NAPOLI SHKOLNIK PLLC

Money Left on the Table:

Is Your County Missing Cost Recovery Opportunities?

Strategic litigation to recover taxpayer dollars and hold corporate wrongdoers accountable

45-minute county leadership briefing

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Today’s Roadmap

A decision framework for identifying, preserving, and pursuing county claims

- Why cost recovery now | 5 min
- Firefighter turnout gear and PFAS | 10 min
- Fire truck price fixing and required notice | 11 min
- Social media public costs | 8 min
- Questions | 4 min

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The Budget Question Behind Every Claim

Which public costs were created, increased, or shifted by alleged corporate misconduct?

- IDENTIFY: purchases, health-plan payments, staffing, programs, and capital delays
- TRACE: connect the expenditure to alleged conduct using contemporaneous records
- RECOVER: select the legally supportable claim and procedural path

A County-Level Recovery Screen

Six questions to ask before authorizing outside counsel or filing a claim

- Did the county purchase or pay for the product or service?
- Is the county a direct purchaser, indirect purchaser, self-funded payor, or service provider?
- What date range and entities are implicated?
- Can the county isolate overpayments or incremental public costs?
- What contracts, invoices, claims data, budgets, and board records exist?
- What are the timing, tolling, standing, procurement, and approval requirements?

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Opportunity 1: Firefighter Turnout Gear

Evaluating public-entity claims involving alleged PFAS contamination in protective gear

Why Turnout Gear Deserves County Review

Public entities allege PFAS-containing protective gear created replacement, remediation, and related economic costs

- Turnout gear may contain PFAS in moisture barriers, water-repellent treatments, and other textile components.
- Public-entity plaintiffs allege manufacturers and chemical suppliers sold PFAS-containing gear without adequate warnings.
- Potential county costs may include gear replacement, inspection, testing, storage, disposal, facility cleaning, and operational disruption.
- Turnout-gear claims should be evaluated separately from individual firefighter injury claims and AFFF foam claims.



Information That Can Help Determine Whether You Have a Claim

Documents and data that can help evaluate a potential turnout-gear claim

- Purchase records: manufacturer, model, lot or serial information, purchase date, vendor, price, quantity, and funding source
- Gear specifications: outer shell, moisture barrier, thermal liner, PFAS or fluorine representations, certifications, and warranties
- Inventory and use: departments, assigned personnel, service dates, inspection history, laundering, repairs, storage, and retirement
- Costs and communications: replacement estimates, testing, disposal, cleaning, grants, insurance, vendor notices, and safety guidance

Turnout Gear Decision Points

The county should answer these questions before choosing a litigation path

- Which entities purchased or own the turnout gear, and which manufacturers, models, components, and purchase years are involved?
- Can the county identify alleged PFAS-containing gear through labels, specifications, purchase files, or testing?
- What replacement, testing, cleaning, storage, disposal, or operational costs has the county incurred or reasonably expects?
- How do public-entity economic-loss claims relate to individual firefighter claims, AFFF claims, insurance, grants, and workers' compensation?
- Do standing, limitations, causation, damages, procurement, and governing-body requirements support action?

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Opportunity 2: Fire Truck Price Fixing

Examining alleged price inflation, production suppression, delays, and retroactive pricing

Why Fire Apparatus Purchasing Deserves a Second Look

The allegations connect market concentration, price escalation, and extended delivery times



- Municipal plaintiffs allege coordinated price fixing, production suppression, information sharing, and “floating” or retroactive prices.
- Program materials identify Oshkosh/Pierce, REV Group, Rosenbauer America, and the Fire Apparatus Manufacturers’ Association.
- The alleged conspiracy period dates to approximately 2016.
- Potential remedies may include overpayment damages, treble damages for qualifying federal claims, fees, and injunctive relief.

Fire Apparatus Purchase File: What Matters

Build a transaction timeline for each apparatus ordered, purchased, leased, financed, or received since 2016

- Procurement: RFP, specifications, bids, scoring, and cooperative purchasing records
- Order: purchase order, contract, base price, options, and change orders
- Price changes: escalators, surcharges, retroactive increases, and financing impact
- Delivery: original and revised dates, delay correspondence, and substitute equipment
- Damages: amount paid, extra maintenance, rentals, overtime, and retained aging apparatus

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Class Participation or Individual Action?

