



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

(304) 558-2021
Fax (304) 558-0140

**WRITTEN DETERMINATION APPOINTING OUTSIDE COUNSEL
ON BEHALF OF THE OFFICE OF THE WEST VIRGINIA ATTORNEY GENERAL
(RFP # 86)**

The Office of the West Virginia Attorney General (hereinafter "WVAGO") sought the assistance of outside counsel to provide legal assistance with a consumer protection matter. More specifically, the WVAGO seeks counsel to assist staff with ongoing litigation against Johnson & Johnson, Ethicon, Inc., and Ethicon US, LLC.

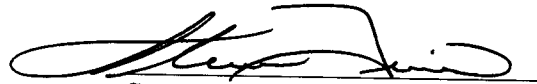
Pursuant to the written determination issued on December 23, 2019, the Office of the Attorney General determined that it was both cost-effective and in the interest of the public to appoint outside counsel to assist WVAGO with the needed legal services. A request for proposals, RFP # 86, was issued in accordance with subsection (D) of the Attorney General's Policy on Outside Counsel (Policy #WVAG0-004).

As of the January 3, 2020, deadline for proposals, the Office of the Attorney General received three timely proposals for legal services. After a review of the proposals received, the Office has determined that the law firms of Frankovitch, Anetakis, Simon, Decapio & Pearl, LLP and Wagstaff & Cartmell LLP ("Frankovitch and Wagstaff") submitted a competitive proposal for legal services pursuant to Section E of Policy # WVAG0-004, based on the following factors:

- Frankovitch and Wagstaff has the requisite attorneys and staff to provide the legal services to be performed, and is readily available to perform the needed services in a timely manner.
- Frankovitch and Wagstaff has agreed to perform the needed legal services on a contingency fee basis as follows:
 - 14% of the first \$20 million recovered; then in accordance with the fee schedule contained in the Policy on Outside Counsel; and
 - If the matter is resolved through settlement within 3 months of the appointment the fee will not exceed 5% of the total recovery; and

- If the matter is resolved through settlement within 6 months of the appointment the fee will not exceed 10% of the total recovery.

Based on the factors set forth above, the Office of the Attorney General authorizes the appointment of Frankovitch, Anetakis, Simon, Decapio & Pearl, LLP and Wagstaff & Cartmell LLP to serve as outside counsel for the legal matters cited herein pursuant to Section (E) of Policy # WVAGO-004.



Steven A. Travis
Deputy General Counsel

Dated: January 9, 2020