

SHEBOYGAN COUNTY RESOLUTION NO. 13 (2017/18)

Re: **Authorizing County to Enter into Engagement Letter to Pursue Legal Claims Against Certain Opioid Manufacturers**

**Printed as amended*

WHEREAS, Sheboygan County (County) is concerned with the recent rapid rise in troubles among County citizens, residents, and visitors in relation to problems arising out of the use, abuse, and overuse of opioid medications which, according to certain studies, impacts millions of people across the country, and

WHEREAS, issues and concerns surrounding opioid use, abuse, and overuse by citizens, residents, and visitors are not unique to County and are, in fact, issues and concerns shared by all other counties in Wisconsin and, for that matter, states and counties across the country and has been well documented through various reports and publications and is commonly referred to as the Opioid Epidemic, and

WHEREAS, the societal costs associated with the Opioid Epidemic are staggering and, according to the Centers for Disease Control and Prevention, amount to over \$75 Billion annually, and

WHEREAS, the National Institute for Health has identified the manufacturers of certain of the opioid medications as being directly responsible for the rapid rise of the Opioid Epidemic by virtue of their aggressive and, according to some, unlawful and unethical marketing practices, and

WHEREAS, certain of the opioid manufacturers have faced civil and criminal liability for their actions that relate directly to the rise of the Opioid Epidemic, and

**WHEREAS, County has spent millions for programs and services related to the Opioid Epidemic, and*

WHEREAS, County is responsible for a multitude of programs and services, all of which require County to expend resources generated through state and federal aid, the property tax levy, fees, and other permissible revenue sources, and

WHEREAS, County's provision of programs and services becomes more and more difficult every year because the costs associated with providing the Opioid Epidemic programs and services continue to rise, yet County's ability to generate revenue is limited by strict levy limit caps and stagnant or declining state and federal aid to County, and

WHEREAS, all sums that County expends in addressing, combatting, and otherwise dealing with the Opioid Epidemic are sums that cannot be used for other critical programs and services that County provides to County citizens, residents, and visitors, and

WHEREAS, County has been informed that numerous counties and states across the country have filed or intend to file lawsuits against certain of the opioid manufacturers in an effort to force the persons and entities responsible for the Opioid Epidemic to assume financial responsibility for the costs associated with addressing, combatting, and otherwise dealing with the Opioid Epidemic, and

WHEREAS, County has engaged in discussions with representatives of the law firms of von Briesen & Roper, s.c., Crueger Dickinson LLC, and Simmons Hanly Conroy LLC (Law Firms) related to the potential for County to pursue certain legal claims against certain opioid manufacturers, and

WHEREAS, County has been informed that the Law Firms have the requisite skill, experience, and wherewithal to prosecute legal claims against certain of the opioid manufacturers on behalf of public entities seeking to hold them responsible for the Opioid Epidemic, and

WHEREAS, the Law Firms have proposed that County engage the Law Firms to prosecute the aforementioned claims on a contingent fee basis whereby the Law Firms would not be compensated unless County receives a financial benefit as a result of the proposed claims and the Law Firms would advance all claims-related costs and expenses associated with the claims, and

WHEREAS, all of the costs and expenses associated with the claims against certain of the opioid manufacturers would be borne by the Law Firms, and

WHEREAS, the Law Firms have prepared an engagement letter (Engagement Letter), which is submitted as part of this Resolution, specifying the terms and conditions under which the Law Firms would provide legal services to County and otherwise consistent with the terms of this Resolution, and

WHEREAS, County is informed that the Wisconsin Counties Association has engaged in extensive discussions with the Law Firms and has expressed a desire to assist the Law Firms, County, and other counties in the prosecution of claims against certain of the opioid manufacturers, and

WHEREAS, County would participate in the prosecution of the claims contemplated in this Resolution and the Engagement Letter by providing information and materials to the Law Firms and, as appropriate, the Wisconsin Counties Association as needed, and

WHEREAS, County believes it to be in the best interests of County, its citizens, residents, visitors, and taxpayers to join with other counties in and outside Wisconsin in pursuit of claims against certain of the opioid manufacturers, all upon the terms and conditions set forth in the Engagement Letter, and

WHEREAS, by pursuing the claims against certain of the opioid manufacturers, County is attempting to hold those persons and entities that had a significant role in the creation of the Opioid Epidemic responsible for the financial costs assumed by County and other public agencies across the country in dealing with the Opioid Epidemic;

NOW, THEREFORE, BE IT RESOLVED that County authorizes and agrees to be bound by the Engagement Letter and hereby directs the appropriate officer of County to execute the Engagement Letter on behalf of County.

BE IT FURTHER RESOLVED that County shall endeavor to faithfully perform all actions required of County in relation to the claims contemplated herein and in the Engagement Letter

and hereby directs all County personnel to cooperate with and assist the Law Firms in relation thereto.

BE IT FURTHER RESOLVED, that the County Clerk shall forward a copy of this Resolution together with the signed Engagement Letter to the Wisconsin Counties Association, 22 East Mifflin Street – Suite 900, Madison, WI 53703.

Respectfully submitted this 24th day of October, 2017.

EXECUTIVE COMMITTEE

Thomas Wegner
Thomas Wegner, Chairperson

George Marthenze
George Marthenze, Vice-Chairperson

William C. Goehring
William C. Goehring, Secretary

Vernon Koch
Vernon Koch

Edward J. Procek
Edward J. Procek

Opposed to Introduction:

