

MEMORANDUM

Date: May 15, 2018
To: Interested Media
From: Whitney Ray, Director of Media Relations for the Attorney General's Office
Re: Attorney General's Office Selects Co-Counsel for State's Legal Claims Resulting from the Opioid Crisis

In accordance with section 16.0155(6), Florida Statutes, the Attorney General's Office has posted a copy of an executed contingency fee contract and the Attorney General's written determination to enter into a contingency fee contract on our website.

After an open and competitive process, Attorney General Pam Bondi has selected an expert legal team, which will work under the control of this Office, to serve as co-counsel for the State of Florida's legal claims relating to the opioid crisis.

The Attorney General's Office is confident the selected team will help ensure the State is made whole for the losses it suffered due to this public health and economic disaster.

The selected team consists of the following five law firms:

The Drake Martin Law Firm, LLC and Harrison, Rivard, Duncan & Buzzett, Chartered have substantial complex litigation experience, including their recent role as outside co-counsel to our office in the Deepwater Horizon Oil Spill matter, resulting in a \$2 billion recovery for the State's economic losses, twice the amount of the next closest state and more than 40 percent of the total 5-state economic loss recovery. Judge Carl Barbier also appointed Mr. Martin as a neutral to assist the Court with resolving local governmental and other claims in that important multidistrict litigation matter in New Orleans (MDL No. 2179).

The Newsome Melton, P.A. law firm has gained national recognition for many of the cases it has litigated, with client recoveries of over half a billion dollars, including a recent jury verdict in Pasco County for over \$25 million. Rich Newsome, a former assistant U.S. Attorney, served as one of the leading lawyers in the Takata airbag litigation matter and has extensive experience litigating complex pharmaceutical and tort matters in state and federal court. Mr. Newsome is also a member of the Summit Council, a national group of America's finest trial lawyers for plaintiffs.

Clif Curry of the Curry Law Group, P.A is one of the most well-respected and prominent trial attorneys in the Tampa Bay area, having handled complex litigation matters for over

thirty (30) years, including as counsel to the Bush / Cheney campaign in 2000. Mr. Curry is a member of The National Trial Lawyers: Top 100 Civil Plaintiff Lawyers organization and is very active in the community, including through The Trey Curry Foundation, which assists children in need as a way to honor a son who died unexpectedly at the age of twenty.

The Kellogg, Hansen, Todd, Figel & Frederick, P.L.L.C. law firm specializes in complex trial and appellate litigation. The firm's lead partner on this matter, David Frederick, has argued more than one hundred (100) appeals, including fifty (50) in the United States Supreme Court. Mr. Frederick also handles complex litigation matters, including serving as lead counsel to the National Credit Union Administration in liquidation lawsuits against several major banks and representing thirty-five (35) states in a proceeding against numerous tobacco defendants arising out of the Master Settlement Agreement.

The contract requires this team first seek to have all of their attorneys' fees, costs, and expenses paid by one or more of the parties legally responsible for the opioids crisis.

The Attorney General's Office negotiated a contingency fee arrangement well within the parameters permitted by section 16.0155(5), Florida Statutes. The outside counsel has been retained on a contingency fee rather than an hourly basis because the law firms will bear the risk of any unsuccessful outcome and such an arrangement avoids the need for substantial, ongoing expenditures of public money. If necessary, the contingency fee will be ultimately determined by an arbitrator based on Florida Bar Rule 4-1.5(b), but will not exceed 3.5 percent of the State's gross recovery on the monetary claims.

The following twelve teams of law firms, over 50 law firms in all, timely responded to the request for proposal:

- Newsome Melton, P.A.; Searcy Denney Scarola Barnhart & Shipley, P.A.; Curry Law Group, P.A.; Kelley Uustal, PLC; and Thomas R. Grady, P.A.
- Fields PLLC; Boies Schiller Flexner LLP; Gilbert LLP; and Dolt, Thompson, Shepherd & Conway, PSC.
- Motley Rice LLC; Colson Hicks Eidson, P.A.; Gelber Schachter & Greenberg, P.A.; The Whittemore Law Group, PA; Dolman Law Group; and Paul Knopf Bigger.
- Baron & Budd, PC; Greene, Ketchum, Farrell. Bailey & Tweel LLP; Hill, Peterson, Carper, Bee & Deizler, PLLC; Levin, Papantonio, Thomas, Mitchel, Rafferty & Proctor, P.A.; McHugh Fuller Law Group; and Powell & Majestro P.L.L.C.
- Harrison Rivard Duncan & Buzzett, Chartered; Drake Martin Law Firm LLC; and Mike Moore Law Firm, LLC.
- Buell & Elligett, P.A.

- Shutts & Bowen LLP; Consovoy McCarthy Park PLLC; Keller Lenkner LLC; and Edelson PC.
- Lief Cabraser Heimann & Bernstein, LLP; Haliczzer, Pettis & Schwamm, P.A.; Leon Cosgrove. LLC; Law Office of Steven W. Igou; and Robbins Geller Rudman & Dowd LLP.
- GrayRobinson, P.A.; and Kanner & Whiteley, L.L.C.
- Romano Law Group, P.A.; Spangenberg Shibley & Liber LLP; Schochor, Federico & Staton, P.A.; Fonvielle Lewis Messer & McConnaughay, P.A.; Rossman, Baumberger, Rebozo & Spier, P.A.; Douglas A. Daniels, P.A.; Jeff Kottkamp, P.A.; and Legal Strategies & Consulting, P.L.
- Labaton Sucharow LLP; and Floridian Partners, LLC.
- The Ferraro Law Firm, P.A.; Napoli Shkolnik PLLC; Spottswood, Spottswood, Spottswood & Sterling, PLLC; and Stull, Stull & Brody.

To view the contract, please click [here](#).

To view the determination regarding private attorney services, please click [here](#).

The decision to retain these counsel in such a complex legal and policy matter was made after an extensive review process. Since issuing its proposal request in January, the Office has spent a significant amount of time carefully vetting the many applicants, including conducting hours of in-depth interviews to identify those law firms that best fit the needs of the Office for purposes of serving as co-counsel for this important litigation.

This lawsuit follows on the heels of a year-long investigation into the opioid crisis by a dedicated team of attorneys, paralegals, and investigators within General Bondi's office. Members of the team have also played a leading role as part of a 41-state coalition of states both investigating the matter and voluntarily participating in ongoing settlement discussions being facilitated by United States District Court Judge Dan Polster, who is presiding over the pending multidistrict litigation matter in Ohio.

In addition to the filing of this lawsuit, Attorney General Bondi, throughout her time in office, has made advocating aggressively on behalf of individuals and communities harmed by the opioid crisis one of her highest priorities, beginning in 2011 with her fight for comprehensive legislation to help law enforcement, prosecutors, and regulatory agencies eradicate pill mills and continuing through to her support for fentanyl legislation and the three-day limit on opioid prescriptions in the just-ended session.

Attorney General Bondi also serves on the President's Commission on Combatting Drug Addiction and the Opioid Crisis and served as Co-Chair of the National Association of Attorneys General Substance Abuse Committee. To learn more about General Bondi's efforts in response to the opioid crisis, please click [here](#).