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IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

July 16, 2025

Kristi Onstot, Executive Secretary
Executive Council
State Capitol

Re: Retention of special counsel—refund aggregator investigation and
litigation

Dear Kristi:

Our office requests authorization under Iowa Code section 13.7(1) to retain the law firm of Barbour Hurst as special counsel. Special counsel will provide legal services and representation to Iowa with respect to investigations into and possible litigation of retention of moneys due to the State by refund aggregators affiliated with pharmacy benefit managers that due business with the State. We also recommend under Iowa Code section 23B that the firm be retained on a contingent-fee basis.

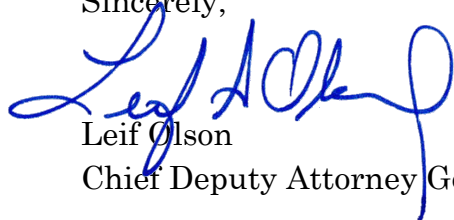
The Attorney General has determined that it is necessary and appropriate to retain private special counsel to assist her office because this investigation and potential litigation will involve complex claims that demand time and labor beyond that available from the office's current staff. Potential litigation may include, among other things, discovery of potentially millions of pages of physical documents and their electronic equivalents; numerous depositions of fact witnesses and corporate representatives; extensive motion practice to ensure compliance with the State's discovery requests; motion practice on the scope of the State's obligations to respond to discovery requests; identifying, retaining, and obtaining reports from financial and economic experts; working with experts to analyze and attack opposing expert reports; and extensive motion practice on both procedural and substantive questions.

Kristi Onstot, Executive Secretary
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We recommend Barbour Hurst because of its experience successfully conducting similar investigations and litigating similar cases for other clients, including state governments, under both state and federal law. Barbour Hurst's experience would allow it to begin serving as special counsel with little delay and would enable the State to begin proceeding toward a resolution with the least possible time required to arrange the preliminary matters necessary to undertake an investigation and potential case of this scope. Barbour Hurst has previously served as special counsel to the State and is familiar with the portions of the Iowa Code governing its obligations.

Because of the commitment of resources required to effectively conduct the investigation and potential litigation, we have determined that contingent representation is both cost effective and in the public interest. We have further determined that a procurement process is not feasible under these unique circumstances. We therefore recommend approval of Barbour Hurst as special counsel in an relationship to be governed by a contingent fee agreement under Iowa Code section 23B.3.

Sincerely,

A handwritten signature in blue ink, appearing to read "Leif Olson", is written over the printed name and title.

Leif Olson

Chief Deputy Attorney General