

MVP: Williams & Connolly's Enu A. Mainigi

By **McCord Pagan**

Law360 (December 2, 2019, 3:15 PM EST) -- Williams & Connolly LLP's Enu Mainigi helped defeat a major billing fraud case brought against CVS by the state of Texas, and she is spearheading Cardinal Health Inc.'s defense in multidistrict litigation over the opioid crisis, earning her a spot as one of Law360's 2019 Health Care MVPs.

HER BIGGEST ACCOMPLISHMENT THIS YEAR:

In June, Mainigi helped successfully defend CVS from Medicaid fraud claims brought by the Texas attorney general. The stakes were high for CVS. If it had lost the case, it would have been banned from participating in Medicaid in the state, Mainigi said.

After more than two weeks at trial, state Judge Amy Clark Meachum entered a directed verdict for CVS on the claim carrying most of the damages, finding that the Texas Attorney General's Office failed to prove the pharmacy improperly billed the Lone Star State and that its pricing was not inconsistent for the health care industry, she said. The rest of the case was settled immediately following the directed verdict, Mainigi said.

While the case wasn't decided by the jury, Mainigi and her team were allowed to informally talk to the jurors afterward, and they learned just how successfully they made their arguments. The jurors were essentially 13-1 in favor of CVS and had been able to grasp the issues in the complicated case, Mainigi said.

"We were extremely gratified that at the very least, our message, our facts, our presentation had been clear, that they got what we were saying," she said.

Mainigi also represented CVS in connection with its merger with Aetna, which cleared its final hurdle in early September. Mainigi said she was "happy and relieved" when the court approved the proposed final judgment and cited her colleagues on the case at Dechert LLP as instrumental in helping get it across the finish line.




Enu A. Mainigi
 Williams & Connolly

"Like everything, it's a team effort," she said.

WHAT MOTIVATES HER:

Mainigi said part of her motivation is to help guide her clients through their complicated cases. And, of course, to win.

Mainigi said she's glad to work on cases in which the fate of the company could be at stake. She's lead counsel for Cardinal Health in the opioid multidistrict litigation. Cardinal and others are named as defendants in thousands of lawsuits filed by groups including state and local municipalities, hospitals and third-party payors.

"The opportunity [to] assist them in some small way in their strategy, in their thinking and approach to those issues is immensely satisfying to me," she said.

In October, Cardinal and other companies were part of a \$260 million settlement with two Ohio counties over their alleged role in the opioid crisis.

Some of the allegations in the suits are novel, Mainigi said, such as nuisance claims against a client that was not directly involved in the doctor-patient relationship. In late November, the Ohio federal judge guiding the opioid MDL singled out numerous cases as good candidates for future bellwether trials.

"The bet-the-company case is mired in issues of first impression," Mainigi said. "There's no playbook."

WHY SHE'S A HEALTH CARE ATTORNEY:

Mainigi said she fell into her practice area, as opposed to having a prior interest in the health care industry. In one of her first cases, she was actively involved with Columbia/HCA Healthcare Corp. in an investigation into its billing practices by the federal government, for which it ultimately paid about \$2 billion.

Part of the reason Mainigi began representing health care companies was to help them address the federal government's major investigations into the industry. However, she said she chose to stay in the field because of the challenging subject matter.

Working in the health care practice area involves navigating the juxtaposition of state and federal laws that can sometimes seem to be at odds with each other, she said.

"I like that it's complicated," Mainigi said.

HER ADVICE FOR JUNIOR ATTORNEYS:

While younger attorneys might want to participate in a headline-grabbing lawsuit where more experienced lawyers take the lead, Mainigi said they could learn more by being a major player in a more straightforward case.

For example, rather than join a team on a complicated political case, it could be better for a junior attorney's long-term professional development to take a larger role in a patent case instead, she said.

"To me it is much less about the subject matter," Mainigi said, "and much more about the experience that the junior attorneys have on the case."

Younger attorneys can better develop skills — such as interacting with opposing counsel, the court and one's client — by taking a more active role in a case with lower stakes, she said.

"Some of the most theoretically boring subject matters lend the most opportunities for junior attorneys to really hone their skills," she said.

— *As told to McCord Pagan*

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