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DECEMBER 7, 2017

RE: PINELLAS COUNTY OPIOID LITIGATION

To Whom It May Concern:

Our consortium's law firms are among the national leaders in pharmaceutical litigation and are routinely called upon to try the most complex and difficult cases. While all firms that comprise our consortium have pharmaceutical and complex litigation experience, Levin Papantonio and Baron & Budd are widely considered giants of the world of mass torts, and have been leaders in national lawsuits going back to the days of asbestos and tobacco. In fact, twice a year more than 500 law firms come from across the country to attend Levin Papantonio's Mass Tort conference wherein the firm leads trial and strategy discussions on mass tort pharmaceutical litigation.

Our consortium filed its first opioid claim on behalf of a governmental client approximately a year ago and we currently have the largest base of clients in the country. We represent over 120 local governmental entities, with more expected in the coming days. We filed our first cases early this year in West Virginia, and to date have filed cases in the states of West Virginia, Ohio, Kentucky, Illinois, Alabama, Pennsylvania, and North Carolina. With 89 currently filed cases, our consortium has more cases on file that any other firm or consortium in the country, by far. Our additional cases, located in states such as Florida, Indiana, Mississippi, Maryland, Tennessee, and Massachusetts, are in the process of being filed.

Our client base is very diverse. We represent large cities such as Cincinnati, Louisville, Lexington, and Birmingham, and we also represent rural cities and counties that have been significantly impacted by a flood of opiates.

Because our consortium pioneered the pursuit of cases against the wholesale distributors in addition to the manufacturers of opioids, we have developed that aspect of the case significantly. Of note, we have consulted with and retained numerous seasoned veterans of the Drug Enforcement Agency with experience and knowledge of the breach of legal duties at the heart of the opioid epidemic. These experts are working exclusively with our consortium and will opine regarding the responsibilities of prescription opioid manufacturers and distributors to guard against the diversion of opioids into illicit channels. A number of these experts were recently featured in a *60 Minutes* expose that aired on CBS, highlighting the nefarious conduct of the pharmaceutical distributors.

Over and above the former DEA agents, we have already retained a number of the country's preeminent experts in the fields of addiction medicine, pain management, epidemiology, public health, urban and rural blight, the economics of addiction, and others (e.g. Presidents of Medical Schools, Universities, and Pharmacy Schools as well as the heads of

several governmental agencies), many of whom have been published extensively on the subject of the opioid epidemic.

The law firms of Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, P.A. (“Levin Papantonio”), Baron & Budd, P.C. (“Baron & Budd”), Law Office of Lucas Magazine (“Lucas Magazine”), Greene, Ketchum, Farrell, Bailey & Tweel, LLP (“Greene Ketchum”), Hill, Peterson, Carper, Bee & Deitzler, PLLC (“Hill Peterson”), McHugh Fuller Law Group (“McHugh Fuller”), & Powell & Majestro, PLLC (“Powell Majestro”) (collectively, the “Firms”) hereby respond to Pinellas County’s request for information for legal services related litigation against manufacturers and distributors of prescription opioids that have wrongfully caused opioid addiction in Pinellas County.

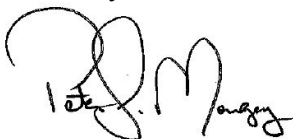
Baron & Budd and Levin Papantonio would serve as co-lead counsel for the Firms and bring their proven track record as leaders in complex litigation on behalf of plaintiffs, including public entities. Key personnel that would be assigned from the Firms to this Contract have experience in successfully prosecuting prescription drug marketing/promotion litigation, and in representing States and other public entities in complex litigation. As of December 7, 2017, the national consortium firms of Levin Papantonio, Baron & Budd, Greene Ketchum, Hill Peterson, McHugh Fuller, and Powell Majestro have filed nearly 90 lawsuits on behalf of public entities in several states regarding the opioid crisis. The Firms anticipate filing additional lawsuits on behalf of dozens more public entities in the coming weeks and months.

On the Pinellas County and other Florida and Kentucky cases our national consortium is working with Lucas Magazine. Lucas Magazine attorneys are licensed in the State of Florida and have offices in Clearwater, New Port Richey, Spring Hill, and Wesley Chapel, Florida. Lucas Magazine offers extensive pharmaceutical and complex litigation experience and will be a tremendous asset to Pinellas County in this litigation.

As evidenced by this history of success and the contents of this Response, the Firms have the experience, staff and resources to take on multiple pharmaceutical manufacturers and wholesale pharmaceutical distributors, as well as other responsible parties in prescription opioid litigation on behalf of Pinellas County and to achieve remarkable results.

By submitting this Response to the RFQ, the Firms accept all terms, conditions and requirements set forth in the RFQ.

Sincerely,



Peter J. Mougey

Shareholder

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

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LETTER OF INTEREST

LEGAL SERVICES (OPIOID EPIDEMIC INVESTIGATION AND POTENTIAL LITIGATION)

1. **The information necessary to demonstrate satisfaction of the minimum qualifications/requirements set forth above, which shall include but not be limited to the following:**
 - a) **A detailed submittal of the responding attorney's and/or team's experience in providing the required services:**

The members of our consortium are all trial law firms who specialize in pharmaceutical litigation. While all members of our consortium have a history of pursuing these types of cases, Levin Papantonio and Baron & Budd 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 are located in Southern West Virginia – the area that is largely viewed as the epicenter of the opioid epidemic – and they have seen effects of this public health crisis first-hand and are some of the innovators of this litigation.

Our firms have committed over 20 attorneys to work full time on the opioid litigation. While a brief profile of each law firm is listed below, biographies and experience of the attorneys working on this litigation can be found in the attached **Exhibit A.**

As of this week, opioid cases filed on behalf of local governments against pharmaceutical distributors and manufacturers have been consolidated into multi-district litigation (“MDL”). The MDL process permits the temporary transfer of civil lawsuits to one district court for pretrial consideration and/or consolidation. MDLs promote efficiency and consistency by reducing the risk of contrary legal opinions and allowing for coordinated discovery. Just this week these cases were consolidated in front of Judge Dan Polster in the Northern District of Ohio.

The law firms and attorneys that comprise our consortium have extensive experience in MDLs and based on our extensive client list, our opioid litigation experience, and stature within the MDL community, should be expected to occupy a leadership role in the MDL. Being represented by a firm who holds a leadership role in the MDL can provide a great benefit to Pinellas County.

For a list of MDL experience of the consortium law firms, please see the attached **Exhibit B.**

Below is a brief biography of each of the consortium law firms:

Levin Papantonio:
Levinlaw.com

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 our attorneys have been inducted into the National Trial Lawyer Hall of Fame and four have been listed in Best Lawyers in America. 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 attorneys have participated in and have held leadership roles in pharmaceutical and complex litigation going back to the days of asbestos, tobacco, and Fen Phen. Levin Papantonio attorneys have served in leadership roles such high profile cases as *Asbestos Products Liability Litigation* (Lead and Co-Lead Counsel on more than 5,000 individual cases), *In re Breast Implant Products Liability Litigation*, MDL 926, *In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability Litigation*, MDL 1203, *In re Rezulin Products Liability Litigation*, MDL 1348, *In re Vioxx Products Liability Litigation*, MDL 1596, *In re Actos Products Liability Litigation*, MDL 2299, *In re Pradaxa Products Liability Litigation*, MDL 2385, and *In re Yasmin & Yaz Marketing, Sales, and Products Liability Litigation*, MDL 2100, amongst others.

As required by the Request, all Levin Papantonio attorneys who will be working on the litigation are licensed to practice law in the State of Florida. 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.

Baron & Budd:
Baronandbudd.com

Baron & Budd, PC is a professional corporation that was founded in 1977 with offices in Diego, California. Baron & Budd is one of the largest and most accomplished plaintiffs' law firms in the country. The firm employs fifty-five (55) attorneys and one hundred and twenty-one (121) 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, and class action litigation.

Baron & Budd was among the firms representing the States of Mississippi, Maryland, Kentucky, West Virginia, South Carolina, Utah, and New Mexico in their lawsuits against GlaxoSmithKline arising out of its fraudulent marketing of the diabetes drug Avandia. Baron & Budd played a key role in negotiating the settlement of these states' claims for \$177 million. 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.

Greene Ketchum:
greeneketchum.com

Greene, Ketchum, Farrell, Bailey & Tweel LLP is a West Virginia limited Liability partnership originally founded in 1955 in Huntington, West Virginia. The law firm has 5 trial attorneys licensed in West Virginia, Ohio and Kentucky with 6 members of the support staff and is considered one of the most experienced regional firms in the fields of medical malpractice and coal mining accidents. Greene Ketchum partner Paul Farrell recently served as liaison counsel and trial counsel for the transvaginal mesh MDL assigned to Charleston, West Virginia. Greene Ketchum played a prominent role in the financing and litigation of thousands of asbestos cases over the past 30 years.

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. with the Greene Ketchum law firm is the West Virginia attorney who filed the first cases in the country against the wholesale distributors of prescription opiates on behalf of political subdivisions in southern West Virginia. Mr. Farrell 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 in more than 10 states.

McHugh Fuller:
mchughfuller.com

McHugh Fuller Law Group, 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 only 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.

Hill Peterson:
hpcbd.com

The Law Firm of Hill, Peterson, Carper, Bee & Deitzler 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. Our 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.

The firm's attorneys also served as co-lead counsel for 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.*), with settlements and verdicts handled on behalf of Hill & Peterson or on a co-counsel basis exceeding \$1.6 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.

Powell & Majestro:
powellmajestro.com

Since 2002, the attorneys of Powell & Majestro, PLLC 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. With more than 55 years of combined experience, Powell & Majestro attorneys are nationally recognized for their work in serious injury claims. Powell & Majestro attorneys have successfully tried numerous civil cases to verdict in state and federal courts. Their skilled advocacy has returned recoveries totaling hundreds of millions of dollars in settlements and verdicts for clients.

