal publications in the area of healthcare law.



Page Poerschke is a member of the Securities and Business Litigation Department at the law firm of Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor. Her practice focuses primarily upon complex litigation, financial services and securities litigation, and antitrust litigation. Ms. Poerschke has represented over 50 state, municipal and other

institutional investors in litigation and arbitration. In addition, Ms. Poerschke has represented hundreds of fraud victims in arbitrations and in state and federal court across the country. Ms. Poerschke has been appointed as a Deputy Attorney General to represent the State of Alabama in litigation involving companies who violated the registration provisions of the Sale of Checks Act and has particular experience in representing public retirement and pension systems.



Ned McWilliams is a shareholder with Levin Papantonio, currently heading up the C8 environmental contamination and Xarelto pharmaceutical projects. Mr. McWilliams has earned a national reputation in the area of mass torts with a specialized focus in pharmaceutical litigation. Mr. McWilliams has served on the discovery and

science committee of numerous MDLs and as a member of the Plaintiffs Steering Committee in both the Pradaxa MDL, as well as the C8 MDL.



Jeff Gaddy is an associate attorney with Levin Papantonio. A former Assistant State Attorney at the Office of the State Attorney of the First Judicial Circuit where he served as a special prosecutor in the Homicide and Major Crimes Division, Mr. Gaddy tried over one hundred jury trials to verdict. Mr. Gaddy has focused his civil practice on

pharmaceutical and consumer protection litigation. As part of the C8 trial team, Mr. Gaddy helped to secure a \$920 million settlement. He is also an active member of the Florida and Mississippi Bar, and the local Rotary Club.



GREENE KETCHUM

FARRELL BAILEY & TWEEL LLP

Personal Injury Attorneys

For 60 years, Greene, Ketchum, Farrell, Bailey & Tweel LLP has been committed to fighting for justice for their clients, and has been a highly esteemed pillar in the community. The firm's attorneys have served on numerous legal and educational boards in West Virginia, including West Virginia State Bar Board of Governors; the West Virginia Ethics Commission; West Virginia Law Institute's Governing Council; West Virginia Judicial Vacancy Advisory Commission; West Virginia Association for Justice Board of Governors; Marshall University Foundation, Inc.; The Society of Yeager Scholars at Marshall University; the Faculty Merit Foundation of West Virginia, Inc. (selects higher education's "Professor of the Year"); the Marshall University Graduate School Advisory Board; Hospice of Huntington; and the Cabell County American Cancer Society.

Greene Ketchum attorneys have successfully tried numerous civil cases to verdict in state and federal courts. Their skilled advocacy has returned millions of dollars in verdicts for their clients in both trial settings and settlements. The firm's attorneys have been recognized by legal organizations for excellence and included in The National Advocates Top 100 Trial Lawyers and West Virginia Super Lawyers®.



Paul Farrell, Jr. is a West Virginia trial lawyer and partner at Greene, Ketchum, Farrell, Bailey & Tweel, LLP in Huntington, West Virginia. Mr. Farrell is recognized as a premier trial lawyer in the field of medical malpractice and appellate advocacy, making some thirty (30) appearances before the West Virginia Supreme Court. He has been a frequent presenter at legal education seminars and since 2004 has served on the West Virginia Continuing Legal Education Commission.

Mr. Farrell filed some of the first transvaginal mesh (TVM) cases in the country and served as liaison counsel on the executive committee for the 7 Pelvic Repair System Products Liability MDLs in Charleston, West Virginia. These MDLs consolidated 80,000 cases and resulted in several multi-million dollar jury verdicts. Mr. Farrell served as trial counsel for the TVM litigation, successfully trying 2 bellwether cases to verdicts in excess of \$20 million.

Mr. Farrell filed the first cases in the country on behalf of public entities against the wholesale distributors of prescription opiates in southern West Virginia and is focusing his efforts to abate the nationwide opioid epidemic. He was appointed by the Hon. Dan Polster as Co-Lead Counsel for Plaintiffs in the recently formed MDL 2804, *In Re: National Prescription Opiate Litigation*.

Mr. Farrell is a graduate of the University of Notre Dame (1994) and West Virginia University College of Law (1997) and licensed to practice law in West Virginia, Ohio and Kentucky. He was named West Virginia Association for Justice Trial Lawyer of the Year (2002) and served as the President of the West Virginia Association for Justice (2011-2012).



Bert Ketchum a partner at Greene, Ketchum, Farrell, Bailey & Tweel, LLP in Huntington, West Virginia, is an experienced trial lawyer who has tried cases to juries in the state and federal courts of West Virginia, Ohio and Kentucky including, but not limited to, wrongful death, motor vehicle accidents, mining accidents, medical malpractice, workplace injuries, eminent domain, insurance disputes and murder. Mr. Ketchum's appellate experience includes arguing cases before the West Virginia Supreme Court of Appeals and the United States Fourth Circuit Court of Appeals.

Mr. Ketchum was honored in 2007 as one of West Virginia's 40 best and brightest professionals under 40. In 2009, he was selected for membership into The National Trial Lawyers Top 100 Trial Lawyers in West Virginia. He was also selected for inclusion into the West Virginia Super Lawyers in 2010, for membership into the National Advocates Top 100 Trial Lawyers in 2014 and for membership into the Nation's Top 1% in 2015. Mr. Ketchum currently serves on the West Virginia Law Institute's Governing Council, the West Virginia Judicial Vacancy Advisory Commission, the West Virginia Association for Justice Board of Governors and the WV Public Defender Corporation Board of Directors for the 6th and 24th Judicial Circuits. He is also a member of the American Association for Justice Construction Site Accident Litigation Group and a past President of the Cabell County Bar Association.

In addition to his many community services, Mr. Ketchum was elected to the Faculty Merit Foundation of West Virginia in 2012. Mr. Ketchum is a graduate of Ohio University and the John Marshall Law School in Atlanta.

The Law Firm of Hill, Peterson, Carper, Bee & Deitzler, PLLC, began in 1980, when senior partner, R. Edison Hill, departed a large corporate and insurance defense firm to begin a small personal injury practice. The firm's attorneys represent individuals and families in many diverse areas of complex litigation including water contamination, personal injury, pharmaceutical and defective medical devices, and medical malpractice. The firm's attorneys were awarded the prestigious Trial Lawyer of the Year award by Public Justice in 2005 for their work on the successful class action litigation *Leach, et al. v. E. I. du Pont de Nemours and Company* involving representation of plaintiffs who suffered various cancers and other illnesses due to exposure through drinking water to the chemical ammonium perfluorooctanoate ("PFOA" or "C-8"), a chemical utilized in the manufacture of Teflon. The firm's attorneys also served on the Plaintiffs Steering Committee for *In re: E. I. Dupont de Nemours and Company C-8 Personal Injury Litigation*, which has reached a global settlement of close to \$1 billion. Hill, Peterson, Carper, Bee & Deitzler, PLLC, has been designated by "Benchmark Plaintiff" (The Definitive Guide To American Leading Plaintiff Firms & Attorneys) as one of West Virginia's three top and "highly recommended" litigation law firms.



