

Healthcare Group Of The Year: Williams & Connolly

By **Jake Maher**

Law360 (February 13, 2025, 4:00 PM EST) -- Attorneys in Williams & Connolly LLP's healthcare practice won major victories for CVS in a number of jurisdictions across the country, including fighting off class certification in a case against CVS' subsidiary pharmacy benefit manager in Minnesota and defeating an antitrust action from the New York attorney general, earning a spot among the 2024 Law360 Healthcare Groups of the Year.

Enu Mainigi, co-chair of the healthcare practice and chair of the False Claims Act and qui tam practice, told Law360 that 2024 showed that Williams & Connolly remains the go-to firm for some of the most pressing healthcare litigation in the country.

"We're sought after for a lot of the high-stakes, cutting-edge or high-profile type of stuff," Mainigi said.

Williams & Connolly won one major victory in July 2024 on behalf of Caremark, the largest pharmacy benefits manager in the United States by market share and a subsidiary of CVS, in litigation where two plaintiff drug wholesalers accused Caremark and other PBMs of price-gouging on drugs including EpiPens and insulin, the firm said. The U.S. District Court for the District of Minnesota denied the plaintiffs' motion for class certification, finding, among other things, that the proposed class did not meet the numerosity requirement.

Mainigi said the result in that case was a win for Caremark that created a playbook for other healthcare industry clients facing similar class actions.

"What you gain in one gets you something in the other," Mainigi said. "If motions for class [certification] are being denied in similar cases, obviously, it's that much easier to solve for it in the next case."

Williams & Connolly also won a victory for CVS earlier in 2024, in a civil antitrust action filed by New York Attorney General Letitia James.

The attorney general's office originally accused CVS of illegally forcing underserved hospitals to use its claims-processing subsidiary for federal drug reimbursements in a previous suit that was dismissed without prejudice in March 2023. The attorney general's office first sought to appeal that ruling, then changed tack and refiled an updated version of the suit.



New York Supreme Court Judge Robert R. Reed found in March 2024, similar to in 2023, that the attorney general's office did not show that CVS had enough market power to force hospitals to use its claims-processing subsidiary by tying it to hospital contracts.

Mainigi said although New York tried to fix the suit before refiling, the case was fundamentally a weak one and Williams & Connolly's task was to keep its arguments simple to make that point.

"The facts are the facts, ultimately, and the law is the law, and I think that there is kind of a stretch on both," Mainigi said.

"It's hard for all of us to resist going overboard when it comes to motions practice, but I think sometimes keeping it really simple and relying on a straightforward argument is better than everything being thrown in," she added.

Williams & Connolly highlighted several other victories it won in 2024 for CVS and other clients.

In litigation in various jurisdictions over insulin pricing, Williams & Connolly won several victories for CVS, including a decision from the First Circuit keeping a lawsuit from Puerto Rico in federal court and a partial dismissal of an antitrust case from the California attorney general, the firm said.

In a sprawling False Claims Act case in the Northern District of Illinois in which a relator alleged five separate theories of fraud against CVS Health and several subsidiaries, Williams & Connolly was able to get three of those theories dismissed in August 2024.

Williams & Connolly is also representing drugmakers Celgene and Bristol-Myers Squibb in antitrust litigation in New Jersey federal court brought by a group of insurers around the companies' cancer treatment medicine. U.S. District Judge Esther Salas dismissed the claims against Williams & Connolly's clients in June 2024 in a nearly-300 page opinion.

Williams & Connolly's healthcare practice consists of about 13 partners and senior counsel, out of 154 partners and senior counsel at the firm as a whole. All attorneys are based in the firm's sole office in Washington, D.C.

Mainigi said the nature of the work her team does for healthcare clients is diversifying. Where in the past the work may have involved mostly defending against government investigations, class actions have continued to grow as a share of the practice over the last decade. Meanwhile, healthcare clients are increasingly facing antitrust claims asserting novel legal theories, Mainigi said.

Williams & Connolly's goal in 2024 and beyond, according to Mainigi, is to stay ready for whatever comes next for the healthcare industry.

"Wherever healthcare seems to be going, we try to be there," she said.

--Additional reporting by Rachel Scharf. Editing by Linda Voorhis.