Lucas Magazine:
lucasmagazine.com

The Law Offices of Lucas Magazine was founded in February 2000. Since its inception, the Florida-based firm has grown considerably due to the basic principles of hard work and dedication to our clients' needs. Our top-notch staff takes pride in handling every detail of our clients. At Lucas Magazine, our attorneys are dedicated to aggressively representing their clients in complex litigation. The firm litigates a substantial portion of its cases and often handles the litigation work for other attorneys.

b) All participating attorneys' curriculum vitae;

Complete Biographies and Resumes of the attorneys can be found in **Exhibit A**.

c) **The responding attorney(s)' Florida Bar numbers(s) and other applicable license numbers;**

The following attorneys in our consortium are licensed to practice law in the State of Florida:

James Magazine	#847232
James Michael Papantonio	#335924
Peter J. Mougey	#191825
Neil E. "Ned" McWilliams, Jr.	#16174
Archie C. Lamb, Jr.	#742597
Jeff Gaddy	#53046
Michael J. Fuller	#173797
Amy Quezon	#996180

d) **Demonstration of financial ability to support the full costs of litigation throughout trial and any potential appellate processes**

All seven firms in the consortium are nationally recognized litigation firms that have built a reputation on its willingness to litigate to verdict complex disputes against some of the world's largest companies. The firms in the consortium routinely litigate cases that require them to front thousands of attorney hours and millions of dollars in expenses. The firms are all financially solvent, with several carrying extensive lines of credit, allowing the firms to efficiently and effectively shoulder all associated costs in this litigation.

As noted elsewhere, our firms have successfully taken on and defeated the likes of Big Tobacco, multi-national corporations such as DuPont, and pharmaceutical giants such as Bayer and Merck. There should be no doubt that our consortium has the financial ability and manpower resources to prevail on behalf of Pinellas County.

e) **The legal theories advanced by the attorneys/firms in other opioid litigation, the jurisdictions wherein opioid related complaints were filed, and the disposition of any cases handled and, if relevant, a description of damages negotiated/awarded or other relief obtained should be stated.**

CLAIMS AGAINST OPIOID DISTRIBUTORS AND MANUFACTURERS

The country is in the midst of a public health crisis stemming from the flood of opioids pouring into her cities and counties, and unfortunately Pinellas County has not been spared. The opioid epidemic has been fueled by the greed of the corporate elite, such as Fortune 500 behemoth McKesson Corp., failing to detect and report "suspicious" orders of opioids, despite being required to do so by federal and state law. *In January 2017, McKesson, the largest drug distributor in the nation, was fined a record \$150 million by the federal government for its blatant failure to report suspicious orders in violation of federal law. Cardinal Health, another member of the "Big Three" drug distributors, was fined \$44 million for its own failures to report*

suspicious narcotic orders to the DEA.

Through civil litigation, Pinellas County has the opportunity to provide relief to her citizens and to ensure that funds to be used to address this crisis make their way into the County coffers. We propose filing lawsuits against the opioid manufacturers and distributors based on public nuisance, RICO, and negligence, among other claims. Through these claims we will demand that the mega-corporations who caused this epidemic fund the clean-up efforts.

Money secured from this lawsuit will be available to a) support drug education within the school system; b) fund law enforcement and jailing functions that have been so hard-hit by this crisis; and most importantly c) establish healthcare and addiction recovery facilities that help put an end to the cycle of addiction that is plaguing so many of our communities.

To understand why these companies are liable for the epidemic within Pinellas County, it is helpful to know how the system of drug distribution is designed to work. Substantially all prescribed opioids *must* flow through the distributors: federal law requires that opioids be distributed through a closed system. The role of the distributors in this chain is to spot and report red flags in the distribution chain.

McKesson, Cardinal and their distributor cronies admit that they are the gatekeepers – the watch dogs – for preventing opioid abuse, stating: “***distributors are uniquely situated to perform due diligence in order to help support the security of the controlled substances. . . and reduce the possibility that controlled substances within the supply chain will reach locations they are not intended to reach.***”¹ The distributors make this admission in the Industry Compliance Guidelines they themselves created to comply with legal mandates – and then wholly ignored.

Instead of instituting controls to stop opioid abuse and alerting authorities to suspicious orders, the distributors instead have chosen to abuse their privileged position, lining their pockets by shipping massive quantities of drugs to pharmacies and dispensaries without performing any checks. The cities and counties impacted by effects of this corporate greed are left to pay the freight for this malfeasance through increased healthcare and law enforcement costs - and through the lives of their citizens.

Cities and counties have the means to hold these distributors accountable for their actions and to stop the influx of these powerful drugs. Federal and many state laws require distributors identify, investigate, and report suspicious orders of controlled substances.

The distributors’ known violations of these laws give rise to strong claims for significant equitable and monetary relief. Distributors of opioid medications are vulnerable to damage claims and penalty actions under theories such as public nuisance, negligence, and RICO. Potentially recoverable damages may include (1) money wrongfully paid for opioids through government-payor programs including employee insurance; (2) costs for providing medical care, additional therapeutic, and prescription drug purchases, and other treatments for patients suffering from opioid-related addiction or disease, including overdoses and deaths; (3) costs for providing treatment, counseling, rehabilitation services; (4) costs for providing treatment of infants born with opioid-related medical conditions; (5) costs for providing welfare or protective services for children whose parents suffer from opioid-related disability or incapacitation; and (6) costs directly associated with law enforcement and public safety relating to the opioid epidemic. Local governments may also be entitled to injunctive relief to prevent further unlawful distribution of these drugs.

I. Wholesale Distributors and Manufacturers Are Required under Federal Law to Monitor for and Report Suspicious Orders of Opioids.

A. The Role of Wholesale Distributors in the Opioid Distribution Chain.

Pharmaceutical distributors are supposed to play the role of “beat cops” in preventing the flow of controlled substances to abusers.

Congress enacted the Controlled Substances Act (“CSA”) in 1970 with the express purpose of creating a “closed system” for the distribution of controlled substances designed to prevent the diversion of legally produced controlled substances into illicit markets.² Through the CSA, Congress stripped the manufacturers of the ability to sell directly to retailers, intentionally creating a link in the chain of distribution between Big Pharma and the pharmacies. This link is the wholesale distributor.

There are only 800 registered wholesale distributors in the United States. Three Fortune 500 companies own 85% of the market share: Cardinal Health, AmerisourceBergen and McKesson Corporation. Each company generates over \$100 billion in revenue annually.

Because the CSA creates a “closed system” in which opioid dispensers – like pharmacies – must obtain opioids from opioid distributors, these distributors are “uniquely situated” to spot red flags in the opioid chain, as they note in their own industry guidelines. The distributors are the first line of defense against the diversion of these drugs that can lead to abuse, addiction, and blight.

A. Wholesale Distributors Are Required to Monitor for and Report Suspicious Orders of Opioids under Federal Law and the Law of Many States.

To further combat diversion of controlled substances, the distributors are legally required under federal law to be on alert for suspicious controlled substance orders by pharmacies – such as orders of unusual size, frequency, or pattern – and to report these unusual orders to the relevant authorities so that they can be investigated.

Federal law charges registered wholesale distributors with the non-delegable duty to “design and operate a system to disclose . . . suspicious orders of controlled substances. The registrant [distributor] shall inform the Field Division Office of the Administration in his area of suspicious orders when discovered by the registrant. Suspicious orders include orders of unusual size, orders deviating substantially from a normal pattern, and orders of unusual frequency.” 21 C.F.R. § 1301.74(b).

¹ See Healthcare Distribution Management Association (HDMA) Industry Compliance Guidelines: Reporting Suspicious Orders and Preventing Diversion of Controlled Substances (“Industry Compliance Guidelines” or “Guidelines”).

² See 21 U.S.C.A. §§ 801-971 (2006); 21 U.S.C.A. §§ 1300-1321 (2009); H.R. Rep. No. 91-1444; 1970 U.S.C.C.A.N. 4566, 4572 (Sept. 10, 1970)

B. Wholesale Distributors Have Been Warned of and Have Admitted Their Obligations.

The distributors have been on specific notice of their duties with regard to suspicious orders since at least September 2006, when the DEA sent distributors letters referencing the federal CSA monitoring and reporting requirements and providing guidance on what may constitute a “suspicious order.” These letters identified diversion and abuse of controlled prescription drugs as a “serious and growing health problem,” commanded that “distributors must be vigilant” in determining who can be trusted to receive controlled substances, reminded distributors of their obligation to identify and report suspicious orders, and provided guidance on what circumstances may be indicative of diversion.

Even further, the wholesale distributors have readily admitted their monitoring and reporting obligations. The major pharmaceutical distributors (the potential defendants here) are members of the Healthcare Distribution Alliance (“HDA”) (known until mid-2016 as the Healthcare Distribution Management Association, or “HDMA”), a trade association that represents pharmaceutical distributors throughout the Americas. This organization, created “Industry Compliance Guidelines” for pharmaceutical distributors, and these Guidelines serve to set out the industry standards to which these distributors may be held.

The Guidelines set out “Know Your Customer Due Diligence” standards with respect to all distributor customers – which, in the context of the Guidelines, comprise pharmacies and other legal dispensaries. These due diligence standards include gathering detailed information on the customer base of a pharmacy, the quantity of prescriptions filled each day, the quantity of controlled substance prescriptions filled each day, and the percentage of controlled substance purchases compared to overall purchases, and then utilizing this information to compare orders to a “threshold” profile to identify orders of unusual size, frequency or pattern. When confronted with “unusual” orders, the distributors’ own Guidelines dictate that they should stop the shipments, investigate the orders under steps that are listed in the Guidelines, and report the suspicious activity to the DEA. These industry standards clearly establish that the duty of care for pharmaceutical distributors includes identifying, investigating, and reporting suspicious orders of controlled substances.

Unfortunately, distributors have chosen to abandon their duties, thereby enabling the diversion of opioids and helping to create the present epidemic. The distributors have not performed adequate due diligence and have failed to report suspicious orders, breaching the very industry standards they, themselves, created.

C. The Duty to Report Suspicious Orders Extends to Opioid Manufacturers

In July of this year, the DEA for the first time sanctioned an opioid manufacturer for failing to report suspicious opioid orders. Pursuant to a memorandum of understanding between manufacturer Mallinckrodt and the DEA, Mallinckrodt paid a \$35 million civil penalty for violating federal laws that mandate suspicious order reporting.