R. Edison (Ed) Hill is a trial attorney and the founder and a member/partner of Hill, Peterson, Carper, Bee & Deitzler, PLLC. Mr. Hill has served as class action counsel for numerous certified class actions, including *Burch, et al. v. American Home Products Corp, et al.* (Fen-Phen Diet Drug Litigation), the largest pharmaceutical class action in the history of West Virginia, and *Leach, et al. v. E. I. du Pont de Nemours and Company*. He also serves on the Plaintiffs Steering Committee for *In re: E. I. Dupont de Nemours and Company C-8 Personal Injury Litigation*, which recently reached a settlement valued at nearly \$1 billion. Mr. Hill was named as one of "America's 100 Most Influential Trial Lawyers" by *The Trial Lawyer's RoundTable* in 2017 and has been designated as one of West Virginia's twelve "Litigation Stars" by *Benchmark Plaintiff* (The Definitive Guide To American Leading Plaintiff Firms & Attorneys). He has also been named as a Fellow of the West Virginia Bar Foundation, awarded to "lawyers whose

professional, public and private careers have demonstrated outstanding dedication to the welfare of their communities and honorable service to the legal profession with the individuals selected reflecting the diverse nature of the legal profession in West Virginia." Mr. Hill is involved in many legal professional organizations, including American Association for Justice (Life Member), National Trial Lawyers Association (Executive Committee Member), West Virginia Trial Lawyers Association (Past-President and current Board of Governors member), Public Justice Foundation, Lawyer-Pilots Bar Association, Southern Trial Lawyers Association and the Consumer Attorneys of West Virginia. He has been named a *West Virginia Super Lawyer®* each year from 2009 the present. He also serves as Chairman for the Central West Virginia Regional Airport Authority, which is the governing board for Yeager Airport, located in Charleston, West Virginia. He has served on the Yeager Airport Board of Directors since 1993.



James C. Peterson has been a member/partner at Hill, Peterson, Carper, Bee & Deitzler, PLLC since 1983, focusing his legal practice on litigation of severe personal injury, medical/legal malpractice, product liability, insurance bad faith, mass tort/class action involving defective products, pharmaceuticals and insurance issues. He served as co-lead counsel for on the settlement of the largest pharmaceutical class action litigation in the history of the State of West Virginia, involving the diet drug Fen-Phen (*Burch, et al. v. American Home Products Corporation, et al.*). Settlements and verdicts handled on behalf of his firm Hill & Peterson or on a co-counsel basis exceeds \$1.6 billion. Representative mass tort/class action in addition to *Burch* includes *McCallister, et al., v. Purdue-Pharma, Inc., et al.* (Oxycontin - potent pain killer drug); *VIOXX Products Liability Litigation*, MDL 1657 (osteo-arthritic pain medication); *In Re: E. I. Dupont de Nemours and Company C-8 Personal Injury Litigation*, MDL 2433 (involving representation of

3,500 plaintiffs who suffered various cancers and other illnesses due to exposure to C-8, a chemical used in the manufacture of Teflon, in public drinking water; global settlement reach in 2017 for close to \$1 billion.); and *Good v. American Water Works Company, Inc., et al.*, Case No. 2:14-CV-01374 (putative class alleging economic and personal injury loss due to water contamination, tentative settlement reached Fall 2016, for over 250,000 residents and businesses in the 9-county area). Mr. Peterson has been board-certified as a civil trial specialist by the National Board of Trial Advocacy (NBTA) since 1990; named member of the year by the West Virginia Trial Lawyers Association in both 1988 and 1993; served in a variety of positions with both state and national trial lawyer organizations, including president of the West Virginia Trial Lawyers' Association (1996-1997); and admitted to practice in the states of Minnesota, Ohio, and West Virginia. Since 1987, Mr. Peterson has presented over 40 papers and articles nationwide on various legal topics in over two dozen states. He authored a chapter for a National Brain Injury Association publication involving hedonic damages, and an article on the same for TRIAL Magazine (published by American Association for Justice); Mr. Peterson is recognized as a life member of American Association for Justice (AAJ), an honor bestowed on approximately 50 lawyers for that nationwide trial organization. He was selected in 2005, along with two of his partners Ed Hill and Harry Deitzler, as Trial Lawyers of the Year by Public Justice.

McHUGH FULLER

LAW GROUP

McHugh Fuller Law Group is a trial firm based out of Hattiesburg, Mississippi that specializes in complex litigation and trials in the health and medical fields. With only eight members, the firm functions as an elite trial team made up of experienced litigators and legal writers. The attorneys at McHugh Fuller are admitted to practice law in eighteen states including Mississippi, Florida, Texas, Alabama, Arkansas, Georgia, Illinois, Kentucky, Michigan, Missouri, New Hampshire, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, West Virginia, Wisconsin, and the District of Columbia. Our lawyers have tried over one hundred cases, obtaining multi-million dollar verdicts in courts throughout the country. The attorneys at McHugh Fuller have amassed over three-hundred million dollars in jury verdicts alone, and have successfully handled appeals before State Supreme Courts and Courts of Appeal in seven states, numerous Federal District Courts, the 4th, 5th and 11th Circuit Courts of Appeal and the United States Supreme Court.



Michael J. Fuller is a senior partner and founding member of McHugh Fuller Law Group. Throughout his career, Mr. Fuller has dedicated his career to the protection of people. Upon graduating from the University of Florida College of Law, he joined the Hillsborough County State Attorney's Office and spent several years protecting the residents of Tampa Bay as a prosecutor. From there, Mr. Fuller joined a national law firm that specialized in representing and protecting the elderly from abuse and neglect in nursing homes and assisted living facilities.

In 2006, Mr. Fuller and James B. McHugh decided to start their own firm and, once again, dedicated their efforts to those who could not protect themselves, particularly those confined to health care institutions. Since 2006, Mr. Fuller has worked to put together an elite trial team consisting of experienced litigators and legal writers that can litigate and try complex medical cases against billion dollar national defendant corporations. Through the leadership of Mr. Fuller and Mr. McHugh, the attorneys at

McHugh Fuller Law Group have amassed verdicts of over 300 million dollars on behalf of their clients and have successfully handled appeals before State Supreme Courts, Courts of Appeal, numerous Federal District Courts, the 4th, 5th, and 11th Circuit Courts of Appeal and the United States Supreme Court.

Mr. Fuller is licensed to practice law in the District of Columbia, Florida, Georgia, Kentucky, Michigan, Mississippi, Missouri, New York, Ohio, Pennsylvania, Tennessee, West Virginia and Wisconsin.



Amy Quezon has been practicing law and trying cases since 1993. After graduating from Stetson College of Law in 1992, she joined the State Attorney's Office in Hillsborough County, Florida. She spent approximately six years as a prosecutor trying hundreds of criminal cases. By the time Ms. Quezon left the State, she was a lead trial attorney responsible for the prosecution of violent felonies and trafficking cases.

