



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 # 91)**

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 Walgreens Boots Alliance, Inc.; Walgreen Co.; and Walgreen Eastern Co., Inc. • Rite Aid Corporation and Rite Aid of Maryland, Inc. d/b/a Rite Aid Mid-Atlantic Customer Support Center • CVS Health Corporation; CVS Pharmacy, Inc.; CVS Indiana, LLC; CVS RX Services, Inc.; and CVS TN Distribution LLC • Walmart, Inc. f/k/a Wal-Mart Stores, Inc.

Pursuant to the written determination issued on September 11, 2020, 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 # 91, was issued in accordance with subsection (D) of the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004).

As of the September 18, 2020, deadline for proposals, the Office of the Attorney General received four 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 # WVAGO-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 14% 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.

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.

A handwritten signature in black ink, appearing to read "Steven A. Travis", is written over a horizontal line.

Steven A. Travis
Deputy General Counsel

Dated: September 24, 2020