Specifically, Mallinckrodt was operating what is known in the industry as a “chargeback” system. Mallinckrodt sold opioids to a wholesale distributor at a higher than usual price, and then offered the distributor a substantial rebate in exchange for the distributor’s downstream customer sales information or “chargeback data”. This chargeback data allows manufacturers, like Mallinckrodt, to obtain knowledge of suspicious opioid orders. Manufacturers of controlled substances are under the same legal obligations as distributors to prevent drug diversion and are similarly required to notify DEA of suspicious orders received from their customers. The Mallinckrodt-DEA agreement requires that manufacturers review chargebacks and

other data and report suspicious orders in underlying sales from distributors to downstream customers.

The “chargeback” system is not unique to Mallinckrodt. Our investigation has discovered that this practice is widespread throughout the industry, and that manufacturers have embraced shipping suspicious orders of opioids as an integral part of their business model. Therefore, manufacturers of opioids such as Purdue Pharma, Teva, Endo, Cephalon, and Janssen may also be liable for opioid-related damages.

The crack in the armor of the ARCOS database that began in West Virginia has revealed just how expansive the scope of the opiate epidemic is, as well as its origin. The general public could not have imagined how pervasive prescription opioids have become in our communities. We have devised a team of lawyers equipped to cut off the opioid supply at the source – the wholesale distributors and manufacturers - and to stop the infiltration of these drugs to your communities, and to help make a difference in U.S. cities and counties.

The primary claim that we would bring on behalf of Pinellas County is Public Nuisance. Florida law gives standing to counties to pursue claims to abate public nuisances within its jurisdiction. In our complaint we will allege that the distributors and manufacturers of opioids have created an epidemic within Pinellas County and we will demand that they fund the abatement of this nuisance.

Additionally, as more information becomes available on the distribution methods of opioid distributors and manufacturers, it becomes clearer that these entities were working hand-in-hand to maximize their profits at the expense of the health and well-being of American citizens. The federal RICO statute is the perfect tool to expose these companies and their behavior, and to hold them accountable for the harm they have caused.

The distributors and manufacturers also face liability for negligence. The standard of care is established by the industry standards as outlined in the HDMA’s “Guidelines,” the applicable federal statutes and regulations, and by related state law. Federal regulations require distributors and manufacturers of opioids to be on the lookout for, detect, and report suspicious orders of opioids. Florida has adopted these requirements within the Florida Drug and Cosmetic Act. From information generally available to the public, including civil penalty agreements between the target defendants and the DEA, we know that many of the target defendants have violated these requirements here in Florida.

Distributors and manufacturers violated this standard of care by breaching their duty to identify and report suspicious opioid orders to the DEA or other relevant state agencies. There is no doubt that these violations directly contributed to the opioid epidemic that is running rampant across the nation, and without question, substantial damages have been incurred by cities and counties. These costs should be borne by the negligent distributor and manufacturer defendants.

Of our 80+ filed cases, some have had the opportunity to advance through the court system. In our West Virginia cases, we have had briefed and argued motions to dismiss in front of Judge Faber. Rulings on those motions have not been issued. In our cases that have been consolidated in the Southern District of Ohio, we have had two status conferences and the Court has granted our consortium permission to issue a subpoena to the DEA, so that we can obtain access to the confidential DEA database known as ARCOS. The data contained within the ARCOS database is essential to prosecuting these cases.

Damage Model:

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

Retrospectively, our lawsuit will seek to recover for Pinellas County the funds the County has spent addressing the crisis. This will include funds spent on obvious and direct expenses, including:

- 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 and less obvious 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. Pinellas County suffers real damages from these factors including possible loss of tourism dollars and loss of quality of life.

Our lawsuit will also address damages in the prospective manner. We will ask (and then answer at trial) the question: “How much money will it take to put Pinellas County back into the position that it was in before the opioid crisis began?” There is no doubt that the target defendants in this litigation have created a public nuisance within Pinellas County, and we will demand that these defendants foot the bill for abating the nuisance.

While this is an individual lawsuit and Pinellas County’s damages will certainly be unique from other governmental entities, we generally envision an abatement fund covering three broad areas.

- First, we anticipate funding being spent on education. It is important that we get into the school systems and ensure that children understand that the pills in their parent’s cupboards are just as dangerous as a heroin needle. They also need to understand that if a needle goes into their arm one time, it won’t be the last.
- Second, funding is needed to support law enforcement and jailing so that the community can stay safe while Pinellas 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.

To present and prove the necessity of these damage models in court, we have retained experts in each

of the above fields. For example, when it comes to the third prong of the abatement plan regarding healthcare and addiction recovery services, we are working with some of the preeminent experts in the field from Marshall University. Our experts have been on the front lines of this crisis for years and are assisting by putting together detailed plans of what is required to truly address the problem. Their plan includes details such as the number of addiction recovery facilities required, the number of beds necessary, and the number and types of medical professionals necessary to equip each facility.

While it is extensive, we believe the above plan is necessary and is the only way to provide Pinellas County with proper relief from this crisis.

- 2. Information about the attorneys/firms, including an Organizational Chart identifying members of the team that will be actively involved in the work contemplated in this solicitation, as well as the jurisdictions in which they are admitted to practice law and documentation reflecting how their experience ties into the work contemplated in this solicitation;**

The attorney's relevant experience can be found in Exhibit A. We have also attached an organizational chart as Exhibit C, which will describe each attorney's role in the litigation.

- 3. A proposed contingency fee structure, in accord with the sample Contingency Fee Agreement that accords with the Rules Regulating the Florida Bar and Florida law. Responses suggesting tiered contingency arrangements, with differential recoveries depending on the point at which a final resolution is achieved, are encouraged. The contingent fee rate will be an "all in" rate, inclusive of all fees, expenses and costs, including but not limited to expert witness fees and court costs.**

Levin Papantonio represents clients on a contingency fee basis, with The Firm advancing all costs and expenses of the representation. To best align the Firm's interests with those of the County, the Firm aims for a fee structure that provides the maximum recovery to the County and, if applicable, the class, along with an incentive for a prompt resolution of the case.

Levin Papantonio proposes a minimum 25% fee that will increase only by the amount of costs, not to exceed 50% of the total recovery. Under no circumstances will the County's portion be less than 50% of the total recovery.

For example, if the settlement value is \$100 and \$10 are spent on costs, the total amount paid to Levin Papantonio would be \$35; \$10 for costs and \$25 in fees or 35% of the total recovery.

Likewise, if the settlement value is \$100 and \$40 are spent on costs, the total amount paid to Levin Papantonio would be \$50 dollars; \$40 for costs and only \$10 in fees, as our total portion cannot exceed 50%.

To be clear, our consortium will front all costs of the litigation. The County pays no fee unless we recover. The County pays no costs unless we recover. The contingency fee we offer is 25%. This fee is a flat rate. With that fee comes great value:

- As opposed to just one law firm, the County will receive the benefit of being represented by our

consortium, which includes multiple national law firms whose qualifications are further detailed herein. We are proposing litigation against some of the largest and wealthiest companies in the country, and our consortium will bring to bear the financial and manpower resources necessary to be successful.

Our consortium has established itself as the national leader in this litigation. We have more opioid cases on file than any competing firm or group in the country. We are also the only group who has had a federal judge grant them a subpoena to collect the confidential ARCOS database which is in the possession of the DEA. Our status as the national leader and that fact that our MDL experience is second to none should be expected to result in our consortium being the leader of the MDL that was recently established.

- Because our consortium has been involved in this litigation for so long compared to our competition, we have had the opportunity to retain some of the country's preeminent experts in the relevant fields. Several of our experts are former DEA agents who were recently featured on the program *60 Minutes*. Those former agents have agreed to testify exclusively for our group. We have also retained the top experts in the fields of addiction recovery, urban and rural blight, the economics of addiction, and others. For further information regarding these experts, please see their CVs attached as **Exhibit D**.
- Because we have more clients than any of our competitors, we can provide great economies of scale. The costs involved in this litigation will be substantial. Instead of those being shouldered by a small handful of clients, our costs (assuming there is a successful recovery) will be spread among our many clients. This, of course, results in much lower costs to the County.
- While we make every attempt to keep costs as low as possible, to alleviate any concerns about excessive costs we commit to cap our costs and legal fees at 50% of the recovery. Therefore, in the unlikely event that costs were to be excessive and when combined with fees, exceeded 50% of the recovery, our consortium would cover any costs over 50% out of our fees.

4. A list of governmental entities the attorneys/firms have previously or are currently representing in opioid epidemic litigation.

Our Consortium of Firms currently represents 130 municipalities in the opioid epidemic litigation. For a full list, please see **EXHIBIT E**.

EXHIBIT A

Biographies of Consortium Attorneys

Levin Papantonio

James M. “Mike” Papantonio is a senior partner with the law firm of Levin Papantonio. He has received numerous multi-million dollar verdicts on behalf of victims of corporate malfeasance. His award-winning work handling thousands of mass tort cases throughout the nation has helped make Levin Papantonio one of the largest plaintiff law firms in the country.

Mr. Papantonio is a Board Certified Civil Trial Lawyer by the Florida Bar and the National Board of Trial Advocacy. He is a fellow in the International Academy of Trial Lawyers and the International Society of Barristers. He is a member of The National Trial Lawyers (past president), American Board of Trial Advocates, the American Association for Justice, the Southern Trial Lawyers Association, and the Florida Justice Association (where he served on the board of directors for five years).

- Mr. Papantonio is one of the few living attorneys inducted into the Trial Lawyer Hall of Fame. He is listed in the publications Best Lawyers in America and Leading American Attorney.
- In 2017, Mr. Papantonio and The Firm’s C8 trial team helped secure a \$920 million dollar settlement against DuPont, related to the company’s West Virginia plant discharging the chemical PFOA (C8) into the air and water around the Ohio River Valley and exposing citizens to this toxic Teflon chemical.
- In 2016, Levin Papantonio won the Special Litigation (Environmental) category in the National Law Journal Elite Trial Lawyers recognition program, after Mr. Papantonio led The Firm’s C8 trial team to one of several successful trials against DuPont.
- In 2015, Mr. Papantonio was inducted into the National Trial Lawyers' Hall of Fame. He also was awarded the Defender of Justice Award by the American Association for Justice.
- In 2014, the Stephen and Sandra Sheller Center of Temple University Beasley School of Law presented Mr. Papantonio with the Inaugural Award for Social Justice, honoring him for his outstanding contributions to social justice.
- In 2012, Mr. Papantonio became President of The National Trial Lawyers.
- In 2011, Mr. Papantonio was awarded the Perry Nichols Award, the highest honor given by the Florida Justice Association. The award recognizes individuals who fight valiantly and with distinction for justice throughout their lives.
- In 2008, Mr. Papantonio was selected by the Public Justice Foundation as a finalist for its Trial Lawyer of the Year Award.
- In 2007, as lead trial counsel in the environmental class action case of Perrine v. Dupont, Mr. Papantonio received a jury verdict for a West Virginia community with an estimated value in excess of \$380 million.