Since 1998, Ms. Quezon has been litigating and trying complex medical and health-care related cases throughout the country. She has tried cases in multiple states, obtaining verdicts of close to 200 million dollars on behalf of her clients. She was co-lead trial counsel on a \$91.5 million dollar verdict for a case in West Virginia which was upheld in large part by the West Virginia Supreme Court and in which the United States Supreme Court ultimately denied cert. She is admitted to practice law in eleven states.

Ms. Quezon is married and has four children. Her oldest son is in law school at Stetson Law, her daughter is in nursing school at the University of Florida, her son is a senior in high school and she and her husband recently adopted a four-year-old little boy out of Foster care.

POWELL & MAJESTRO P.L.L.C

Since 2002, the attorneys of Powell & Majestro have been protecting the interests of individuals, families and businesses in West Virginia as well as handling complex litigation nationwide. The firms practice areas include Consumer Protection, Maritime Law, Products Liability, Workplace Injuries and Consumer Debt.



Anthony J. Majestro has a proven record of litigating matters of great complexity nationwide, as well as in Palm Cities, West Virginia. Mr. Majestro is currently the managing partner at Powell & Majestro P.L.L.C. The firm handles complex litigation including the representation of individuals and others who are victims of consumer fraud or are injured by defective products. Mr. Majestro and the firm have extensive experience in representing those injured by defective drugs and medical devices. Mr. Majestro has successfully represented or is currently representing clients with injuries caused by Fen-Phen/Redux, Paxil, Baycol, Propulsid, Oxycontin, Rezulin, Vioxx, hormone replacement drugs, pedicle screws, and breast implants. In addition, Mr. Majestro leads the firm's extensive consumer protection practice. Mr. Majestro recently filed the first cases in the country on behalf of public entities against the wholesale distributors of prescription opiates in southern West Virginia.

EXHIBIT 1

Exhibit 1 – Consortium list of retained clients include:

Alabama (23):

Baldwin County
Cherokee County
City of Birmingham
City of Decatur
City of Fort Payne
City of Gadsden
City of Marion
City of Mobile
City of Opp
City of Ozark
City of Selma
City of Union Springs
Coffee County
Cullman County
Etowah County
Greene County
Limestone County
Lowndes County
Marengo County
Morgan County
Phenix City
Sumter County
Tallapoosa County

California (1):

San Diego County

Florida (5):

Bay County
Calhoun County
City of Panama City
City of Pensacola
Gulf County

Georgia (2):

Chattooga County
City of Augusta

Illinois (19):

Alexander County
Bond County
Christian County
City of Rockford
Coles County
Edwards County
Hamilton County
Hardin County
Jasper County
Jersey County
Livingston County
Pulaski County
Saline County
Shelby County
Union County
Wabash County
Washington County

Illinois (cont'd):

White County
Williamson County

Indiana (13):

City of Fort Wayne
City of Greenwood
City of
Jeffersonville
City of Kokomo
City of Muncie
City of New Albany
City of Noblesville
City of Sheridan
City of Terre Haute
City of Westfield
Harrison County
Town of Atlanta
Vigo County

Kansas (3):

Cherokee County
Pratt County
Sedgwick County

Kentucky (45):

Allen County
Anderson County
Bell County
Boone County
Boyd County
Boyle County
Bracken County
Bullitt County
Campbell County
Carlisle County
Christian County
Clark County
Clay County
Cumberland County
Fleming County
Franklin County
Garrard County
Greenup County
Harlan County
Henderson County
Henry County
Hopkins County
Jessamine County
Kenton County
Knox County
Laurel County
Leslie County
Lexington-Fayette
Lincoln County
Louisville Metro
Madison County

Kentucky (cont'd):

Marshall County
Nicholas County
Oldham County
Pendleton County
Perry County
Pulaski County
Rowan County
Scott County
Shelby County
Spencer County
Union County
Wayne County
Whitley County
Woodford County

Louisiana (1):

East Baton Rouge
Parish

Maryland (1):

Cecil County

Massachusetts (6):

City of Everett
City of Greenfield
City of Medford
City of Methuen
City of Revere
City of Woburn

Michigan (2):

Canton Township
City of Livonia

Mississippi (17):

Amite County
Benton County
City of Charleston
Jefferson County
Jefferson Davis
County
Lawrence County
Leake County
Lincoln County
Marion County
Marshall County
Neshoba County
Newton County
Stone County
Tallahatchie County
Tippah County
Union County
Walthall County

New Hampshire (1):

City of Concord

North Carolina (22):

Buncombe County
Burke County
Caldwell County
Caswell County
Catawba County
Columbus County
City of Fayetteville
Gaston County
Hancock County
City of Jacksonville
New Hanover County
Onslow County
Orange County
Person County
Pitt County
Randolph County
Rockingham County
Rutherford County
Stokes County
Surry County
Wilkes County
City of Wilmington

Ohio (33):

Adams County
Ashland County
Belmont County
Brown County
City of Cincinnati
City of Portsmouth
Champaign County
Clermont County
Columbiana County
Coshocton County
Crawford County
Darke County
Erie County
Fairfield County
Gallia County
Geauga County
Guemsey County
Hamilton County
Hocking County
Huron County
Jackson County
Lawrence County
Licking County
Logan County
Morrow County
Muskingum County
Ottawa County
Pike County
Ross County

Ohio (cont'd):

Scioto County
Seneca County
Vinton County
Wayne County

Pennsylvania (3):

Columbia County
Luzerne County
Wyoming County

Rhode Island (3):

Gloicester
Town of Smithfield
West Warwick

Tennessee (12):

Campbell County
Fentress County
Greene County
Hamblen County
Hancock County
Hawkins County
Haywood County
Henderson County
Johnson County
Lexington City
Pickett County
Williamson County

West Virginia (6):

Boone County
Cabell County
Fayette County
Kanawha County
Logan County
Wayne County

Sovereign Nations (7):

Eastern Band of
Cherokee
Lower Brule Sioux
Tribe
Red Lake Band of
Chippewa Indians
Seneca Tribe
The Blackfeet
Nation
Tule River Tribe
White Earth Band of
Ojibwe

New Mexico (1):

The State of New
Mexico

EXHIBIT 2

Exhibit 2: Baron & Budd Representing States' Attorneys Generals in Pharmaceutical Litigation

New Mexico Office of Attorney General, Opioids Case

State of New Mexico, ex rel. Hector H. Balderas, Attorney General vs. Purdue Pharma, et al., Case No. D-101-CV-2017-02541, First Judicial District Court, County of Santa Fe, New Mexico

Nature of the litigation and current disposition of case:

This newly filed case was brought by the Attorney General of the State of New Mexico to eliminate the hazard to public health and safety in New Mexico caused by the opioid epidemic, to abate the nuisance in New Mexico, and to recoup State monies that have been spent as a result of Defendants' false, deceptive and unfair marketing and/or unlawful diversion of prescription opioids. Baron & Budd shareholders Russell Budd, Laura Baughman and Burton LeBlanc, along with Baron & Budd Of Counsel Ann Saucer and Alicia Butler, are assisting the Attorney General's office with drafting pleadings and formulating strategy in the early stages of the litigation.

