

Todd Mizeski

Partner

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Todd Mizeski, Esq., is a partner in Frier Levitt's Life Sciences, Litigation Department. Todd joined Frier Levitt in April 2007 and has a broad range of civil litigation experience. He represents healthcare professionals in all aspects of litigation, arbitration and counseling. Todd regularly represents oncology practices, specialty pharmacies, compounding pharmacies, wholesalers/distributors, 340(b) covered entities and contract pharmacies, pharmaceutical manufacturers, plan sponsors, physicians, medical groups, surgery centers and other healthcare providers and stakeholders in the Life Sciences industry in connection with commercial disputes. In particular, Todd has developed a comprehensive knowledge of federal and state laws, rules, regulations and guidelines pertaining to the prescription drug delivery system, the practice of pharmacy and the pharmaceutical industry, as well as a thorough understanding of the contractual relationships between providers and third-party payors, including Pharmacy Benefits Managers (PBMs). He represents hundreds of healthcare providers, specialty, compound and retail pharmacies across the United States in connection with class action and individual litigation/arbitration of disputes involving PBM audits, network access, drug reimbursement and DIR fees, and network terminations.

Additionally, Todd lectures and counsels providers regarding best practices, preparing and defending PBM audits and appeals, and litigating PBM audit practices. Todd routinely advises clients on strategies to maximize reimbursement, minimize adverse audit results, obtain network access, and avoid network termination.

Professional Affiliations

- New Jersey Bar Association
- New York Bar Association
- National Association of Specialty Pharmacy

Education

Seton Hall University School of Law, J.D.

Trenton State College (n/k/a The College of New Jersey), B.S., B.A.

Judicial Clerkship: Honorable Thomas P. Olivieri, P.J.Ch. – 2001/2002

Admissions

Bar Admissions

- New Jersey
- New York
- District of Columbia

Court Admissions

- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York
- U.S. District and Bankruptcy Courts, District of Columbia
- U.S. District Court, Eastern District of Missouri
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Eighth Circuit
- Supreme Court of the United States

Experience

- 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. Read more here.
- 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.
- Negotiated 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. Read more here.
- 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.
- Secured 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.