Mr. Papantonio is the founder of the cutting edge continuing legal education seminar organization, Mass Torts Made Perfect, which has and continues to train thousands of lawyers in how to better their legal practice. The organization has hosted speakers such as former President

Bill Clinton, James Carville, Johnnie Cochran, Bob Woodward, Elliot Spitzer, Jack Kemp, Al Sharpton, Arianna Huffington, Dick Morris, Paul Begala, and Dan Rather.

Mr. Papantonio is licensed to practice law in Florida and in several federal courts.

Mr. Papantonio will serve as the head of The Firm's litigation team. He will determine litigation strategy, delegate work, set deadlines, and ensure that The Firm provides optimal representation to the County. Mr. Papantonio will also take the lead in The Firm's settlement negotiations with the defendant(s) at the appropriate time.

Peter J. Mougey is recognized as one of Florida's top 100 trial lawyers, a Florida Super Lawyer in securities litigation, Florida Trends Legal Elite, and the former President of the national securities bar association Public Investors Arbitration Bar Association (PIABA). In addition, Mr. Mougey has been rated AV Preeminent by his peers through Martindale-Hubbell. He is a shareholder with Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor and is head of the Securities & Business Litigation Department.

Mr. Mougey concentrates his practice in the areas of financial services and securities litigation, whistleblower or qui tam litigation, as well as complex business litigation. Over the last five years, Mr. Mougey has represented approximately 50 state, municipal, and institutional investors in financial services litigation and arbitration. In addition, he has represented more than one thousand securities fraud victims in state and federal court and securities arbitrations across the country

Mr. Mougey frequently lectures at securities and continuing legal education programs on issues confronting the securities industry including the Dodd-Frank Wall Street Reform Act, Broker-Dealer Regulation, Structured Finance, Discovery in Securities Arbitration, and Quantitative Modeling to Demonstrate the Viability of Asset Allocation Models. He was a member of FINRA's Arbitrator Training Task Force and presented investors' perspectives under the Dodd-Frank Wall Street Reform Act to the SEC. In addition, he is qualified as a public arbitrator with FINRA.

Mr. Mougey is a member of the Board of Directors, the Executive Committee, and currently co-chairs the Arbitration Committee of PIABA, an international organization of attorneys dedicated to the advancement of investors' rights in the securities industry, and has served as chairman of PIABA's NASAA Committee and Improving Arbitration Task Force. Mr. Mougey is frequently quoted on securities matters in national press outlets, including The Wall Street Journal, Forbes, The Los Angeles Times, Barrons, Kiplinger, Business Week, and Investment News.

Mr. Mougey is licensed to practice law in Alabama and Florida.

Neil E. "Ned" McWilliams, Jr. 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.

Mr. McWilliams is licensed to practice law in Florida.

Jeffrey Gaddy is an associate attorney with Levin Papantonio who focuses his practice on mass tort litigation. While with the firm, Mr. Gaddy has worked on pharmaceutical cases involving the diabetes drug Actos, medical device cases involving pelvic mesh implants, and environmental cases like the ones involving C8 contamination.

Combined with Mr. Gaddy's prior career as a prosecutor, he has tried over 100 cases to verdict. In the civil realm, this includes being on a trial team that achieved a \$1.6 million verdict in C8 environmental contamination case, and being a member of the trial team of the case that mid-trial brought about the \$670 million settlement of the C8 litigation.

Mr. Gaddy frequently lectures at conventions on topics of national significance in the field of pharmaceutical drug and medical device litigation.

Mr. Gaddy is licensed to practice law in Florida and Mississippi.

Laura S. Dunning is an of counsel attorney in the Securities and Business Litigation practice group of Levin Papantonio. Ms. Dunning has twice been recognized as an Alabama Super Lawyer Rising Star in Securities Litigation. Ms. Dunning has represented more than 300 victims of securities fraud in the Financial Industry Regulatory Authority (FINRA) arbitration and in state and federal court. She recently obtained a \$1.95 million award in FINRA arbitration for a sophisticated investor who sustained losses in auction rate securities.

Ms. Dunning is a frequent speaker on issues confronting the securities industry, including FINRA arbitration procedures, arbitrator selection, electronic discovery and how to vacate arbitration awards, and has served as a guest lecturer at the University of Alabama School of Law. She is also a member of Public Investors Arbitration Bar Association (PIABA), an international organization of attorneys dedicated to the advancement of investors' rights in the securities industry.

Ms. Dunning graduated *cum laude* from Rhodes College with a Bachelor of Arts in English Literature. She received her juris doctor from the University of Alabama School of Law in 2005, where she served as a senior editor on the Alabama Law Review and as a nationally competing member of the Campbell Moot Court Board. Ms. Dunning was a member of the Bench and Bar Legal Honor Society and served as an extern to the Honorable Sharon Lovelace Blackburn of the United States District Court for the Northern District of Alabama.

Ms. Dunning is licensed to practice in Alabama and has been admitted to the United States District Courts for the Northern, Middle, and Southern Districts of Alabama.

Page A. Poerschke is an of counsel attorney in the Securities and Business Litigation practice group of Levin Papantonio. Ms. Poerschke has represented more than 60 state, municipal, and other institutional investors in securities litigation and arbitration. In addition, Ms. Poerschke has represented more than 400 individual securities fraud victims in FINRA arbitrations across the country, as well as in state and federal court. Ms. Poerschke has been appointed as a deputy attorney general to represent the State of Alabama in litigation involving companies that violated the registration provisions of the Sale of Checks Act.

Ms. Poerschke has obtained over \$300 million for clients in settlements and verdicts.

Ms. Poerschke is a frequent speaker on issues confronting the securities industry, including FINRA arbitration procedures, arbitrator selection, electronic discovery, and has served as a guest lecturer at the University of Alabama School of Law and the Birmingham Bar Association. She is a member of the Public Investors Arbitration Bar Association (PIABA), an organization of attorneys dedicated to the advancement of investors' rights in the securities industry.

Ms. Poerschke graduated from the University of Alabama with a Bachelor of Arts degree in History. She received her *juris doctor* from the University of Alabama School of Law in 1997. In addition, she earned the Certified Regulatory Compliance Professional (CRCPP) designation from the Financial Industry Regulatory Authority (FINRA) Institute at Wharton.

Ms. Poerschke is licensed to practice law in Alabama.

Archie C. Lamb, Jr. is a nationally recognized leader in national healthcare and physician issues, and serves as of-counsel with Levin Papantonio. In 1999 Mr. Lamb organized a consortium of law firms to pursue a lawsuit against the deceptive trade practices and contract violations of eight of the nation's largest health insurance companies.

Mr. Lamb was the designated lead counsel in this massive HMO RICO (Racketeer Influenced Corrupt Organization Act) lawsuit. The case included over 60 healthcare companies and Mr. Lamb was responsible for overseeing 26 law firms and over 170 lawyers in the prosecution of this case.

As lead negotiator in the HMO cases, he successfully resolved the claims with benefits to the class estimated to exceed \$2 billion dollars. Mr. Lamb's clients included the California Medical Association, Texas Medical Association, Medical Association of Georgia, Florida Medical Association, Louisiana State Medical Society, College of Physicians and Surgeons of Puerto Rico, and a large class of individual physicians and physician groups as well as independent pharmacists.

The first recipient of the California Medical Association's prestigious President's Award, Mr. Lamb is a sought-after speaker on legal issues facing healthcare professionals. He has appeared before the American Medical Association as well as numerous state and local medical associations, bar groups, and legal and medical educational seminars.

Mr. Lamb's expertise in the healthcare arena has resulted in appearances on CNN and National Public Radio, as well as many regional and local television and radio programs. Litigation in which Mr. Lamb has been involved has been featured in the American Bar Association Journal and other regional and local publications. He is a frequent contributor to business and legal publications in the area of healthcare law.

Mr. Lamb is licensed to practice law in Alabama and Florida, as well as several Federal Courts, including the Supreme Court.

Baron & Budd

Russell W. Budd has been a Baron & Budd shareholder for more than 20 years and managing shareholder and president of the firm since 2002. Mr. Budd has successfully navigated the growth and diversification of Baron & Budd's many practice areas. Prior to devoting his time

to management, Mr. Budd was a major force in asbestos litigation, helping to build Baron & Budd into one of the largest trial firms in the country. Mr. Budd was a chief negotiator of a national settlement with Halliburton Co., which allocated \$4 billion of the company's assets to asbestos victims. He also participated in the multi-billion dollar settlement with W.R. Grace Co. to fund the bankruptcy trust that will compensate Grace's asbestos victims. As chair and member of several asbestos creditors' bankruptcy committees, Mr. Budd successfully resolved over 100,000 victims' claims with some of Wall Street's biggest companies.

Budd has also been instrumental in conducting national negotiations for non-asbestos claims. Budd was a chief negotiator for the 2012 settlement with JPMorgan Chase in In Re Checking Account Overdraft Litigation, which resulted in \$110 million in cash and more than \$100 million in business practice changes benefiting Chase customers. Budd was a leader in the Overdraft litigation which led to the 2011 settlement of \$410 million with Bank of America. 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. Budd 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. Budd was also the chief negotiator for Plaintiffs in the settlement of a California Proposition 65 case involving efforts by three environmental groups to reduce cancer-causing diesel engine exhaust emissions from school buses. The settlement, valued at almost \$35 million, resulted in more than \$28 million being invested in the largest private school bus fleet in California in order to decrease the pollutant levels inside the buses, and is one of the largest Proposition 65 settlements to date.

