

8.4.09 #36

TO: The Honorable Chairman and Members of the
Board of County Commissioners

FROM: James L. Bennett, County Attorney *JLB*

SUBJECT: Authority for the County Attorney to Submit a Claim in the Case of
Simonet v. SmithKline Beecham, D.P.R.

DISTRIBUTION: Robert S. LaSala, County Administrator

DATE: August 3, 2009

This is to advise you that I intend to bring the above matter up for your consideration at the August 4, 2009 BCC meeting under County Attorney – Miscellaneous, agenda item #36. The attached is a request for authority to submit the above claim on behalf of Pinellas County's Group Health Plan so as to recover a portion of costs incurred by Pinellas County.

Please feel free to call me in the interim if you have any questions.

JLB:sme

Attachment

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TO: The Honorable Chairman and Members of the
Board of County Commissioners

FROM: James L. Bennett, County Attorney 

SUBJECT: Authority for the County Attorney to Submit a Claim in the Case of
Simonet v. SmithKline Beecham, D.P.R.
U.S. District Court Case No. 06-1230 (GAG)

DISTRIBUTION: Peggy Rowe, Director, Human Resources

DATE: August 4, 2009

RECOMMENDATION: I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS AUTHORIZE THE COUNTY ATTORNEY'S OFFICE TO SUBMIT A CLAIM ON BEHALF OF THE GROUP HEALTH PLAN TO RECOVER A PORTION OF COSTS INCURRED BY PINELLAS COUNTY.

DISCUSSION: A class action suit was filed against SmithKline Beecham, also known as GlaxoSmithKline, under the caption of *Simonet v. SmithKline Beecham, D.P.R.*, Docket No. 06-CV-1230. A proposed settlement has been entered into. If approved, GlaxoSmithKline will pay a total settlement amount of up to \$28 million to settle the claims. 40% of the settlement will go to third-party payors.

The Pinellas County Group Health Plan constitutes a third-party payor for purposes of this litigation. Between April 1, 2002 and March 4, 2005, the period of this litigation, Pinellas County expended money on Paxil CR and therefore is eligible to participate in the settlement.

Because of difficulties obtaining the necessary information from our prior contractor, Pinellas County was unaware of its eligibility to file a claim in this matter until July 31, 2009. The claim form must be post-marked by August 10, 2009, for Pinellas County to recover on this claim. If Pinellas County does not present a claim, all rights it has to recover on this particular claim will be waived.

JLB:CDP

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