



## Jonathan E. Levitt

Co-Managing Partner

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Jonathan Levitt, Esq. co-founded the national boutique healthcare law firm of Frier Levitt in 2000. Beginning with a 2003 national class action of pharmacies against a publicly traded Pharmacy Benefit Manager (PBM), Jonathan began his journey to understand all aspects of the drug supply chain.

Jonathan was recently invited to testify before the U.S. Senate Committee on Finance during its hearing titled "Pharmacy Benefit Managers and the Prescription Drug Supply Chain: Impact on Patients and Taxpayers," which took place on March 30, 2023. As a leading voice in the healthcare industry, Jonathan shared his valuable insights into the role of PBMs in the prescription drug supply chain. During his testimony, he addressed many challenges faced by patients in accessing affordable medications, including concerns about the PBM rebate system, the need for greater transparency in PBM practices, and repercussions on patients, taxpayers, and independent pharmacies. The PBM hearing can be viewed on [finance.senate.gov/hearings](https://finance.senate.gov/hearings).

Jonathan is a trial attorney representing stakeholders in the drug supply chain, such as pharmacies, physician-dispensers, national provider associations, drug manufacturers, drug wholesalers, and plan sponsors. Jonathan prosecutes claims brought by these stakeholders against PBMs, often uncovering secretive PBM tactics used to hide funds through litigation. Additionally, he assists Self-Funded Plans with their pharmacy benefit design. Jonathan has tried numerous litigations or arbitrations involving Medicare Part D "Direct and Indirect Remuneration" (DIR) Fees. In addition, he represents state Medicaid systems and Fortune 100 companies auditing PBMs.

Jonathan is dedicated to pro-bono and public service assignments, reflecting his commitment to serving the community.

### Professional Affiliations

- American Bar Association
- New Jersey State Bar Association
- New York State Bar Association

### Education

New York Law School, J.D.,  
cum laude

- Articles Editor – *New York Law School Law Review*

Rutgers College, Rutgers  
University, B.A.

### Admissions

#### Bar Admissions

- New Jersey
- New York
- Pennsylvania
- Missouri
- Arizona
- Texas
- Washington, D.C.

#### Court Admissions

- U.S. District Court, District of New Jersey
- U.S. District Court, Southern and Eastern Districts of New York
- U.S. District Court, District of Arizona
- U.S. District Court, District of Columbia
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, Eastern District of Missouri
- U.S. Supreme Court
- U.S. Court of Appeals, Third Circuit
- District of Columbia Court of Appeals
- Supreme Court of Illinois

- American Trial Lawyers Association
- Computer Law Association
- American Trial Lawyers Association – Construction Site Accident Litigation Group
- Nail Gun Injury Group

## Representative Matters

- Represented New York Cancer & Blood Specialists, against Caremark, L.L.C., Caremark PCS, L.L.C., SilverScript Insurance Company and Aetna Inc. in an arbitration regarding Direct and Indirect Remuneration (“DIR”) fees successfully obtaining an arbitration award from a three-member panel directing Caremark to pay New York Cancer & Blood Specialists more than **\$22 million** in compensatory damages, interest, and attorney’s fees.
- Negotiated a **\$22 million** settlement on behalf of a publicly traded specialty pharmacy against a major PBM for improperly assessed DIR fees. The settlement included negotiating more favorable reimbursement rates for the specialty pharmacy going forward.
- Represented a publicly traded specialty pharmacy in a confidential arbitration against a major PBM. The arbitration resulted in an award of **\$20 million** and a subsequent settlement exceeding that amount, that included prospective improved reimbursement rates. Frier Levitt’s team used its extensive knowledge of the federal Medicare Part D “Any Willing Provider” law and regulations, as well as their understanding of the PBM-specific contractual provisions.
- Secured a **\$9.1 million** confidential settlement on behalf of a healthcare vendor from an MAO, in a matter concerning, among other things, a dispute regarding risk adjusted capitated payments to a full risk IPA
- Secured a **\$9 million** confidential settlement on behalf of a private equity-owned specialty pharmacy and returned the DIR Fees to the pharmacy client.
- Secured a **\$6.25 million** arbitration win for a Medicare Part D Prescription Drug Plan (PDP) client by proving that the PBM neglected to reimburse the PDP for drug manufacturer rebates.
- Obtained a **\$5.25 million** settlement for a Medically-Integrated Dispensing Pharmacy against a major PBM based upon the PBM’s breach of contract and improper recoupment of DIR fees against the pharmacy.
- Obtained a **\$3.7 million** DIR Fee arbitration award on behalf of Mission Wellness, a female and minority-owned specialty pharmacy, against Caremark. Following a five-day hearing, Frier Levitt secured an arbitration award ordering the PBM to pay 100% of DIR Fees assessed on the pharmacy, the pharmacy’s costs, legal expenses, and interest.

- Negotiated a **\$3.5 million** settlement on behalf of a Specialty Pharmacy against a major PBM. This included an additional estimated \$10 million+ in negotiated non-monetary contract reimbursement terms.
- Obtained a **\$3.1 million** arbitration award for a private equity owned specialty pharmacy client after a 5-day hearing against Caremark. The arbitrator awarded the specialty pharmacy damages for Caremark's improper and unlawful assessment of DIR fees.
- Obtained a **\$3.1 million** arbitration award for a Medically-Integrated Dispensing Pharmacy against a major PBM based upon the PBM's improper and unlawful assessment of DIR fees against the pharmacy.
- Negotiated a **\$2.1 million** settlement for an Oncology Practice against a major PBM.

## Insights

- Presenter, "Bridging the Gap: Opportunities to Improve Oncology Medication Access," ATOPP, Washington, DC, April 2025
- Featured, "More Employers Turning to Benefit Startups to Manage Drug Cost," Bloomberg Law, August 2024
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- "Owning an In-Network Pharmacy and a Second Out-of-Network Pharmacy that Performs Compounding," International Journal of Pharmaceutical Compounding, March 2010.
- "Tips to Avoid Clashes Over Real Estate Commissions," New Jersey Real Estate Journal, July 30, 2001.
- In June 2017, Jonathan presented "Preventing Unfair PBM Reimbursement and Strategies to Level The Playing Field" at the New Jersey Society of Oncology Managers (NJSOM) Annual Conference.
- In March 2017, Jonathan presented "DIR Fees and Implications in HI Specialty Pharmacy" at the 14th Annual MHA Business Summit.
- In March 2017, Jonathan presented "Challenging Abusive PBM Policies: A Case Study Into PBM Treatment of 'Physician Dispensing' and DIR Fees" for the National Community Oncology Dispensing Association (NCODA) 2017 Forum.
- In February 2017, Jonathan presented "Legal Considerations for Chain Pharmacies in the Changing Reimbursement Landscape" at the National Association of Chain Drug Stores (NACDS) Regional Chain Conference.

## Awards & Recognition

- *The Best Lawyers in America*®, Health Care Law (2026)
- *Crain's New York Business*, Notable Litigators & Trial Attorneys (2025)
- *New Jersey Super Lawyers* (2011 – 2025)
- *NJBIZ*, Leaders in Law (2023)

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