Mr. Budd leads the Firm's pharmaceutical litigation, which currently includes the following active cases:

- injury claims from many men and women who developed peripheral neuropathy as a result of Fluoroquinolone use;
- consumer fraud claims regarding the dialysate Granuflo filed against Fresenius Medical Care Holdings, Inc. and related entities;
- injury claims from individuals with health issues related to faulty IVC filters;
- injury claims regarding the drug Lipitor filed against Pfizer, Inc.;
- injury claims from men who developed abnormal breast growth after taking Risperdal, a medication that was frequently marketed for "off-label" uses;
- injury claims regarding transvaginal mesh implants against Johnson & Johnson, Ethicon, Inc., C.R. Bard, Inc., American Medical Systems, Inc., Boston Scientific Corp., Coloplast Corp., and others;
- injury and wrongful death claims for individuals that suffered severe internal bleeding as a result of ingesting the blood thinner Xarelto; and
- injury claims from children born with health issues and their parents as a result of the ingestion of Zofran during pregnancy.

Mr. Budd serves in leadership roles on many Plaintiffs' Steering Committees for multi-district litigation including:

- *In Re: Fluoroquinolone Products Liability Litigation*, MDL 2642, appointed to the Plaintiffs' Steering Committee and to serve as Co-Lead counsel for Plaintiffs;
- *In re: Cook Medical, Inc., IVC Filters Marketing, Sales Practices and Products Liability Litigation*, MDL 2570, appointed to the Plaintiffs' Steering Committee;
- *In Re: Bard IVC Filters Products Liability Litigation*, MDL 2641, appointed to the Plaintiffs' Steering Committee and the Plaintiffs' Executive Committee;
- *In Re C. R. Bard, Inc., Pelvic Repair System Products Liability Litigation*, MDL No. 2187, appointed to the Plaintiffs' Steering Committee;
- *In Re American Medical Systems, Inc., Pelvic Repair System Products Liability Litigation*, MDL No. 2325, appointed to the Plaintiffs' Steering Committee;
- *In Re Boston Scientific Corp. Pelvic Repair System Products Liability Litigation*, MDL No. 2326, appointed to the Plaintiffs' Steering Committee;
- *In Re Ethicon, Inc., Pelvic Repair System Products Liability Litigation*, MDL No. 2327, appointed to the Plaintiffs' Steering Committee;
- *In Re Coloplast Corp. Pelvic Support Systems Products Liability Litigation*, MDL No. 2387, appointed to the Plaintiffs' Steering Committee;
- *In Re Cook Medical, Inc., Pelvic Repair System Products Liability Litigation*, MDL No. 2440, appointed to the Plaintiffs' Steering Committee;
- *In Re Neomedic Pelvic Repair System Products Liability Litigation*, MDL No. 2511, appointed to the Plaintiffs' Steering Committee;
- *In Re: Zofran (Ondansetron) Products Liability Litigation*, MDL 2657, appointed to the Plaintiffs' Steering Committee.

Mr. Budd is AV-rated by Martindale-Hubbell Law Directory, its highest rating. He serves on the American Association for Justice's Board of Governors. Mr. Budd is licensed to practice law in Michigan and Texas, and in several federal courts, including the U.S. Supreme Court.

J. Burton LeBlanc, IV is an experienced trial lawyer who served as the President of the American Association for Justice ("AAJ"), the premier nationwide organization that supports plaintiff trial lawyers. Mr. LeBlanc concentrates his practice on environmental law and pharmaceutical, asbestos, and securities litigation. He has extensive experience litigating complex cases, including pharmaceutical litigation against GlaxoSmithKline regarding the diabetes drug Avandia. Mr. LeBlanc was appointed by the Honorable Douglas P. Woodlock of the U.S. District Court for the District of Massachusetts as a member of the Plaintiffs' Steering Committee in *In Re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation*, an MDL that is pending in that court.

Mr. LeBlanc has also represented governmental entities, including the State of Mississippi, in complex consumer fraud litigation. Mr. LeBlanc represented the State of Mississippi Employees Retirement System as co-lead counsel in litigation against Semtech Corporation for the violation of federal securities laws by backdating stock, achieving a \$20 million settlement on behalf of

purchasers of Semtech's securities. During his career, Mr. LeBlanc has worked to recover hundreds of millions of dollars for injured working men and women in Louisiana, including multiple jury verdicts of over one million dollars. Mr. LeBlanc is licensed to practice law in Louisiana and Texas.

Laura J. 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 in 2013 for \$177 million. Ms. Baughman performed the same role in litigation filed on behalf of the state of West Virginia, along with Mississippi and Hawaii, 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 is lead outside counsel for the State of Mississippi in a consumer protection act case regarding Fresenius' deceptive marketing of the dialysate GranuFlo. Ms. Baughman has made multiple court appearances on behalf of the State in Desoto County, Mississippi, and has taken numerous depositions and taken the lead on expert discovery. Between 2013 and 2016, Ms. Baughman was also active in litigating GranuFlo personal injury cases pending in the City of St. Louis, the State of Massachusetts Middlesex Superior Court, and in the District of Massachusetts as part of MDL No. 1:13-MD-2428-DPW, *In Re: Fresenius GranuFlo/Naturalyte Dialysate Products Liability Litigation*.

In addition to her law degree, Ms. Baughman holds a master's degree in civil (environmental) engineering. Ms. Baughman has extensive experience with the law firm's toxic tort litigation group and has worked on cases throughout the country involving exposure to mercury, lead, formaldehyde, chromium, dioxin, PCBs, TCE and water contaminated with MTBE, benzene and toluene. She was appointed as lead class counsel by federal and state courts in California in litigation regarding a hair treatment product which was falsely advertised as being formaldehyde-free, and was successful in obtaining class certification and a \$4.2 million settlement. *See In re Brazilian Blowout Litig.*, No. 2:10-cv-8452, 2011 U.S. Dist. LEXIS 40158 (C.D. Cal. Apr. 12, 2011).

Ms. Baughman served as co-lead counsel in a California Proposition 65 water contamination case filed against several oil companies, culminating in a precedent-setting settlement providing significant funding for improvement projects to protect and clean up California drinking water supplies. Ms. Baughman also successfully represented three environmental groups in their efforts to reduce diesel engine exhaust emissions from school buses. The settlement of that case resulted in more than \$28 million being invested by the largest private school bus fleet in California in order to decrease the pollutant levels inside the buses.

Ms. Baughman is AV-rated by Martindale-Hubbell Law Directory, its highest rating, and is licensed to practice law in Texas, New York, California and Missouri. Ms. Baughman earned her law degree, with honors, from the University of Texas School of Law.

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.

Mr. 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. Mr. 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*®.

Thomas M. Sims has worked on a variety of toxic tort cases, representing individuals who have been injured by exposure to mercury, chromium, dioxin, PCBs, TCE and beryllium. Mr. Sims was trial counsel in two lengthy bench trials involving insurance coverage issues in a Tucson, Arizona groundwater contamination case, both of which produced favorable verdicts for his clients. He was on the legal team that was awarded the 2006 Public Justice “Trial Lawyer of the Year” Award for work on this case.

Mr. Sims has also represented whistleblowers in an effort to combat fraud against the government. In one such case, he persuaded the California Court of Appeals to adopt the theory of implied certification as a basis for liability under the California False Claims Act, the first time a California court adopted this theory. *See San Francisco Unified Sch. Dist. ex rel. Contreras v. Laidlaw Transit, Inc.*, 182 Cal. App. 4th 438 (2010). In a subsequent appeal in the same case, Mr. Sims marshaled thousands of pages of documentary evidence and hours of witness testimony to convince the appellate court to reverse the trial court’s summary judgment decision. *San Francisco Unified Sch. Dist. v. First Student, Inc.*, 224 Cal. App. 4th 627 (2014).

In 2009, Tom was part of the distinguished trial team for the month-long trial of *Robinson v. U.S. Army Corps of Engineers*, Civil Action No. 06-2268, in U.S. District Court in New Orleans, Louisiana, seeking compensation on behalf of local residents for damages incurred in the aftermath of Hurricane Katrina as the result of the negligence of the U.S. Army Corps of Engineers with respect to the maintenance and operation of the Mississippi River Gulf Outlet (MR-GO) navigational channel.

Mr. Sims currently devotes the majority of his time to seeking compensation on behalf of individuals and public entities that have been harmed by unsafe prescription drugs. He was part of the litigation team that helped seven states’ attorneys general recover a \$177 million settlement against GSK regarding its fraudulent marketing of the diabetes drug Avandia. In 2016, Tom was appointed to the Plaintiffs’ Steering Committee for *In Re: Fluoroquinolone Products Liability Litigation*, MDL 2642. Baron & Budd was the first law firm to represent the many men and women who developed peripheral neuropathy as a result of Fluoroquinolone use.

Mr. Sims earned his law degree, with honors, from the University of Texas School of Law. Mr. Sims is licensed to practice law in Texas and California as well as numerous federal courts.

S. Ann Saucer has worked as an associate, shareholder and Of Counsel at Baron & Budd for more than a decade. Her practice focuses on appellate advocacy and briefing in complex litigation. She has successfully argued before the United States Ninth Circuit Court of Appeals, United States Fifth Circuit Court of Appeals, state appellate courts, and federal and state trial courts. Ms. Saucer graduated first in her class from Loyola University School of Law, New Orleans and clerked for the Chief Judge of the United States Fifth Circuit Court of Appeals.

Between 2013 and 2016, Ms. Saucer was the primary author of most of the briefs (including motions to remand, responses to motions to dismiss, and responses to motions to disqualify outside counsel) filed by the Commonwealth of Kentucky and states of West Virginia, Mississippi, Maryland and Utah in their consumer protection litigation regarding fraudulent marketing of the diabetes drug Avandia. These cases, brought by seven states Attorneys General against GlaxoSmithKline, settled for \$177 million.

