

2 **RESOLUTION: Authorize Winnebago County Submitting an Engagement Letter**
3 **Encouraging Prosecution of Those Persons and Entities Who Have a**
4 **Significant Role in the Creation of the Opioid Epidemic**

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7 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

8 **WHEREAS**, Winnebago County is concerned with the recent rapid rise in troubles among County citizens,
9 residents, and visitors regarding problems arising out of the use, abuse, and overuse of opioid medications which,
10 according to certain studies, impacts millions of individuals across the country; and

11 **WHEREAS**, issues and concerns surrounding opioid use, abuse, and overuse by citizens, residents, and
12 visitors are not unique to Winnebago County and are, in fact, issues and concerns shared by all other counties within
13 the State of Wisconsin and, for that matter, states and counties across the country as has been well documented
14 through various reports and publications, and is commonly referred to as the “Opioid Epidemic”; and

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

17 **WHEREAS**, the national Institute for Health has identified the manufacturers of certain opioid medications as
18 being directly responsible for the rapid rise of the Opioid epidemic by virtue of their aggressive and, according to
19 some, unlawful and unethical marketing practices; and

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

22 **WHEREAS**, Winnebago County has spent millions in unexpected and unbudgeted time and resources in its
23 programs and services related to the Opioid Epidemic; and

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

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

31 **WHEREAS**, all funds that Winnebago County expends in addressing, combatting, and otherwise dealing with
32 the Opioid Epidemic are funds that cannot be used for other critical programs and services that Winnebago County
33 provides to County citizens, residents, and visitors; and

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

38 **WHEREAS**, Winnebago County has engaged in discussions with representatives of the law firms of von
39 Briesen & Roper SC, Crueger Dickinson LLC, and Simmons Hanly Conroy LLC (the “Law Firms”) regarding the
40 potential for Winnebago County to pursue certain legal claims against certain opioid manufacturers; and

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

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

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

50 **WHEREAS**, the Law Firms have prepared an Engagement Letter, attached hereto and incorporated herein
51 by reference and made a part of this Resolution, specifying the terms and conditions under which the Law Firms
52 would provide legal services to Winnebago County and otherwise consistent with the terms of this Resolution; and

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

56 **WHEREAS**, Winnebago County would participate in the prosecution of the claim(s) contemplated in this
57 Resolution and Engagement Letter by providing information and materials to the Law Firms and, as appropriate, the
58 Wisconsin Counties Association as needed; and

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

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

66 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
67 authorizes and agrees to be bound by the attached Engagement Letter, and it hereby directs the Winnebago County
68 Executive and Winnebago County Clerk to execute the Engagement Letter on behalf of Winnebago County.

69 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that Winnebago County shall
70 endeavor to faithfully perform all actions required of Winnebago County regarding claims contemplated herein and in
71 the Engagement Letter and hereby directs all County personnel to cooperate with and assist the Law Firms thereto.

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Respectfully submitted by:

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PERSONNEL AND FINANCE COMMITTEE

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Committee Vote: **4-0**

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Vote Required for Passage: **Majority of Those Present**

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Approved by the Winnebago County Executive this ____ day of _____, 2017.

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Mark L Harris
Winnebago County Executive

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