



State of West Virginia  
Office of the Attorney General

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Attorney General

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**WRITTEN DETERMINATION REGARDING THE APPOINTMENT  
OF BAILEY, JAVINS, & CARTER LC TO SERVE AS OUTSIDE COUNSEL  
ON BEHALF OF THE OFFICE OF THE WEST VIRGINIA ATTORNEY GENERAL**

The Office of the West Virginia Attorney General (hereinafter "WVAGO") has sought the legal assistance on consumer protection and antitrust legal matters. More specifically, the WVAGO sought counsel to assist staff with an ongoing investigation and review of potential violations of state consumer protection and antitrust statutes relating to the potentially unfair and deceptive practices in the distribution of opioid products and other ancillary issues involving McKesson Corporation and potentially other corporations.

Pursuant to the written determination issued on December 13, 2013, the Office of the Attorney General determined that it was both cost-effective and in the interest of the public to appoint outside counsel to assist WVAGO with the needed legal services. A request for proposals, RFP # 16, was issued in accordance with subsection (D) of the Attorney General's Policy on Outside Counsel (Policy #WVAG0-004). Subsequently, revised RFP # 16, was issued extending the deadline for proposals to October 3, 2014.

As of the October 3, 2014, extended deadline for proposals, the Office of the Attorney General received six timely proposals for legal services. After a review of the proposals received, the Office has determined that the law firm of Bailey, Javins, & Carter LC has submitted the most competitive proposal for legal services pursuant to Section E of Policy # WVAG0-004, based on the following factors:

- Bailey, Javins, & Carter LC has the requisite attorneys and staff in the geographic area where the legal services are to be performed, and is readily available to perform the needed services in a timely manner.
- Bailey, Javins, & Carter LC has the requisite litigation experience and specifically experience with the West Virginia Consumer Credit and Protection Act and the Unfair Practices Act.
- Bailey, Javins, & Carter LC has agreed to perform the needed legal services on a fee basis capped at twenty percent of the first \$10 million recovered and thereafter in accordance with subsection I. of the Attorney General's Policy on Outside Counsel.

Based on the factors set forth above, the Office of the Attorney General authorizes the appointment of Bailey, Javins, & Carter LC to serve as outside counsel for the legal matters cited herein pursuant to Section (E) of Policy # WVAGO-004.



Anthony Martin  
Chief Operating Officer  
Senior Deputy Attorney General

Dated: December 31, 2015