Ms. Saucer was also the primary author of all of the briefs filed on behalf of Hawaii, West Virginia and Mississippi regarding violation of those states' consumer protection laws via fraudulent payment protection plans and related credit card services, and presented oral argument on complex legal issues in federal and state courts in this litigation. Published victories from this litigation include *Hawaii ex rel. Louie v. HSBC Bank Nevada, N.A.*, 761 F.3d 1027 (9th Cir. 2014) (reversing District Court with instructions to remand); *Hood ex rel. Mississippi v. JP Morgan Chase & Co.*, 737 F.3d 78 (5th Cir. 2013) (same); *State ex rel. Discover Fin. Servs. v. Nibert*, 744 S.E.2d 625 (W. Va. 2013), in which the West Virginia Supreme Court overturned its earlier precedent and awarded the West Virginia Attorney General even greater power and authority; and *West Virginia ex rel. McGraw v. JPMorgan Chase & Co.*, 842 F. Supp. 2d 984 (S.D. W. Va. 2012) (granting motion to remand).

Between 2003 and 2005, Ms. Saucer was a key author of the federal court briefing defending the rights of Fen-Phen victims in the renegotiated AHP class action settlement, and was asked to speak at Fen-Phen litigation seminars. She also has spoken and published on federal procedural issues, and her background covers the spectrum of environmental law, consumer protection, product liability, and toxic torts. Ms. Saucer is licensed to practice law in Texas and Louisiana and numerous federal appellate and district courts.

Mark 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.

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).

Daniel MacDonald is an associate in Baron & Budd's Pharmaceutical Litigation Group, and 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. During his clerkship, Mr. MacDonald drafted numerous opinions in civil cases on complex legal issues, including claims against state sponsors of terrorism brought under the Foreign Sovereign Immunities Act and claims against the United States brought under the Federal Tort Claims Act. Mr. MacDonald received his juris doctor from the George Washington University Law School, where he explored his interest in federal constitutional law through participation in GW's Institute for Constitutional History and the American Constitution Society. Mr. MacDonald received his undergraduate degree from the University of Texas at Austin, where he studied history and political science. Throughout his education, Mr. MacDonald undertook internships in all three branches of federal government, working for the House of Representatives, the National Archives, and the federal courts.

Green Ketchum

Paul Farrell, Jr. is widely considered one of the premier trial lawyers in southern West Virginia with experience prosecuting medical malpractice cases, birth trauma cases and negligent credentialing cases. Paul was named West Virginia Trial Lawyers Association Member of the Year (2002) and is the Past President of the West Virginia Association for Justice (2011-2012). He won a \$10 million landmark medical malpractice trial verdict in Monongalia County in *Riggs v. West Virginia Univ. Hospitals, Inc.*, 221 W.Va. 646, 656 S.E.2d 91 (2007) and affirmed on appeal a record \$38 million nursing home case *Manor Care, Inc. v. Douglas*, 234 W. Va. 57, 763 S.E.2d 73 (2014). He filed one of the first Transvaginal Mesh cases in the country which resulted in the

consolidation of some 80,000 cases from all over the country in federal court in Charleston, WV, where he served on the MDL Executive Committee. Mr. Farrell served as trial counsel in a \$2 million-dollar bellwether verdict in *In re C.R. Bard, Inc.*, 810 F.3d 913, 917 (4th Cir. 2016) which was followed by an \$18.5 million verdict in 4 consolidated cases in *Campbell v. Boston Sci. Corp.*, No. 2:12-CV-08633, 2016 WL 5796906, at *19 (S.D.W. Va. Oct. 3, 2016). Paul volunteers (for \$1 a year) to serve as an Assistant Prosecuting Attorney in Cabell County, WV to help prosecute drug-related crimes. The Cabell County Commission is quoted in the Herald-Dispatch as saying, "I think it's a great thing that Mr. Farrell is saving the taxpayers a lot of money by working for \$1 a year. How many good, qualified attorneys can you find that will work for \$1." Paul volunteers because "Sometimes there are causes bigger than money."

Mr. Farrell has made some (30) appearances before the West Virginia Supreme Court. He has been a frequent presenter at both state and national legal education seminars on a wide range of subject matters.

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.

McHugh Fuller

Michael J. Fuller is a founding member and senior partner of McHugh Fuller Law Group. He has extensive experience in complex medical and health-care related cases. Mr. Fuller has litigated and tried numerous cases to verdict nationwide. His firm specializes in cases involving multiple corporate defendants and extensive, voluminous discovery. Mr. Fuller obtained his juris doctorate from the University of Florida where he graduated with high honors. He then became a prosecutor for several years before joining a top national law firm. In 2006, Mr. Fuller started his own national law firm. Mr. Fuller is licensed to practice law in the Commonwealth of Kentucky, the District of Columbia, Florida, Georgia, Michigan, Mississippi, Missouri, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

Amy Quezon is one of the lead trial lawyers at McHugh Fuller Law Group. After obtaining her juris doctorate from Stetson College of Law in 1992, she began her career as a prosecuting attorney in Tampa, Florida. In 1998, she began her civil trial career litigating complex medical and health-care related cases. Over the course of her entire career she has tried over one hundred cases to verdict and amassed well over one hundred million dollars in verdicts on behalf of her clients. Ms. Quezon has been A-V rated by Martindale-Hubbell Law Directory, its highest rating, for nineteen years. She is admitted to practice in the Commonwealth of Kentucky, Florida, Texas, Mississippi, Tennessee, West Virginia, Ohio, Missouri, Wisconsin, Georgia and New Hampshire.

Powell & Majestro

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.

Hill Peterson

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.

Lucas Magazine

James Magazine was born and raised in Cleveland, Ohio. Jim graduated in 1986 from Baldwin Wallace College, located in Berea, Ohio, with a Bachelor of Arts in political science. He received his Juris Doctor from Cleveland Marshall College of Law located in Cleveland, Ohio in 1989.

Jim is an avid Cleveland Indians baseball fan. He played four years of college baseball and was named All Ohio Conference for four (4) years. In 1984, he was ranked tenth in the nation for his college baseball batting average. In 1987, Jim discovered the wonderful climate of Florida while attending Spring Training tryouts with the Houston Astros.

Jim was licensed to practice law in the State of Florida in 1990. He is admitted to practice before the United States Middle and Southern District Courts in Florida, the 11th Circuit Court of Appeals, and the United States Supreme Court.

In April of 2006, Jim joined our firm as a partner, bringing with him more than 16 years of personal injury litigation experience. Jim is a Florida Bar Board Certified Civil Trial Lawyer and National Board of Trial Advocacy Civil Trial Lawyer. Jim specializes in personal injury, wrongful death and insurance bad faith claims throughout the State of Florida.

As a Martindale Hubbell AV Rated attorney, he is often called upon by his peers to litigate claims because of his experience inside the courtroom. Jim is a member of the Million Dollar and Multi-Million Dollar Advocates Forum, National Trial Lawyers, Top 100 Distinguished Counsel, Clearwater Bar Association, West Pasco Bar Association, Trial Lawyers Board of Regents 2014 and 2015 Litigator Award recipient, and 2010 – 2016 named Florida Super Lawyer. Jim was also selected in Trends Legal Elite and recognized as one of the TOP 100 Trial Lawyers in the State of Florida. In August 2017 Jim was awarded the Lifetime Achievement selection to America's Top 100 Attorneys®.

Jim Magazine is a Board Certified Trial Attorney in the state of Florida and Nationally by the National Board of Trial Advocacy. He is selected in Trends Legal Elite and recognized as one of the TOP 100 Trial Lawyers in the State of Florida.

EXHIBIT B

Experience in Multidistrict Litigation & Complex Litigation

Levin Papantonio

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)

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) (Plaintiff's 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)

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)

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).

Baron & Budd

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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)

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

Green Ketchum

State of West Virginia, ex rel. Darrell V. McGraw, Jr., Attorney General, v. GlaxoSmithKline, LLC, formerly SmithKline Beecham Corporation d/b/a GlaxoSmithKline, Circuit Court of Wayne County, West Virginia, Civil Action No. 12-C-085 (Appointed as Special Assistant Attorney General)

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.

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

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. vs. Lucent Technologies Inc., et al. (W. Va.) (Class Counsel)

CSS, Inc., et al. vs. 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 C

Organizational Chart

Firm	Location	Personnel	Function/Roles
Baron & Budd	3102 Oak Lawn Ave., Ste. 1100 Dallas, TX 75219	Russell Budd Laura Baughman Ann Saucer Chris Mansour Daniel MacDonald	Litigation strategy, settlement negotiations, drafting pleadings and discovery, reviewing documents, working with key experts, writing briefs, arguing in Court. B&B also has an in-house document review system and full service copy center.
Baron & Budd	2600 CitiPlace, Ste. 400 Baton Rouge, LA 70808	Burton LeBlanc	Litigation and coordinating strategy, depositions, arguing in court
Baron & Budd	7000 North Mopac, Ste. 200 Austin, TX 78731	Thomas Sims Alicia Butler	Research and briefing complex legal issues, arguing in court, depositions, drafting pleadings and discovery
Baron & Budd	15910 Ventura Blvd., Ste. 1600 Encino, CA 91436	Roland Tellis Mark Pifko	Drafting pleadings and discovery, taking depositions, writing briefs, arguing in court
Levin Papantonio	316 S. Baylen Street Pensacola, FL 32502	Mike Papantonio Peter Mougey Ned McWilliams Laura Dunning Page Poerschke Archie Lamb Jeff Gaddy	Litigation strategy, drafting pleadings and discovery, taking depositions, writing briefs, arguing in court, document review, working with key experts
Greene Ketchum	419 11th St. Huntington, WV 25701	Paul Farrell Bert Ketchum	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 Road Hattiesburg, MS 39402	Mike Fuller Amy Quezon	Litigation strategy, drafting pleadings and discovery, taking depositions, arguing in court

Firm	Location	Personnel	Function/Roles
Powell & Majestro	405 Capitol St., Ste. 1200 Charleston, WV 25301	Anthony Majestro	Draft pleadings, discovery, motions, briefs, take depositions, argue motions, work with experts, and aid with overall litigation and trial strategy
Lucas Magazine	8606 Government Drive New Port Richey, FL 34654	James Magazine	Liaison to Pinellas County. Draft pleadings, discovery, motions, briefs, take depositions, argue motions, work with experts, and aid with overall litigation and trial strategy

EXHIBIT D

Expert Biographies/CVs

Resume

Katherine L. Chaney
Diversion Group Supervisor, Retired
Drug Enforcement Administration
Columbus, Ohio District Office
Detroit Field Division

129 Ravines Way
Westerville, Ohio 43082
614-545-8906

09/2014 – Present: Senior Consultant, Buzzeo PDMA, a Quintiles IMS Company
Evaluate and advise drug manufacturers, distributors, pharmacies, hospitals, practitioners regarding compliance with DEA regulations; assist clients in developing suspicious order monitoring programs and standard operating procedures related to drug security, customer due diligence, drug audits, site verifications, and scheduling issues. Extensive report writing including findings, best practice recommendations, and source citations.

