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July 1, 2021

Victoria Newton
Executive Secretary
Executive Council
State Capitol
LOCAL

Re: Retention of Special Counsel

Dear Victoria:

Our office requests authorization pursuant to Iowa Code section 13.7 to retain special counsel to provide specialized legal services and representation to the State of Iowa with respect to antitrust claims against GlaxoSmithKline (“GSK”) related to its product Flonase (the “Flonase Litigation”). We also recommend pursuant to Iowa Code section 23B that the law firm be retained on a contingent-fee basis.

The claims at issue in the Flonase Litigation arise from GSK’s alleged efforts to illegally delay the entry into the marketplace a cheaper generic version of its Flonase product – which was at the time the most prescribed nasal steroid inhalant in the United States. There has been extensive previous litigation and a previous private class-action settlement. Most recently the state of Louisiana challenged GSK’s position that state claims were barred by the private class-action settlement in which they did not participate. This office believes that the State of Iowa may have claims with significant value and that it is in the State’s interest to assert these claims against GSK.

The law firm Meade Young LLC, 909 Poydras Street, Suite 1600, New Orleans, LA 70112, (“Meade Young”) previously represented the states of Louisiana and New Mexico in the Flonase Litigation and has offered to represent Iowa and other states on a contingent fee basis. The proposed contingent fee would be 20 percent of the actual recovery. This office has determined that this proposed contingent representation is both cost effective and in the public interest. This office lacks sufficient resources to dedicate to this type of representation; the matter would require a significant commitment of time and labor; and Meade Young has significant specialized experience in this area of the law and with this specific legal dispute. We have also determined that a procurement process is not feasible under these unique circumstances.

We therefore recommend approval of the law firm of Meade Young, as special counsel. The engagement will be governed by a separate contingent fee agreement between this office and Meade Young which shall comply with the requirements of Iowa Code section 23B.3.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey S. Thompson", with a long horizontal flourish extending to the right.

JEFFREY S. THOMPSON
Solicitor General