



State of West Virginia  
Office of the Attorney General

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Attorney General

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**WRITTEN DETERMINATION APPOINTING OUTSIDE COUNSEL  
ON BEHALF OF THE OFFICE OF THE WEST VIRGINIA ATTORNEY GENERAL  
(RFP # 112)**

The Office of the West Virginia Attorney General (hereinafter “WVAGO”) is seeking 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 Kroger Co., Kroger Limited Partnership I d/b/a Peyton’s Southeastern and Kroger Limited Partnership II d/b/a Peyton’s Northern.

Pursuant to the written determination issued on September 23, 2022, 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 # 112, was issued in accordance with subsection (D) of the Attorney General’s Policy on Outside Counsel (Policy #WVAG0-004).

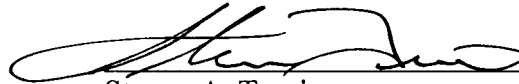
As of the September 30, 2022, deadline for proposals, the Office of the Attorney General received three timely proposals for legal services. After a review of the proposals received, the Office has determined that the law firms of Motely Rice LLC and The Webb Law Centre’s have submitted the most competitive proposal for legal services pursuant to Section E of Policy # WVAG0-004, based on the following factors:

- Motely Rice LLC and The Webb Law Centre’s 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.
- Motely Rice LLC and The Webb Law Centre’s has the requisite litigation experience and specifically has extensive experience in the ongoing opioid litigation.
- Motely Rice LLC and The Webb Law Centre’s has agreed to perform the needed legal services on a contingency fee basis capped at 12.5% of the first \$20 million recovered and thereafter in accordance with subsection I. of the Attorney General’s Policy on Outside Counsel.
- Additionally, Motely Rice LLC and The Webb Law Centre’s has agreed that in the event this action is resolved through settlement

within 3 months of this appointment the contingency fee will not exceed 5% of the total recovery and if within 6 months of this appointment the contingency fee will not exceed 10% of the total recovery.

- Motely Rice LLC and The Webb Law Centre currently represents other governmental plaintiffs in various opioid matters. Based upon the information as currently known these representations do not constitute a conflict with the representation of the WVAGO in this matter. Further, Motely Rice LLC and The Webb Law Centre expressly agree that prior to agreeing to represent any new clients relating to the opioid litigation they will consult with the WVAGO to ensure any new representation does not conflict with the representation of WVAGO.

Based on the factors set forth above, the Office of the Attorney General authorizes the appointment of Motely Rice LLC and The Webb Law Centre's to serve as outside counsel for the legal matters cited herein pursuant to Section (E) of Policy # WVAGO-004.



Steven A. Travis  
General Counsel

Dated: October 31, 2022