A county should make an informed choice rather than assuming one path fits every purchaser

- Remain in a class: lower administrative burden; a claim form may be sufficient if recovery occurs
- Class representation, fees, and any recovery process remain subject to Court oversight
- Direct action: greater county control and potentially transaction-specific damages
- Direct action also creates greater discovery, participation, and case-specific assessment burdens

Fire Apparatus Litigation Notice (1 of 2)

Important information concerning the pending proposed class actions

There is a matter that may be of interest to you pending in U.S. District Court for the Eastern District of Wisconsin, in the cases called “In Re: Fire Apparatus Antitrust Litigation, 2:26-md-03179 (E.D. Wis.)” (“the Case”).

There are class actions filed on behalf of a proposed class of direct purchasers of fire apparatus and on behalf of a proposed class of indirect purchasers of fire apparatus. You, or the municipality or public entity you represent, may be member of one or both classes. The Court has not yet decided whether those cases may proceed as class actions. Until the Court decides whether those cases may proceed as class actions, the statute of limitations has been suspended on any antitrust claim you may have within the scope of the proposed class actions. The Court has appointed interim co-lead counsel to represent those putative classes.

IMPORTANT NOTICE

Fire Apparatus Litigation Notice (2 of 2)

Important information concerning the pending proposed class actions

While the proposed class action is pending, you do not need to file a complaint asserting the same claims against the same parties as are asserted in the class action complaints in the Case because you may be part of a proposed class. If there is a recovery for the class(es) in which you may be a member, you may only need to file a claim form at an appropriate time to get your share of any such recovery without taking any other action in the Case. If there is a recovery, the Court will decide whether and in what amount to award the lawyers for the classes attorneys' fees and reimbursement of expenses out of the recovery. There will be no additional or specific cost to you. If the Court certifies a class that includes you, there will be a notice to the class and you will have a choice to remain in the class or to opt out of it. If you prefer, you have the right to retain your own attorneys to file an individual lawsuit, if you believe that is in your best interest.

IMPORTANT NOTICE

Opportunity 3: Social Media Litigation

Connecting alleged platform design choices to documented county and school-related public costs

The Litigation Theory in Plain English

Plaintiffs allege that engagement-maximizing product features created foreseeable harms and shifted costs to public institutions

- Design: infinite scroll, autoplay, notifications, reward systems, and algorithmic recommendations
- Engagement: extended use and repeated interaction, especially among younger users
- Harm: alleged mental-health, behavioral, safety, and educational impacts
- Public cost: counseling, staffing, training, crisis response, discipline, prevention, and support programs

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Where County Costs May Appear

Social media-related impacts can be distributed across agencies and budget lines

- County mental-health and behavioral-health services
- Public hospitals, clinics, crisis response, and emergency services
- Youth programs, family services, probation, and juvenile justice
- School-linked services funded or supplemented by the county
- Training, prevention, threat assessment, safety, and community education



Build the County's Cost Record

A defensible damages narrative ties programs, staffing, and expenditures to contemporaneous records

- Budget-to-actual reports and general-ledger detail by agency and program
- New positions, overtime, consultants, and contracted services
- Crisis-response protocols, threat assessments, incident logs, and referrals
- Program creation or expansion documents, grant applications, and board resolutions
- Training materials, prevention campaigns, vendor invoices, and school-county agreements

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Questions County Leaders Should Ask Outside Counsel

The engagement should protect public control, transparency, and value

- What exact claim and plaintiff theory are you recommending for this county?
- Who bears collection, hosting, expert, and litigation costs?
- How are fees calculated for class recovery, direct action, settlement, appeal, or withdrawal?
- Who controls settlement, communications, discovery, and strategic decisions?
- What conflicts, leadership roles, joint-prosecution arrangements, or referral relationships exist?

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Why Napoli Shkolnik

Complex litigation resources with a focus on governmental and public-entity recovery

- Experience representing municipalities, counties, schools, water systems, and public entities
- Complex antitrust, pharmaceutical pricing, environmental, and mass-tort capabilities
- Ability to conduct data-intensive eligibility and damages reviews
- Contingency-based structures designed to limit upfront legal expense, subject to engagement terms
- National resources with New York roots and accountability to the public client

The Question Is Not Whether the County Has Costs.

It is whether the law permits those costs to be shifted back to the parties allegedly responsible.

Questions & Discussion

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