



Legislation Text

File #: 24-0926, Version: 1

Resolution to Approve a Retainer Agreement with Weitz & Luxenberg, P.C. and The Sam Bernstein Law Firm for Legal Services to Support the City's Participation in the Insulin Pricing Multi-District Litigation, *In re: Insulin Pricing Litigation*, MDL No. 3080

Attached for your review and approval is a resolution to approve a Retainer Agreement with Weitz & Luxenberg, P.C. and The Sam Bernstein Law Firm, PLLC for legal services to support the City's participation in multi-district litigation challenging alleged price fixing schemes that have resulted in increased prices for insulin and other diabetes-related drugs. (*In re: Insulin Pricing Litigation*, MDL No. 3080). The City, as a self-funded payer of prescription medication benefits for its members (employees, retirees, and their dependents), may have paid increased prices.

To aid the City in its participation in the MDL, the City Attorney's Office has selected a legal team comprised of Weitz & Luxenberg, P.C. and The Sam Bernstein Law Firm, PLLC to provide specialized legal services because of their familiarity and experience in litigating insulin pricing cases on behalf of other municipalities through the multi-district litigation process. Weitz & Luxenberg, P.C. and The Sam Bernstein Law Firm propose to provide these legal services on a contingent fee basis of thirty percent (30%) of the net sum recovered by the City in the litigation exclusive of litigation expenses and costs.

To protect and prosecute the City's interests, the City Attorney's Office recommends and requests approval of the attached Retainer Agreement with Weitz & Luxenberg, P.C. and The Sam Bernstein Law Firm, PLLC for legal services to support the City's participation in the insulin pricing multi-district litigation, *In re: Insulin Pricing Litigation*, MDL No. 3080.

Prepared by: Jennifer Richards, Assistant City Attorney

Reviewed by: Atleen Kaur, City Attorney

Approved by: Milton Dohoney Jr, City Administrator

Whereas, A multi-district litigation was formed in the United States District Court for the District of New Jersey entitled *In re: Insulin Pricing Litigation*, MDL No. 3080 after numerous lawsuits were filed against pharmaceutical manufacturers and pharmacy benefit managers alleging inflated prices for insulin due to illegal price fixing schemes;

Whereas, The City of Ann Arbor is a self-funded governmental payer administering a prescription drug plan through a third-party administrator contract and pays for certain medications on behalf of its covered members;

Whereas, The City Council has been advised on this matter in an attorney-client privileged and confidential legal advice memorandum dated May 13, 2024;

Whereas, It is in the City's best interest to participate in the multi-district litigation, *In re: Insulin Pricing Litigation*, MDL No. 3080;

Whereas, To pursue such claims, the City needs to draw on outside specialized legal expertise and

experience to support and maximize its claims to be asserted in the multi-district litigation;

Whereas, Weitz & Luxenberg, P.C. and The Sam Bernstein Law Firm, PLLC are well-qualified to provide legal services; and

Whereas, Weitz & Luxenberg, P.C. and The Sam Bernstein Law Firm comply with the City of Ann Arbor's Non-Discrimination and Living Wage Ordinances;

RESOLVED, That City Council approve the Retainer Agreement with Weitz & Luxenberg, P.C. and The Sam Bernstein Law Firm, PLLC for legal services to support the City's participation in the insulin price litigation, *In re Insulin Pricing Litigation*, MDL No. 3080;

RESOLVED, That City Council approve a contingency fee of thirty-percent (30%) of the City's net recovery in the litigation to be shared by Weitz & Luxenberg, P.C. and The Sam Bernstein Law Firm, PLLC as provided in the Retainer Agreement;

RESOLVED, That the Mayor and City Clerk be authorized to execute the Retainer Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That the City Administrator be authorized to take any necessary administrative actions to implement this resolution.