Mississippi Office of the Attorney General Case Against Fresenius

Jim Hood, Attorney General of the State of Mississippi, ex rel. the State of Mississippi v. Fresenius Medical Care Holdings, Inc.; and Fresenius USA, Inc.; Cause No.: 14-cv-152, Chancery Court of DeSoto County, Mississippi

Nature of the litigation and Baron & Budd's role:

This case was brought by the State of Mississippi against Fresenius Medical Care Holdings, Inc. and Fresenius USA, Inc. to recover under the Mississippi Consumer Protection Act (MCPA), which grants the Attorney General authority to prosecute state consumer protection laws on behalf of the State of Mississippi. Defendants violated the MCPA by engaging in unfair methods of competition and unfair and deceptive trade practices within the State in connection with the marketing and sale of GranuFlo.

Status of case, range of responsibilities and current disposition of case:

This case was filed in January 2014 and litigation is on-going. Baron & Budd attorneys serve as co-counsel with other firms and the State's Office of the Attorney General. Baron & Budd attorneys directly engage with the deputy Attorneys General and co-counsel on all phases and facets of the litigation. Baron & Budd shareholder Laura Baughman has taken the lead in drafting pleadings, formulating strategy of the litigation, propounding and responding to discovery, defending and taking multiple fact witness depositions, working with potential testifying and consulting experts, as well as arguing at hearings before the Chancery Judge and overseeing the motion practice. Of Counsel attorneys Ann Saucer and Alicia Butler have engaged in extensive motion practice including taking the lead in briefing two motions to compel document productions of allegedly privileged Defendant documents. The Orders granting both of these Motions (one of which included an award for monetary sanctions) have been appealed to the Mississippi Supreme Court and Laura Baughman and Ann Saucer are taking the lead in responding to the Defendants' briefing on the appeals. Baron & Budd has also taken the lead in discovery document gathering and production on behalf of the State and management and review of the Defendants' document productions.

Exhibit 2: Baron & Budd Representing States' Attorneys Generals in Pharmaceutical Litigation

Mississippi Office of the Attorney General Case Against GlaxoSmithKline

Jim Hood, Attorney General of the State of Mississippi, ex rel. the State of Mississippi v. GlaxoSmithKline, LLC; Cause No 17-cv-163, Chancery Court of Hinds County, Mississippi

Nature of the litigation and Baron & Budd's role:

This case was brought by the State of Mississippi against GlaxoSmithKline ("GSK") alleging that GSK engaged in unfair or deceptive trade practices in its marketing of several pharmaceutical drugs to treat conditions for which their safety and efficacy had not been established. Specifically, the State alleges that Defendant knowingly and willfully engaged in conduct that constitutes an unfair method of competition and/or an unfair or deceptive trade practice and a violation of the Mississippi Consumer Protection Act, including misrepresenting the sponsorship or approval of the drugs; misrepresenting affiliation, connection, or association with, or certification by another; representing that the drugs had characteristics, approval, benefits, uses and/or quantities that they do not have; representing that the drugs were of a particular standard, quality, or grade when, in fact, the drugs were not of that standard, quality, or grade; omitting from its representations the material fact that it had been unlawfully paying, and offering remuneration to, healthcare providers to induce them to promote and prescribe the drugs.

Status of case, range of responsibilities and current disposition of case:

This case was filed in February 2017 and litigation is on-going. Baron & Budd attorneys serve as co-counsel with other firms and the State's Office of the Attorney General. This case was removed from state court to federal court by the Defendant and Plaintiff's Motion to Remand has been fully briefed. The parties are awaiting a decision from the federal court judge on whether the Motion will be granted without hearing. Anticipated responsibilities include directly engaging with the deputy Attorneys General and co-counsel on pleadings, strategy of the litigation, and lengthy discovery with multiple depositions and complex motion practice.

New Mexico Office of Attorney General, Plavix Case

State of New Mexico, ex rel. Hector H. Balderas, Attorney General vs. Bristol-Myers Squibb Company, et al., Case No. D-101-CV-2016-02176, First Judicial District Court, County of Santa Fe, New Mexico

Nature of the litigation and Baron & Budd's role:

This case was brought by the State of New Mexico against Bristol-Myers Squibb Company, Sanofi-Aventis U.S. LLC, Sanofi US Services, Inc. and Sanofi-Synthelabo Inc., for claims relating to Defendants' false, deceptive, and unfair labeling, promotion, and marketing of their prescription antiplatelet drug, Plavix (clopidogrel bisulfate). The State of New Mexico's complaint alleges that since March 1998, Defendants knew or should have known that Plavix has a diminished or no effect on a substantial and significant percentage of New Mexico's patient population and that those patients for whom Plavix would not work could have been identified through a simple genetic test. The State further alleges that Defendants failed to disclose that information and, in fact, sought to push sales of Plavix ever higher through their campaign to replace much cheaper and safer aspirin with Plavix. On March 23, 2010, at the insistence of the Food and Drug Administration, Defendants finally added a "black box warning" to Plavix's label that discloses that Plavix does not become effective until it is metabolized into its active form by the CYP2C19 liver enzyme, a fact well known to Defendants more than a decade earlier. The State's complaint alleges causes of action under the New Mexico Unfair Practices Act, the

Exhibit 2: Baron & Budd Representing States' Attorneys Generals in Pharmaceutical Litigation

New Mexico Medicaid Fraud Act, the New Mexico Fraud Against Taxpayers Act, and for common law and equitable claims for fraud, unjust enrichment, and negligence.

Status of case, range of responsibilities and current disposition of case:

This case was filed in September 2016 and litigation is on-going. Baron & Budd attorneys serve as co-counsel with other firms and the State's Office of the Attorney General. Defendants filed a Motion to Dismiss or, in the alternative, Stay or Dismiss Proceedings until resolution of a federal *qui tam* case pending in New Jersey on November 28, 2016. On January 6, 2017, the State filed its response. The court ultimately stayed the case pending resolution of the *qui tam* action. On June 27, 2017, the federal *qui tam* action was resolved and the stay lifted. On August 10, 2017, Defendants filed supplemental briefing in support of their motion to dismiss. The State's response is due on August 31, 2017. No hearing date has been set by the court. The State believes it will prevail on the Motion to Dismiss after which responsibilities of counsel will include directly engaging with the Deputy Attorney General and co-counsel on pleadings, strategy of the litigation, and a lengthy discovery process with multiple depositions and complex motion practice.