10/2005 – 12/2013: Diversion Group Supervisor, Columbus District Office, Columbus, Ohio

Supervise diversion investigators and investigative assistant; oversee all regulatory, administrative, civil and criminal drug/chemical investigations; establish investigative priorities, interpret policy issues, conduct file reviews, performance reviews/ratings, interim ratings; establish work plans; complete quarterly reports; identify and target new drug trafficking trends; investigate distributor compliance with due diligence requirements; liaison with U.S. Attorney's Office and other federal, state, local agencies. Supervised and/or participated in multiple investigations of Ohio pill mills.

05/2002 – 10/2005: Diversion Group Supervisor, Sacramento District Office, Sacramento, California

Supervise diversion investigators and investigative assistant; oversee all regulatory, administrative, civil and criminal drug/chemical investigations; establish investigative priorities, interpret policy issues, conduct file reviews, performance reviews/ratings, interim ratings; establish work plans; complete quarterly reports; identify and target new drug trafficking trends; liaison with U.S. Attorney's Office and other federal, state, local agencies.

10/1998 – 05/2002: Staff Coordinator, GS 13, ODOD, DEA HQ, Arlington, Virginia

Coordinated and monitored domestic diversion activities in Field Divisions; evaluated field reports, work plans and quarterly reports; made investigative/regulatory program recommendations; monitored geographically specific issues (legalized medical marijuana and hemp cultivation); conducted administrative hearings with DEA registrants; represented the Office of Diversion Control in formulating DEA's Internet initiatives; drafted Congressional testimony and briefing material; reported quarterly on significant investigations; reviewed and prepared documents for the signature of the DEA Administrator, Deputy Administrator, Deputy Assistant Administrator or Office of Diversion Control Section Chief.

Coordinated DEA's response to a serious anabolic steroid situation in which Chinese shipments of androstendiol powder into the U.S. and used in the synthesis of androstendione were contaminated with testosterone. By coordinating the exchange of information between industry and law

enforcement, the product was removed from all store shelves and the Chinese supplier was identified, without causing public alarm.

02/1996 – 10/1998: Diversion Investigator, Oklahoma City District Office, Oklahoma City, Oklahoma

Senior Diversion Investigator in the Oklahoma City District Office; conducted drug and chemical regulatory, criminal and civil investigations; lead investigator in the first successful prosecution in the U.S. of multiple defendants charged with illegal distribution of pre-cursor chemicals used to manufacture methamphetamine; field training agent for new investigator; acting supervisor and supervisory back-up. Nominated for DEA's Administrator Award for OCDETF investigation of international chemical case involving multiple defendants.

11/1988 – 12/1996: Diversion Investigator, GS 7-12, Detroit Field Division, Detroit, Michigan

Hired as a Diversion Investigator in November 1988 in the Detroit Division Office. Attended Basic Diversion Investigator School from February 1989 to April 1989. Conducted numerous criminal, civil, and regulatory diversion investigations of manufacturers, distributors, physicians, pharmacists and narcotic treatment programs; grand jury and criminal trial testimony; senior partner to three investigators; occasional back-up supervisor; extensive work with State, local and other federal agencies, U.S. Attorney's Office, and industry.

Education: Michigan State University – B.A., cum laude 1971
Eastern Michigan University – graduate school

Professional Associations: National Association of Drug Diversion Investigators
(Inactive)

Association of Federal Narcotics Agents (active)

Other: Extensive public speaking experience addressing audiences composed of DEA registrants, law enforcement, and the general public regarding drug diversion issues; drug diversion training, extensive experience in grand jury and trial testimony

Frank Younker

President of Controlled Substance Compliance LLC

Summary

Dedicated Controlled Substance Compliance Professional with 30 years background with the DEA including 7 years as compliance and investigation supervisor in Cincinnati Ohio and 3 in DEA HQ - Arlington, Virginia. Specializing in Controlled Substance Compliance, Due Diligence, Suspicious Order Monitoring, Security, DEA Audits, Pharmaceutical Investigations, Hospital Based Investigations and accountability audit as well as Physicians and Pharmacy investigations.

Additionally qualified to conduct Anabolic Steroid and Performance Enhancing drug investigations, both domestic and foreign based. DEA Clandestine Lab Certified since 2001, and the Alternate Clan Lab Coordinator for the Cincinnati Office. Instructor of Diversion and Compliance at the DEA Academy Quantico Va. Bachelor of Science Degree in Police Science from York College of Pennsylvania. 3 Years as a Police Officer.

Specialties:

Fluent in German.(Native Speaker)

Previous Clan Lab Certified.

Security level:

Top Secret Clearance.

Experience

President/Owner

August 2016 - Present

Company specializes in full range of Controlled Substance Compliance and Due Diligence review/ investigations for individuals or companies who currently have or need to obtain a Federal Controlled Substance Registration or who wish to be proactive in their DEA responsibilities. Additionally consultant to individuals wishing to register with the DEA to Manufacture Cannabis under the new August 2016 DEA Federal Register Notice

DEA Controlled Substance Compliance Consultant at Currently Looking For Full, Part Time or Contract Work

October 2015 - Present

Independent Consultant specializing in Controlled Substance Compliance, Due Diligence, Supply Chain, Audits, Security, Suspicious Orders, ARCOS, Import/Export and all phases of the Controlled Substance Act and relevant DEA rules and regulations.

Pharmacy Compliance Specialist

January 2015 - October 2015 (10 months)

DEA Pharmaceutical Investigations/Compliance Group Supervisor at Drug Enforcement Administration

November 2007 - December 2014 (7 years 2 months)

RETIRED 12/03/2014.

Supervisor for the Pharmaceutical Diversion group in Cincinnati, Ohio covering 13 Ohio and 3 Kentucky Counties. Responsible for stopping the entry of legally manufactured controlled substances into the illegal market. Responsible for enforcing/interpreting the DEA Code of Federal Regulations as well as the United States Criminal Code, particularly SOM, Due Diligence, Corporate Security, DEA Registrations, etc. Conduct/attend meetings with Ohio and Kentucky State and Regulatory officials as well as area Industry/Company Executives on matters involving Controlled Substance laws and DEA rules/regulations. Speaker at Various Hospitals and forums on preventing Drug Diversion and DEA rules and regulations. Area Coordinator for the National DEA Drug Take Back Event.

Staff Coordinator at Drug Enforcement Administration

November 2004 - November 2007 (3 years 1 month)

Responsible for 4 DEA Divisions (Atlanta, Chicago, Phoenix, D.C.) and was the HQ liaison for any pharmaceutical questions arising from investigations in those divisions. Responsible for authorizing funds for large investigations. Was on the working group for bringing into use several innovative investigative avenues for Internet investigations involving Pharmaceuticals. Held meeting and working groups with senior members of package delivery industry, credit card companies and Internet service provider businesses to stop illegal Internet drug sales. Was the DEA Representative at the PFIPC, (Permanent Forum on International Pharmaceutical Crime) in Brussels. Instructor at the DEA Training Academy to new and advanced students on preventing Pharmaceutical Diversion and showing common methods of Diversion.

Senior DEA Diversion Investigator at Drug Enforcement Administration

January 1990 - November 2004 (14 years 11 months)

Senior Investigator conducting full range of criminal, civil, and administrative investigations. Conducted numerous international investigations involving Anabolic Steroids and Pharmaceuticals which were being imported into the United States. Started the PEP (Pharmaceutical Enforcement Program) in Cambria/Somerset counties of Pa with the DA Office of each County. Assisted numerous Law Enforcement departments and their K-9 units in obtaining DEA registrations and ensuring that those departments met and

complied with record keeping and security requirements. Conducted onsite DEA Regulatory Inspections on large scale Controlled Substance Distributors, Manufactures, Importers and Exporters, Hospitals/Clinics, as well as Researchers and Narcotic Treatment Programs to ensure compliance with DEA regulations. Review and advise Registrants on SOM, Due Dilligence, Security, Import/Export, 222 order forms and a variety of other DEA regulations. Speaker to large groups including Physicians and Pharmacists and at Town Hall meetings about Pharmaceutical Diversion, and DEA rules and procedures.

German Language recruiter/tester for DEA at Drug Enforcement Administration

February 1992 - July 2004 (12 years 6 months)

Divisional security officer at Drug Enforcement Administration

March 1987 - May 2002 (15 years 3 months)

Responsible for maintaining security for the Divisional office in Philadelphia and then in Pittsburgh office.

Seized Monies Custodian at Drug Enforcement Administration

2000 - 2002 (3 years)

Education

York College of Pennsylvania

BS, Major in Criminal Justice, Minor in German, 1979 - 1981

Activities and Societies: Lambda Alpha Epsilon and York College Ski Club

Harford Community College

AA, Police Science, 1977 - 1979

Activities and Societies: Criminal Justice Club

Honors and Awards

Letter of Commendation, Letter of Commendation, Letter of Commendation, Special Act or Service Award, Exceptional Performance Award, Certificate of Appreciation, Exceptional Performance award, Certificate of Appreciation, Variety Club

James V. Geldhof
3711 Bald Mountain Road
Lake Orion, MI 48360 USA
248-408-8490
Jvgeldhof621@gmail.com

PERSONAL INFORMATION

- Date of birth: 6/21/1950
- Place of birth: Detroit, MI
- Citizenship: US
- Gender: Male
- Marital Status: Married
- Spouse's Name: Rhonda
- Children: Sarah Czar, Nicholas Czar, James Geldhof, Erin Brown, Matthew Geldhof

EMPLOYMENT HISTORY

Consulting

April, 2016 - Present

In my current consulting role I assist the pharmaceutical and health care industry in evaluating and assessing their level of regulatory compliance with the Controlled Substances Act and provide guidance and insight into the development of in-depth and comprehensive compliance programs. I also provide workable solutions to promote operational efficiencies and regulatory compliance. I am involved in a number of compliance support functions including providing on-site account investigations and reviews, assisting with legal issues and outside counsel, site inspections, regulatory training and regulatory compliance program and procedure development.

