

THE AMERICAN LAWYER

LITIGATOR OF THE YEAR

GRAND PRIZE WINNER

ENU A. MAINIGI

WILLIAMS & CONNOLLY

By ALM Staff



Photo by Diego M. Radzinski/ALM

A frequent finalist in our litigator of the Year contest, Enu Mainigi is no stranger to handling the most pressing and complex litigation issues facing the courts and society at large. In the past year, she has added significant wins to an already long list of impressive victories.

In April 2023, Mainigi, as lead counsel, won a jury trial for Fifth Third Bank in defending against a certified class action claiming the bank's early access loan program overcharged class members. Certified class actions are rarely



tried by large defendants because the stakes are so high. But this case would prove to be Mainigi's second win in such a case, following her victory for CVS in a certified class action in the Northern District of California, which was recently upheld by the U.S. Court of Appeals for the Ninth Circuit.

In Fifth Third Bank, the jury found the bank did breach the agreement, but that the voluntary payment doctrine applied, leaving the bank with zero liability.

In perhaps an even more high-profile set of matters, Mainigi led teams defending distributors of prescription painkillers on several different litigation fronts related to the nation's opioid crisis. Mainigi, along with lawyers for co-defendants, secured a complete defense victory for Cardinal Health following a three-month, 70-witness federal bench trial in West Virginia in the first distributor trial in the nationwide opioid litigation. Plaintiffs alleged the distributors' wholesale distribution of prescription opioids created an opioid epidemic, causing a public nuisance in West Virginia.

Mainigi did the opening and closing arguments in the case, along with questioning some of the key witnesses. In July 2022, the court issued a nearly 200-page opinion in Cardinal's favor—a win that has been instrumental in reshaping the landscape of the opioid litigation for distributors,

allowing space for case dismissals and manageable settlements.

In another case for Cardinal Health involving the opioid crisis, but with a different legal argument, Mainigi and team led a first-of-its-kind trial over claims against drug distributors brought under the Georgia Drug Dealer Liability Act by family members of individuals who became addicted to opioids. In March 2023, the jury returned a complete defense verdict in Cardinal's favor.

Demonstrating her repeated work for long-standing clients, Mainigi again represented CVS Health, this time in a 2022 arbitration brought by Humana, which argued CVS inappropriately charged Humana clients higher-than-allowed prices for certain prescription drugs. The arbitrator dismissed all of Humana's claims, finding in favor of CVS.

Other recent matters Mainigi handled include the dismissal of a civil antitrust action against CVS brought by the New York Attorney General over the company's pricing program and the settlement for Bank of America in a New York case against Ambac stemming from the financial crisis.

Of Williams & Connolly's overall litigation-only approach, Mainigi has said "In the traditional trial litigation world, I think we are kind of like Kentucky Fried Chicken. We do one thing and we do it right."