Hawai'i Office of the Attorney General, Plavix Case

State of Hawai'i, ex rel. Douglas S. Chin, Attorney General v. Bristol-Myers Squibb Company, et al., Civ. No. 14-1-0708-03, Civ. No. Civ. No. 14-1-0708-03, First Circuit Court, State of Hawaii

Nature of the litigation and Baron & Budd's role:

This case was brought by the State of Hawai'i against Bristol-Myers Squibb Company, Sanofi-Aventis U.S. LLC, Sanofi US Services, Inc. and Sanofi-Synthelabo Inc., for claims relating to Defendants' false, deceptive, and unfair labeling, promotion, and marketing of their prescription antiplatelet drug, Plavix (clopidogrel bisulfate). The State of Hawai'i's complaint alleges that since March 1998, Defendants knew or should have known that Plavix has a diminished or no effect on a substantial and significant percentage of the State of Hawai'i's patient population and that those patients for whom Plavix would not work could have been identified through a simple genetic test. The State further alleges that Defendants failed to disclose that information and, in fact, sought to push sales of Plavix ever higher through their campaign to replace much cheaper and safer aspirin with Plavix. On March 23, 2010, at the insistence of the Food and Drug Administration, Defendants finally added a "black box warning" to Plavix's label that discloses that Plavix does not become effective until it is metabolized into its active form by the CYP2C19 liver enzyme, a fact well known to Defendants more than a decade earlier. The State's complaint alleges causes of action under the State of Hawai'i's Unfair or Deceptive Acts or Practices and Consumer Fraud Against Elders, and equitable claim of unjust enrichment.

Status of case, range of responsibilities and current disposition of case:

This case was filed in January 2015 and litigation is on-going. Baron & Budd attorneys serve as co-counsel with other firms and the State's Office of the Attorney General. The State successfully opposed Defendants' Motion to Dismiss and the case is currently in the discovery phase. Counsel has been engaged already in numerous depositions of Defendants' representatives and various discovery and related motions. Defendants have produced over 2.5 million pages of documents, which are currently being reviewed.

EXHIBIT 3

Exhibit 3: National Consortium – Representative MDL Appointments

Baron & Budd

In re National Prescription Opiate Litigation, MDL 2804. (Plaintiff's Executive Committee, State Attorneys General Liaison Counsel to the PEC)

In re: Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices, and Products Liability Litigation, MDL 2777. (Plaintiffs' Steering Committee)

In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation, MDL 2672. (Plaintiffs' Steering Committee)

In re: Fluoroquinolone Products Liability Litigation, MDL 2642. (Plaintiffs' Steering Committee and serves as co-lead counsel)

In re: Bard IVC Filters Products Liability Litigation, MDL 2641. (Plaintiffs' Steering Committee and Plaintiffs' Executive Committee)

In re: Takata Airbag Products Liability Litigation, MDL 2599. (Plaintiffs' Steering Committee)

In re: Cook Medical, Inc., IVC Filters Marketing, Sales Practices and Products Liability Litigation, MDL 2570. (Plaintiffs' Steering Committee)

In re: Neomedic Pelvic Repair System Products Liability Litigation, MDL No. 2511. (Plaintiffs' Steering Committee)

In re: Cook Medical, Inc., Pelvic Repair System Products Liability Litigation, MDL No. 2440. (Plaintiffs' Steering Committee)

In re: Coloplast Corp. Pelvic Support Systems Products Liability Litigation, MDL No. 2387. (Plaintiffs' Steering Committee)

In re: Ethicon, Inc., Pelvic Repair System Products Liability Litigation, MDL No. 2327. (Plaintiffs' Steering Committee)

In re: Boston Scientific Corp. Pelvic Repair System Products Liability Litigation, MDL No. 2326. (Plaintiffs' Steering Committee)

In re: American Medical Systems, Inc., Pelvic Repair System Products Liability Litigation, MDL No. 2325. (Plaintiffs' Steering Committee)

In re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation, MDL 2428. (Plaintiffs' Steering Committee)

In re: C. R. Bard, Inc., Pelvic Repair System Products Liability Litigation, MDL No. 2187. (Plaintiffs' Steering Committee)

In re: Deepwater Horizon (BP) Oil Spill in the Gulf, MDL 2179. (Plaintiffs' Steering Committee and the Plaintiffs' Executive Committee)

In re: Checking Account Overdraft Litigation, MDL 2036. (Plaintiffs' Steering Committee)

In re: Methyl Tertiary Butyl Ether (MTBE), MDL 1898 (Plaintiffs' Steering Committee and Plaintiffs' Co-Lead Counsel)

In re: Katrina Canal Breaches, Consolidated Litigation in the Eastern District of Louisiana (Leadership Role)

In re: Southern California Gas Leak Cases, JCCP 4861. (Plaintiffs' Executive Committee and Co-Chair of the Plaintiffs' Steering Committee)

Exhibit 3: National Consortium – Representative MDL Appointments

In re: MyFord Touch Consumer Litigation, 13-cv-3072 (N.D. Cal.). (Co-Lead Counsel)

Falco v. Nissan North America, Inc., 2:13-cv-00686 (C.D. Cal.) a certified class action. (Lead Counsel)

Benkle v. Ford Motor Company, 8:16-cv-01569 (C.D. Cal.) a class action. (Co-Lead Counsel)

Bias v. Wells Fargo Bank, 4:12-cv-00664 (N.D. Cal.) a certified nationwide RICO class action. (Lead Counsel)

Levin Papantonio

In re National Prescription Opiate Litigation, MDL 2804 (Plaintiff's Executive Committee, Co-Liaison Counsel)

American Chemicals & Equipment Inc. 401(K) Retirement Plan v. Principal Management Corporation, et al., (Counsel for Plaintiffs in derivative action)

Asbestos Products Liability Litigation (Lead and Co-Lead Counsel on more than 5,000 individual cases) *Baycol Products Liability Litigation* (Lead and Co-Lead Counsel on hundreds of individual cases)

Bilewicz v. FMR LLC, et al., CV 13:10636, District of Massachusetts (Counsel for Plaintiffs in class action)

In re: Accutane Products Liability Litigation, MDL 1626 (M.D. Florida) (Co-Chair Discovery Committee)

In re: America Online, Inc., Version 6.0 Software Litigation, MDL 1412 (N.D. Illinois) (Co-Lead Counsel)

In re: American Medical Systems, Inc., Pelvic Repair System Prods. Liab. Litig., MDL 2325 (S.D. WV) (Plaintiffs' Steering Committee)

In re: Amtrak "Sunset Limited" Train Crash in Bayou Canot, Alabama on September 22, 1993, MDL 1003 (S.D. Alabama) (Plaintiffs' Steering Committee, Electronic Depository Repository, Research Committee)

In re: Automotive Parts Antitrust Litigation, Master File No. 2:12-mb-02311 (S.D.N.Y) (Plaintiff's Counsel)

In re: Bextra and Celebrex Marketing Sales Practices and Products Liability Litigation, MDL 1699 (N.D. California) (Plaintiffs' Steering Committee, Co-Chair Discovery Committee, Science Committee)