DEA – Diversion Program Manager, Detroit, MI

October, 2005 – January 2016

Had overall responsibilities for Diversion Operations for seven Diversion groups within the states of MI, OH, and KY. Responsibilities included investigation oversight, personnel management, budget control and liaison efforts with other State and Federal agencies. Some of the more recent and significant actions against drug companies include Harvard Drug, Keysource Pharmaceutical, Masters Pharmaceutical, Miami-Luken and Mallinckrodt. While involved in these investigations I developed outstanding relationships with various Federal and State prosecutors. I also represented DEA at numerous meetings with law enforcement, professional and community groups.

DEA - Diversion Group Supervisor, Detroit, MI	July, 1986 – October, 2005
Newark, NJ	July, 1979 – June, 1986
New York City, NY	June, 1978 – June, 1979

Supervised Diversion groups in the above cities. Groups were tasked with investigations aimed at preventing diversion of controlled substances into the illicit market. Investigations conducted by the groups resulted in significant criminal, civil and administrative actions against violators.

Specialized areas of expertise include due diligence investigations, criminal investigations to include litigation review and preparation, as well as the overall interpretation of the Controlled Substances Act and code of federal regulations. I also testified before the Michigan State legislature and represented DEA at many industry and community conferences as well as police training programs.

DEA – Staff Assistant, Washington, DC	August, 1974 – June, 1978
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Responsible for coordinating investigative efforts of six divisions to include personnel support, policy interpretation, funding and liaison with other components of Headquarters. Prepared the Diversion Control budget and served as an instructor at DEA’s Training Academy. Responsible for initiating division evaluation programs in order to provide appropriate personnel staffing.

DEA Diversion Investigator – Detroit, MI	June, 1972 – August, 1974
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Conducted full range of investigations of DEA registrants. I was responsible as lead investigator for the prosecution of the Vice President of a Detroit area pharmaceutical company and the subsequent revocation of the firm’s DEA license. I also spoke to various pharmaceutical companies regarding their responsibilities under the Controlled Substances Act.

EDUCATION

- Eastern Michigan University - BBA 1972
- Basic Diversion Investigator School 1972
- Supervisory Training Program 1976
- Mid-Level Management Training Program 1977
- Reid School of Interrogation 1988
- DEA Divisional Leadership Conferences various
- Asset forfeiture training 2001
- Chemical Diversion Training 2002
- Various other internal training seminars and programs

PROFESSIONAL QUALIFICATIONS

- Criminal and regulatory investigations pertaining to pharmaceuticals
- Public speaking

- Controlled substances Act and Policy Interpretation
- Top Secret Security Clearance

AWARDS

- | | |
|--|------------------------|
| • Special Achievement Awards | 1974 and 1981 |
| • DEA Outstanding Performance (Supervisory) | 1987, 1988, 1989, 1990 |
| • DEA Exceptional Performance (Supervisory) | 2000 and 2003 |
| • DEA Administrators Award for Group Performance | 2004 |
| • U.S. Attorney Office Letters of Commendation | 1992 and 2013 |
| • DEA Letters of Commendation (2) | 1991 |

PROFESSIONAL MEMBERSHIPS

- Bryan's Hope, Board of Directors
- Commission of Kentucky Colonel

James E. Rafalski

42485 Steepleview Street ♦ Northville, MI. 48168 ♦ (734) 420-0479 ♦ JERafalski@gmail.com

Highly skilled DEA Diversion Investigator with strengths in understanding and implementing compliance with the Federal Code of Regulations and Controlled Substance Act.

SUMMARY OF QUALIFICATIONS

- Conducts full range of complex investigations, including pre-registration applications, compliance, security, criminal, civil, and administrative.
- Diverse knowledge of federal regulations
- Adept at designing and presenting training programs related to the pharmaceutical industry
- Superior communication, interpersonal, and collaboration skills
- Extensive experience in evaluation of suspicious order systems of distributors and manufacturers for compliance with Federal regulations
- Working knowledge of current trends within DEA Diversion

CAREER HIGHLIGHTS

Administrative Investigations

- Conducted in-depth investigation of all types of DEA registrants to evaluate their compliance with Federal regulations and maintenance of effective controls for the prevention of the diversion of controlled substances.
- Author of complex requests for Order to Show Cause (OTSC) orders and Immediate Suspension Orders (ISO) pursuant to Title 21 USC 824(a) (4).
- Expertise in the construction and design of controlled substance security systems.
- Investigation of The Harvard Drug Group, Livonia, Michigan for illicit distribution of 30mg oxycodone to pharmacies and physicians in Florida. The investigation resulted in the submission and issuance of an OTSC and ISO. This matter was resolved through negotiation with the DEA and United States Attorney's Office resulting in a one-year registration suspension, civil settlement with fine and Memorandum of Agreement. At the completion of the suspension I conducted a review of the redesigned suspicious order system to determine the regulatory compliance.
- Investigation of Masters Pharmaceutical, Cincinnati, Ohio for the distribution of 30 mg oxycodone to pharmacy registrants in Florida. The investigation resulted in the submission and issuance of an OTSC. I assisted DEA Chief Counsel in preparation for the administrative hearing and prepared written direct testimony for submission to the Administrative Law Judge. Provided extensive testimony on this matter at the OTSC hearing. The OTSC resulted in the revocation of the DEA registration which was subsequently upheld by an Federal Appellate Court ruling.

- Investigation of Mallinckrodt LLC, Albany, NY, for distribution of 30mg oxycodone to distributors and the secondary distribution to pharmacy registrants in Florida. I assisted the United States Attorney's Office in the preparation of a Civil Complaint. Prior to the filing of the Civil Complaint the matter was resolved with a civil settlement and Memorandum of Agreement. This was the first DEA investigation of a manufacturer in regards to the compliance with the regulation requiring effective controls to prevent diversion and maintenance of a suspicious order system.

Criminal Investigations

- Utilize traditional and non-traditional investigative tools to gather information and make judgments resulting in the successful identification, prosecution and dismantlement of prescriptions drug trafficking organizations.
- Coordinate major investigations involving multiple federal and state agencies.
- Preparation of Federal Search Warrants, State Search Warrants, and Criminal Complaints.
- Ability to research and analyze multiple appropriate avenues for stopping illicit controlled substance diversion when traditional civil, criminal, or administrative sanctions fail.

Performance Record

- Performance rating of "Outstanding" from 2005 through 2016.
- Performance awards in 2009 through 2015 and 2017.
- Demonstrates understanding of customer regulatory needs and effectively partners with customers to identify issues and potential resolutions.
- Design and present training programs for DEA in regards to prevention of the diversion of controlled substances.
- Selected in 2012 as an exceptional employee for exemplary public service to the DEA and Federal Government by the Detroit Federal Executive Board.
- June 2013 received an United States Attorney's Office, Eastern District of Michigan, award from the Affirmative Litigation Unit in regards to The Harvard Drug Group investigation.
- Recipient of the DEA Administrator's Award for The Harvard Drug Group investigation.

PROFESSIONAL EXPERIENCE

- Drug Enforcement Administration, Detroit, Michigan
Diversion Investigator, September 2004 - June 2017
- Livonia Public Schools
Teacher, 2002 - 2004
- Romulus Police Department, Romulus, Michigan
Executive Lieutenant, 1981 to 2002 (retired)
- Wayne County Sheriff Department
Deputy Sheriff, 1976 - 2002

EDUCATION

- Bachelor of Science, Eastern Michigan University, Ypsilanti, Michigan, GPA - 3.79

TRAINING AND CERTIFICATION

- Diversion Investigator School No. 35, September 2004.
- Diversion Financial Investigative Techniques, March 2007.
- Advanced Diversion Investigator School, August 2009.
- Comprehensive Regulatory Investigation, September 2010.
- Diversion Leadership School No. 6, March 2011.
- Advanced Diversion Investigator School, September 2015

COMPUTER SKILLS

- Proficient in Microsoft Word/Excel/PowerPoint and Outlook

EXHIBIT E

Current List of Clients

Current List of Clients (130)

Alabama (10):

City of Birmingham
City of Fort Payne
City of Gadsden
City of Mobile
City of Opp
City of Selma
City of Union Springs
Coffee County
Etowah County
Tallapoosa County

Florida (3):

Calhoun County
City of Panama City
Washington County

Illinois (13):

Alexander County
Bond County
Christian County
Edwards County
Gallatin County
Hamilton County
Hardin County
Jasper County
Jersey County
Pulaski County
Wabash County
Washington County
White County

Indiana (8):

City of Jeffersonville
City of Kokomo
City of Muncie
City of New Albany
City of Noblesville

City of Sheridan
City of Westfield
Harrison County

Kentucky (44):

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
Marshall County
Nicholas County
Oldham County
Pendleton County

Perry County
Pulaski County
Rowan County
Scott County
Shelby County
Spencer County
Union County
Whitley County
Woodford County

Maryland (1):

Cecil County

Mississippi (7):

Amite County
Benton County
Jefferson Davis County
Lawrence County
Marion County
Tallahatchie County
Union County

Nebraska (1):

Douglas County

North Carolina (3):

New Hanover County
Buncombe County
Yadkin County

Ohio (25):

Adams County
Ashland County
Belmont County
Brown County
City of Cincinnati
City of Portsmouth
Clermont County
Columbiana County
Crawford County

Darke County
Erie County
Fairfield County
Gallia County
Guernsey County
Hocking County
Huron County
Jackson County
Lawrence County
Licking County
Logan County
Muskingum County
Pike County
Ross County
Scioto County
Vinton County

Pennsylvania (2):

Columbia County
Luzerne County

Tennessee (4):

Fentress County
Greene County
Haywood County
Johnson County
Williamson County

West Virginia (6):

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

State of New Mexico (1)

Sovereign Nations (1):

Eastern Band of Cherokee Indians

