

KENNETH A. WEINSTEIN
Vice President

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Mr. Weinstein specializes in the application of quantitative methods to real-world problems involving decision making, strategy, risk management, and litigation. His work at Analysis Group builds on his prior experience, which includes contributing to economics research on 401(k) savings behavior, forecasting consumer demand at Zipcar, and advising foundations and government agencies on how to track and interpret data. At Analysis Group, he has managed the analysis of large transaction-level and claims databases. To help mitigate the risks associated with distributing controlled substances, he has assisted several clients in building algorithms for real-time Suspicious Order Monitoring (SOM), for periodic review of unusual dispensing at the pharmacy or prescriber level, and for loss prevention based on inventory data. He has developed flexible damages models used to negotiate high-stakes settlements in litigation related to the False Claims Act, kickbacks, intellectual property, and controlled substance regulation. Mr. Weinstein also has extensive experience supporting leading academic experts, working with cross-functional client teams, and presenting analytical results to top executives and government officials, including those at the Drug Enforcement Administration (DEA), United States Attorneys' Offices, and state attorneys general. He has served as an expert witness, testifying in administrative proceedings before the DEA.

EDUCATION

M.B.A. MIT Sloan School of Management
A.B. Harvard University, applied mathematics, subfield economics (*cum laude*)

PROFESSIONAL EXPERIENCE

2010–Present Analysis Group, Inc.
Vice President (2017–present)
Manager (2013–2016)
Associate (2010–2012)

2008–2010 The Bridgespan Group
Consultant

2007 Zipcar
Summer Analytics Consultant

2003–2006 Analysis Group, Inc.
Senior Analyst (2005–2006)
Analyst (2003–2004)

2001–2002 National Bureau of Economic Research
Research Assistant to Professor David Laibson

SELECTED LITIGATION CASE EXPERIENCE

- ***Morris & Dickson Co., L.L.C. v. Sessions, et al.***
US District Court, Western District of Louisiana
Submitted expert declarations regarding DEA analysis of Morris & Dickson controlled substance distribution data.
- ***DEA v. Morris & Dickson Co., L.L.C.***
DEA Office of Administrative Law Judges
Testified in administrative proceedings on statistical issues related to controlled substance distribution and monitoring.
- **Government investigations concerning distribution and dispensing of controlled substances**
Provided statistical expertise to counsel on rebutting government's proposed causation and damages models. Prepared alternative damages models and presented models to government investigators.
- ***DEA v. Holiday C.V.S., L.L.C., d/b/a CVS Pharmacy #219 and #5195***
US District Court, District of Columbia
Supported expert declarations on behalf of CVS in administrative proceedings before the DEA. Analysis included attention to dispensing patterns of certain controlled substances.
- **Government investigations concerning prescription drug and medical device marketing practices, including the following:**
 - AzaSite/Merck (Southern District of New York)
 - Dermagraft/Shire Regenerative Medicine (Middle District of Florida, Washington D.C.)
 - Eye care products/Allergan (Eastern District of Pennsylvania)
 - Lialda, Pentasa/Shire (District of Massachusetts)
 - NovoSeven/Novo Nordisk (District of Maryland)
 - Risperdal/Johnson & Johnson (Eastern District of Pennsylvania)
 - Adderall, Daytrana, Vyvanse/Shire (District of Massachusetts)

Evaluated the alleged conduct; quantified the relevant sales; and assessed the causal connection, if any, between allegations in the case and sales at issue using economic, biostatistical, and epidemiologic approaches.
- ***Louis Vuitton Malletier, S.A. vs. Hyundai Motor America***
US District Court, Southern District of New York
Supported damages expert in case regarding the infringement and dilution of Louis Vuitton's

trademark. Designed methodology for estimating the impact of the misuse of the trademark in Hyundai's national television advertising.

▪ **Other litigation assignments**

- Supported an economic expert in a case regarding alleged monopolistic overpricing for pharmaceutical products in Latin America. Conducted an analysis of price data and led research on historical economic definition of "natural price."
- Developed a methodology to estimate damages relating to a real estate condemnation dispute, in which the plaintiff alleged that he was prevented from receiving traditional financing due to the misconduct of the condemner. Supported industry and damages experts.
- In cases regarding allegedly inappropriate discount programs provided by pharmacy chain for government-reimbursed prescriptions, led analyses of large dispensing databases to quantify potentially inappropriate transactions.
- Supported damages rebuttal expert in case regarding allegedly infringed patent for use of a drug as preventive treatment for specific conditions. Employed IMS data to evaluate prescription trends over time for relevant patient characteristics. Replicated and critiqued opposing experts' "stock and flow" model of patient adoption rates.

SELECTED CONSULTING EXPERIENCE

▪ **Support of pharmaceutical manufacturers, distributors, and pharmacy chains in strategic risk management for controlled substances**

- *Development and implementation of SOM algorithms to mitigate risk for manufacturers and distributors of controlled substances.* Developed real-time monitoring algorithms for clients to fulfill DEA regulations by monitoring the distribution of controlled substances for order of unusual size, frequency, or pattern.
- *Development and implementation of store- and prescriber-level risk algorithms for pharmacy chains to identify potentially inappropriate dispensing of controlled substances.* Assessed risk factors associated with diversion and abuse of controlled substances, and developed methodology to identify these factors in large dispensing databases. Developed and implemented quarterly algorithms to identify highest-risk pharmacies and prescribers.
- Led analysis of historical data to determine appropriate statistical approaches, testing of potential methods on actual client data, presentation to and training of client staff in algorithm methods, and eventual handoff to internal technology groups for long-term implementation and maintenance of algorithms. Presented on behalf of clients to officials from the DEA, Department of Justice, and state attorneys general offices.

PUBLICATIONS

"A New Standard For Suspicious Order Monitoring," with Crystal Pike and Nicholas Van Niel, *Law360*, August 21, 2017

“Tracing The Path To Health Care Investigation Settlements” with Paul Greenberg and Crystal Pike,
Law360, April 17, 2017

“Viewing Recent Opioid Regulations In Context,” with Paul Greenberg, Crystal Pike, and Pavel Darling,
Law360, April 1, 2016

PROFESSIONAL ASSOCIATIONS

American Society for Pharmacy Law, Member