In re: Breast Implant Products Liability Litigation, MDL 926 (Florida Liaison Counsel, Lead and Co-Lead Counsel on thousands of individual cases)

In re: Cisco Systems, Inc. Securities Litigation, File No. C-01-20418 -JW - U.S. District Court for the Northern District of California (Co-Lead Counsel, \$99.8 million settlement in securities fraud class action settlement in Sept. 2006)

In re: Cisco Systems, Inc., Securities & Derivative Litigation, MDL 1527 (N.D. California) (Co-Lead Counsel)

Exhibit 3: National Consortium – Representative MDL Appointments

In re: Diet Drugs (Phentermine/Fenfluramine/ Dexfenfluramine) Products Liability Litigation, MDL 1203 (E.D. Pennsylvania) (Plaintiffs' Steering Committee, Science Committee, Lead and Co-Lead Counsel on thousands of individual cases)

In re: E.I. Du Pont De Nemours & Co. C-8 Personal Injury Litig., MDL 2433 (S.D. OH) (Plaintiffs' Steering Committee)

In re: Factor VIII or IX Concentrate Blood Products " Products Liability Litigation, MDL 986 (N.D. Illinois) (Plaintiffs' Steering Committee, Settlement Committee)

In re: Fidelity ERISA Float Litigation, CV-13-10222, District of Massachusetts (Counsel for Plaintiffs) (ERISA class action lawsuit involving claims on behalf of Fidelity employees).

In re: Fresenius GranuFlo/Naturalyte Dialysate Prods. Liab. Litig., MDL 2428 (D. MA) (Plaintiffs' Steering Committee; Co-Chair, Discovery Committee; Science Committee; Bellwether Committee)

In re: Guidant Defibrillators Products Liability Litigation, MDL 1708 (District of Minnesota) (Plaintiffs' Steering Committee, Discovery Committee, Trial Team Committee)

In re: High Sulfur Content Gasoline Products Liability Litigation, MDL 1632 (E.D. Louisiana) (Plaintiffs' Steering Committee, Co-Chair Trial Committee)

In re: J.P. Morgan Stable Value Fund ERISA Litigation, Master File No. 12-cv-2548- VSB (Southern District of New York) (Plaintiffs' counsel in class action currently pending certification, defeated motions to dismiss, leader of discovery negotiations).

In re: LIBOR-based Financial Instruments Antitrust Litigation, MDL No. 2262 (S.D.N.Y) (Plaintiffs' counsel).

In re: Life Insurance Company of Georgia Class Action, CV 94-002696 (Mobile County, AL) (Co-Lead Counsel)

In re: Medtronic, Inc., Implantable Defibrillators Products Liability Litigation, MDL 1726 (District of Minnesota) (Plaintiffs' Steering Committee, Co-Chair Discovery Committee)

In re: Phenylpropanolamine (PPA) Products Liability Litigation, MDL 1407 (W.D. Washington) (Plaintiffs' Steering Committee, Discovery Committee, Lead and Co-Lead on approximately 250 individual cases)

In re: Propulsid Products Liability Litigation, MDL 1355 (E.D. Louisiana) (Plaintiffs' Steering Committee)

In re: Rezulin Products Liability Litigation, MDL 1348 (S.D. New York) (Plaintiffs' Steering Committee, Chair Discovery Committee, Lead and Co-Lead Counsel on thousands of individual cases)

In re: Welding Fume Products Liability Litigation, MDL 1535 (N.D. Ohio) (Plaintiffs' Executive Committee, Co-Chair Discovery Committee)

In re: Zyprexa Products Liability Litigation - MDL No. 1596, (E.D. New York) (Plaintiffs' Steering Committee - Mass Settlements totaling \$700 M)

In re: Vioxx Products Liability Litigation, MDL 1657 (E.D. Louisiana) (Plaintiffs' Steering Committee, Co-Chair Discovery Committee, Science Committee, Lead and Co-Lead Counsel on hundreds of individual cases)

In re: Actos Prods. Liab. Litig., MDL 2299 (W.D. LA) (Plaintiffs' Steering Committee)

Exhibit 3: National Consortium – Representative MDL Appointments

In re: Bair Hugger Forced Air Warming Devices Prods. Liab. Litig., MDL 2666 (D.MN) (Co-Lead Counsel)

In re: Benicar (Olmesartan) Prods. Liab. Litig., MDL 2606 (D.NJ) (Plaintiffs' Executive Committee)

In re: Bextra and Celebrex Marketing Sales Practices and Prods. Liab. Litig., MDL 1699 (N.D. CA) (Plaintiffs' Steering Committee; Co-Chair, Discovery Committee; Science Committee)

In re: Blue Cross Blue Shield Antitrust Litig., MDL 2406 (N.D. AL) (Plaintiffs' Steering Committee; Co-Chair, Class Certification Committee, State Liaison Committee)

In re: Boston Scientific, Inc. Pelvic Repair Systems Prods. Liab. Litig., MDL 2326 (S.D. WV) (Plaintiffs' Steering Committee)

In re: Chinese Drywall Prods. Liab. Litig., MDL 2047 (E.D. LA) (Plaintiffs' Steering Committee; Science Committee)

In re: Cisco Systems, Inc., Securities & Derivative Litig., MDL 1527 (N.D. CA) (Plaintiffs' Co-Lead Counsel)

In re: Deepwater Horizon (BP) Oil Spill in the Gulf, MDL 2179 (E.D. LA) (Plaintiffs' Executive Committee)

In re: DePuy Orthopaedics, Inc., ASR Hip Implant Prods. Liab. Litig., MDL 2197 (N.D. OH) (Plaintiffs' Executive Committee)

In re: Digitek Prods. Liab. Litig., MDL 1968 (S.D. WV) (Plaintiffs' Steering Committee)

In re: Ethicon, Inc. Pelvic Repair Systems Prods. Liab. Litig., MDL 2327 (S.D. WV) (Plaintiffs' Steering Committee)

In re Fosamax (Alendronate Sodium) Prods. Liab. Litig. (No. II), MDL 2243 (D. NJ) (Plaintiffs' Steering Committee)

In re: Fosamax Prods. Liab. Litig., MDL 1789 (S.D. NY) (Plaintiffs' Lead Counsel)

In re: Gadolinium Based Contrast Agents Prods. Liab. Litig., MDL 1909 (N.D. OH) (Plaintiffs' Co-Lead Counsel)

In re: Heparin Prods. Liab. Litig., MDL 1953 (N.D. OH) (Plaintiffs' Steering Committee; Co-Chair, Discovery Committee)

In re: Katrina Canal Breaches Consolidated Litig., No. 05-4182 (E.D. LA) (Plaintiffs' Steering Committee)

In re: Medtronic, Inc., Implantable Defibrillators Prods. Liab. Litig., MDL 1726 (D. MN) (Plaintiffs' Steering Committee; Co-Chair, Discovery Committee)

