

County of Nueces



CAROLYN VAUGHN

Commissioner
Precinct 1

JOHN MAREZ

Commissioner
Precinct 3

JOE A. GONZALEZ

Commissioner
Precinct 2

BARBARA CANALES

County Judge
Nueces County Courthouse, Room 303
901 Leopard Street
Corpus Christi, Texas 78401-3697

BRENT CHESNEY

Commissioner
Precinct 4

COMMISSIONERS COURT ORDER

Authorizing Litigation and Special Counsel Agreement with Kathryn Snapka Law Firm, Lead Counsel, Law Office of Richard Schechter, P.C., and The Cicala Law Firm, PLLC., and their respective teams (SPECIAL COUNSEL)

WHEREAS, there is a substantial need for the legal services; and,

WHEREAS, the legal services cannot be adequately performed by the attorneys and supporting personnel of Nueces County or by the attorneys and supporting personnel of another public agency; and,

WHEREAS, the legal services cannot reasonably be obtained by attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which the services will be obtained and because Nueces County does not have appropriated funds available to pay the estimated amounts required under a contract providing only for the payment of hourly fees.

NOW, THEREFORE, BE IT ORDERED, by the Commissioners Court of Nueces County,

1. an exemption from competitive bidding and proposal procedures in accordance with Texas Local Government Code Section 262.024(a)(4).
2. the selection of Special Counsel and the terms and conditions of the employment of such counsel.
3. authorizing the County Attorney and Special Counsel to file such claims and litigation as the County Attorney deems necessary against Eli Lilly and Company, Novo Nordisk, Inc., Sanofi-Aventis U.S., LLC., Express Scripts Holding Company; Express Scripts, Inc., ESI Mail Pharmacy Services, Inc., Express Scripts Pharmacy, Inc., CVS Health Corporation, Caremark RX, LLC., Caremark PCS Health, LLC., Caremark, LLC., Caremark Texas Mail Pharmacy, LLC., Optum Inc., OptumRx, Inc., Aetna Rx Homedelivery LLC., Aetna Pharmacy Management Services, LLC., and their corporate affiliates, parents, and subsidiaries, and such other defendants as may be joined or added to the litigation (collectively "Defendants"). The lawsuit concerns the Defendants causing or contributing to the rising prices of diabetes medications, and may include claims for violations of Texas DTPA, Texas Insurance Code, breach of contract, common law Fraud and/or negligent misrepresentation, breach of fiduciary duty, unjust enrichment, RICO, federal and state antitrust laws and any other potentially applicable common law or statutory causes of action.
4. The Nueces County Judge or her designee is authorized to execute on behalf of Nueces County an agreement with Special Counsel containing terms and provisions substantially similar to those contained in the attached agreement.
5. All fees to be paid to SPECIAL COUNSEL are contingent upon the recovery of attorney's fees and damages as provided for in the Agreement and no money shall be due or paid from the General Fund or any special fund under this Agreement.
6. All Nueces County officials and employees are authorized to do any and all things necessary or convenient to accomplish the purposes of this order.
7. Notice has been provided pursuant to section 2254.1036 of the Texas Government Code.

**DULY ADOPTED BY VOTE OF THE COMMISSIONERS COURT OF NUECES COUNTY, TEXAS, ON THIS
THE _____ DAY OF _____ 2020.**

BARBARA CANALES
Nueces County Judge

CAROLYN VAUGHN
Commissioner, Precinct 1

JOE A. GONZALEZ
Commissioner, Precinct 2

JOHN MAREZ
Commissioner, Precinct 3

BRENT CHESNEY
Commissioner, Precinct 4

ATTEST:

KARA SANDS, County Clerk