In re: Ortho Evra Prods. Liab. Litig., MDL 1742 (N.D. OH) (Plaintiffs' Steering Committee)

In re: Pradaxa (Dabigatran Etexilate) Prods. Liab. Litig., MDL 2385 (S.D. IL) (Plaintiffs' Executive Committee; Science Committee)

In re: Stryker Rejuvenate and ABG II Hip Implant Prods. Liab. Litig., MDL 2241 (D. MN) (Plaintiffs' Lead Counsel Committee)

In re: Testosterone Replacement Therapy Products Liability Litigation, MDL 2545 (N.D. IL) (Plaintiffs' Executive Committee)

Exhibit 3: National Consortium – Representative MDL Appointments

In re: Trasylol Prods. Liab. Litig., MDL 1928 (S.D. FL) (Plaintiffs' Steering Committee)

In re: Yamaha Motor Corp. Rhino ATV Prods. Liab. Litig., MDL 2016 (W.D. KY) (Plaintiffs' Executive Committee)

In re: Yasmin & Yaz (Drospirenone) Marketing, Sales, and Prods. Liab. Litig., MDL 2100 (S.D. IL) (Plaintiffs' Steering Committee, Discovery Committee (Co-Chair), Bellwether Trial Team)

In re: Zyprexa Prods. Liab. Litig., MDL 1596 (E.D. NY) (Plaintiffs' Steering Committee) *Serzone Products Liability Litigation* (Lead and Co-Lead Counsel on approximately 200 individual cases)

State of Florida v. American Tobacco Company, CL-95-1466 (AH) (Palm Beach County, FL) (Founding and Participating Member of Legal Team)

United States of America ex rels. Tina Calilung & Jamie Kell v. Ormat Industries Ltd., Ormat Technologies, Inc., Ormat Nevada, Inc., Puna Geothermal Venture II, LP, Puna Geothermal Venture G.P., Ornia 18, LLC, & First Israel Mezzanine Investors, Ltd., Case No. 3:14-cv-00325-RCJ-VPC (District of Nevada) (co-lead counsel for plaintiffs in False Claims Act case).

Green Ketchum

In re National Prescription Opiate Litigation, MDL 2804 (Co-Lead Counsel, Plaintiff's Executive Committee)

In re: C. R. Bard, Inc., Pelvic Repair System Products Liability Litigation MDL No. 2187 (Plaintiffs' Steering Committee and Plaintiffs' Co-Liaison Counsel)

In re: American Medical Systems, Inc., Pelvic Repair System Products Liability Litigation MDL No. 2325 (Plaintiffs' Steering Committee and Plaintiffs' Co-Liaison Counsel)

In re: Boston Scientific Corp., Pelvic Repair System Products Liability Litigation MDL No. 2326 (Plaintiffs' Steering Committee and Plaintiffs' Co-Liaison Counsel)

In re: Ethicon, Inc., Pelvic Repair System Products Liability Litigation MDL No. 2327 (Plaintiffs' Steering Committee and Plaintiffs' Co-Liaison Counsel)

In re: Coloplast Corp, Pelvic Support Systems Products Liability Litigation MDL No. 2387 (Plaintiffs' Steering Committee and Plaintiffs' Co-Liaison Counsel)

In re: Cook Medical, Inc., Pelvic Repair System Products Liability Litigation MDL No. 2440 (Plaintiffs' Steering Committee and Plaintiffs' Co-Liaison Counsel)

In re: Neomedic Pelvic Repair System Products Liability Litigation MDL No. 2511 (Plaintiffs' Steering Committee and Plaintiffs' Co-Liaison Counsel)

Hill Peterson

In re: Fen-Phen Diet Drug Litigation (West Virginia). (Co-Lead Counsel)

In re: E. I. Dupont de Nemours and Company C-8 Personal Injury Litigation, CA 2:13- md-2433, (SD Ohio). (Plaintiff counsel and member of Plaintiffs' Steering Committee)

Community Health Ass'n., et al. vs. Lucent Technologies Inc., et al. (Co-Lead counsel).

CSS, Inc., et al. vs. Fibernet. (Co-Lead Counsel). Certified class action for failure to provide uninterrupted telecommunication services.

Exhibit 3: National Consortium – Representative MDL Appointments

The Bakery, LLC, et al. vs. Pritt, et al. (Co-Lead Counsel)

McHugh Fuller

In re National Prescription Opiate Litigation, MDL 2804 (Plaintiff's Executive Committee)

Powell & Majestro

In re: C. R. Bard, Inc., Pelvic Repair System Products Liability Litigation MDL No. 2187 (S.D.W.Va. & 4th Cir.) (Post-Trial and Appellate Counsel)

In re: Boston Scientific Corp., Pelvic Repair System Products Liability Litigation MDL No. 2326 (S.D.W.Va. & 4th Cir.) (Post-Trial and Appellate Counsel)

In re: Human Tissue Products Liability Litigation, MDL No. 1763 (D.N.J.) (Plaintiffs' Steering committee and Law Committee) *In re: B&H Towing* (S.D.W.Va.) (Liaison Counsel)

Good v. American Water (S.D.W.Va.) (W.Va. Mass Litigation Panel) (Co-lead Counsel and Class Counsel)

In re: Perdue Pharma L.P. Litigation (W. Va.) (Class Co-Counsel)

In re: Fen-Phen Diet Drug Litigation (W. Va. Mass Litigation Panel) (Class Counsel)

In re: Rezulin Litigation (W. Va. Mass Litigation Panel) (Class Co-Counsel)

Community Health Ass'n., et al. v. Lucent Technologies Inc., et al. (W. Va.) (Class Counsel)

CSS, Inc., et al. v. Fibernet. (W. Va.) (Co-Lead/Class Counsel)

The Bakery, LLC, et al. vs. Pritt, et al. (W. Va.) (Co-Lead/Class)

Pauley v. Hertz Global Holdings (W. Va.) (Lead Class Counsel)

Morgan v. Bell Atlantic (W.Va.) (Class Counsel)

Ysbrand v. DaimlerChrysler Corporation (Ok. District Court, Ok. Supreme Court, Supreme Court of the United States) (Co-Lead Class Counsel)

Chase Bank, N.A. v. Bryant and FIA Card Services a/k/a/ Bank of America v. Camastro (WV) (Lead Class Counsel)

In re: Mountain State University Litigation (W.Va. Mass Litigation Panel) (Lead Class Counsel and Liaison Counsel)

In re: Marcellus Shale Litigation (W.Va. Mass Litigation Panel) (Liaison Counsel and Lead Counsel)

EXHIBIT 4

LEGAL SERVICES AGREEMENT

NYE COUNTY, NEVADA (hereinafter "CLIENT") hereby retains outside counsel, pursuant to the Nevada Rules of Professional Conduct, on a contingent fee basis, to pursue all civil remedies against those in the chain of distribution of prescription opiates responsible for the opioid epidemic which is plaguing the NYE COUNTY, NEVADA, including, but not limited to, filing a claim for public nuisance to abate the damages caused thereby. **J. Burton LeBlanc, Esq.** of the law firm of Baron & Budd PC shall serve as Lead Counsel. CLIENT authorizes Lead Counsel to employ and/or associate additional counsel, with consent of CLIENT, to assist Lead Counsel in the just prosecution of the case. CLIENT consents to the participation of the following firms:

BARON & BUDD, PC
3102 Oak Lawn Avenue #1100
Dallas, Texas

LEVIN, PAPANTONIO, THOMAS, MITCHELL, RAFFERTY & PROCTOR, PA
316 South Baylen Street
Pensacola, Florida

GREENE, KETCHUM, FARRELL, BAILEY & TWEEL, LLP
419 11th Street
Huntington, West Virginia

HILL PETERSON, CARPER BEE & DEITZLER PLLC
500 Tracy Way
Charleston, West Virginia

MCHUGH FULLER LAW GROUP
97 Elias Whiddon Rd.
Hattiesburg, Mississippi

POWELL & MAJESTRO PLLC
405 Capitol Street #1200
Charleston, West Virginia

BARON & BUDD, PC will serve as liaison between CLIENT and the firms listed above.

In consideration, **CLIENT agrees to pay twenty-five percent (25%) of the total recovery (gross) as an attorney fee whether the claim is resolved by compromise, settlement, or trial and verdict (and appeal).** The CLIENT acknowledges this fee is reasonable given the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly, the likelihood this employment will preclude other employment by the lawyer(s), the fee customarily charged in the locality for similar legal services, the anticipated (contingent) litigation expenses and the anticipated results obtained, the experience, reputation, and ability of the lawyer or lawyers

performing the services and the fact that the fee is contingent upon a successful recovery. **There is no fee if there is no recovery.**

This fee applies to any sums, benefit or value obtained on your behalf, whether monetary or nonmonetary, including equitable remedies including abatement, and whether recovered by award, judgment, settlement, bankruptcy proceedings, government-imposed reparations proceedings, regulatory relief/settlement, non-monetary remedial benefit provided by defendants or otherwise. Gross recovery is the value, at the time of settlement or collection (whichever confers the greater value), of any sums, benefit or value obtained on your behalf, as set out above. **The gross recovery shall be calculated on the amount obtained before the deduction of costs and expenses.** CLIENT grants Attorneys an interest in a fee based on the gross recovery. If a court awards attorneys' fees, Attorneys shall receive the "greater of" the gross recovery-based contingent fee or the attorneys' fees awarded.

The division of fees, expenses and labor between the law firms will be decided by private agreement between the law firms which shall be subject to review by the CLIENT, and any division of fees will be governed by the Nevada Rules of Professional Conduct including: (1) the division of fees is in proportion to the services performed by each lawyer or each lawyer assumes joint responsibility for the representation and agrees to be available for consultation with the CLIENT; (2) the CLIENT agrees to the arrangement and the agreement is confirmed in writing; and (3) the total fee is reasonable. In the event that the contingent fee portion of this agreement is determined to be unenforceable for any reason or the Attorneys are prevented from representing CLIENT on a contingent fee basis, CLIENT agrees to pay a reasonable fee for the services rendered.

The law firms agree to advance all necessary litigation expenses necessary to prosecute these claims, and the CLIENT shall have no obligation to advance any costs or to make any financial contribution to the lawsuit while the litigation is pending. **All such litigation expenses, including the reasonable internal costs of electronically stored information (ESI) and electronic discovery generally or the direct costs incurred from any outside contractor for those services, will be deducted from any recovery after the contingent fee is calculated. There is no reimbursement of litigation expenses if there is no recovery.**

Funds that are recovered on behalf of CLIENT shall flow through the _____ and may be expended on education, law enforcement and jails, healthcare, or in any other way that the _____ deems appropriate.

The Client shall be kept reasonably informed about the status of the matter in a manner deemed appropriate by the Client. The Client at all times shall retain the authority to decide the disposition of the case and personally oversee and maintain absolute control of the litigation.

Upon conclusion of this matter, the CLIENT shall be provided with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination as required by the Nevada Rules of Professional Conduct. The closing statement shall specify the manner in which the compensation was determined under the agreement, any costs and expenses deducted by the lawyer from the judgment or settlement involved, and, if applicable, the actual division of the

lawyers' fees with a lawyer not in the same firm, as contemplated by the Nevada Rules of Professional Conduct.

Nothing in this Agreement and nothing in the Attorneys' statement to the CLIENT may be construed as a promise or guarantee about the outcome of this matter. The Attorneys make no such promises or guarantees. Attorneys' comments about the outcome of this matter are expressions of opinion only and the Attorneys make no guarantee as to the outcome of any litigation, settlement or trial proceedings.

Further, the execution of this Agreement by _____ is specifically conditioned upon the _____ passing a resolution authorizing this Agreement and the execution by the _____.

SIGNED, this _____ day of _____, 201_____.

_____, NEVADA

By: _____
Chair, Nye County Board of Commissioners
[or other authorized personnel]

Accepted:

Baron & Budd
3102 Oak Lawn Avenue #1100
Dallas, Texas

By: _____
J. Burton LeBlanc, Esq.

_____ Date

NYE COUNTY BOCC MEETING SUMMARY

January 16, 2018

ITEM #	AGENDA ITEM	ACTION TAKEN	VOTE
24	For Possible Action – Discussion and deliberation to appoint three (3) members to the Park and Recreation Advisory Board due to two (2) expiring terms and a vacant seat that was not filled in 2017.	Direction to staff to investigate if this Board is required by NRS, and also investigate frequency of meetings being held by the Board	
25	For Possible Action – Discussion and deliberation to: 1) authorize Request for Proposals from law firms to associate with the District Attorney to institute legal action against opioid drug manufacturers and distributors; and 2) authorize the County Manager and District Attorney to jointly select one or more law firms from the submitted proposals to present proposals to the Board of County Commissioners.	Approved a Request for Proposals from law firms to associate with the DA to institute legal action against opioid drug manufacturers and distributors; and authorized the County Manager and DA to jointly select one or more law firms from the to present proposals to the BOCC	Motioned by Commissioner Cox seconded by Commissioner Borasky 3-2
26	For Possible Action – Discussion and deliberation to re-designate terms for four (4) members on the Peace Officer Advisory Review Board from two (2) year terms to four (4) year terms.	Approved to re-designate the terms of Thomas Mazzola, Kent Mosdale, Donald Rust, and Ben Zamora to four year terms expiring January 2022	Motioned by Commissioner Cox seconded by Commissioner Schinhofen 5-0
27	For Possible Action – Discussion and deliberation to: 1) appoint four (4) members to the Peace Officer Advisory Review Board due to two (2) unexpired terms and two (2)	Approved to appoint Ronald Gray, and John Langendorf as members with terms expiring	Motioned by Commissioner Schinhofen seconded by