

1 XXX-022023

2 **RESOLUTION: Authorizing Winnebago County to Enter into the Settlement Agreements**
3 **with CVS, Walgreens, Walmart, TEVA, and Allergan, Agree to the Terms**
4 **of the Participation Agreement, and Authorize Execution of the**
5 **Participation Agreement**
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7 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

8 **WHEREAS**, in Resolution No. 230-122017, the Winnebago County Board of Supervisors authorized
9 Winnebago County to enter into an engagement agreement with von Briesen & Roper, s.c., Crueger Dickinson LLC,
10 and Simmons Hanly Conroy LLC (the "Law Firms") to pursue litigation against certain manufacturers, distributors, and
11 retailers of opioid pharmaceuticals (the "Opioid Defendants") in an effort to hold the Opioid Defendants financially
12 responsible for Winnebago County's expenditure of vast money and resources to combat the opioid epidemic; and

13 **WHEREAS**, on behalf of Winnebago County, the Law Firms filed a lawsuit against the Opioid Defendants; and

14 **WHEREAS**, the Law Firms filed similar lawsuits on behalf of 66 other Wisconsin counties and all Wisconsin
15 cases were coordinated with thousands of other lawsuits filed against the same or substantially similar parties as the
16 Opioid Defendants in the Northern District of Ohio, captioned *In re: Opioid Litigation*, MDL 2804 (the "Litigation"); and

17 **WHEREAS**, four (4) additional Wisconsin counties (Milwaukee, Dane, Waukesha, and Walworth) hired
18 separate counsel and joined the Litigation; and

19 **WHEREAS**, since the inception of the Litigation, the Law Firms have coordinated with counsel from around
20 the country (including counsel for Milwaukee, Dane, Waukesha, and Walworth Counties) to prepare Winnebago
21 County's case for trial and engage in extensive settlement discussions with the Opioid Defendants; and

22 **WHEREAS**, in addition to the \$26 billion in settlements with the Big 3 Distributors and Johnson and Johnson,
23 which as of last year began making payments across the country, there are now 5 additional proposed national
24 settlements; and

25 **WHEREAS**, proposed nationwide settlement agreements have been reached with 3 pharmacies - CVS,
26 Walgreens, and Walmart – and 2 pharmaceutical manufacturers - TEVA and Allergan; and

27 **WHEREAS**, the settlement agreements (collectively "Settlement Agreements") require the settling
28 pharmacies and manufacturers to pay billions of dollars to abate the opioid epidemic. Of the \$20+ billion settlement,
29 approximately \$17 billion will be used by participating states and subdivisions to remediate and abate the impact of
30 the opioid crisis; and

31 **WHEREAS**, Winnebago County is a Participating Subdivision in the Settlement Agreements and has the
32 opportunity to participate in the benefits associated with the Settlement Agreement provided Winnebago County (a)
33 approves the Settlement Agreements; (b) agrees to the terms of the Participation Agreement, a copy of which
34 **(is/will)** be attached to this Resolution (the "Participation Agreement") and (c) authorizes execution of the
35 Participation Agreement; and

36 **WHEREAS**, 2021 Wisconsin Act 57 created Section 165.12 of the Wisconsin Statutes relating to the
37 settlement of all or part of the Litigation; and

38 **WHEREAS**, Wis. Stat. § 165.12(4)(b)2. provides the proceeds from the Settlement Agreement must be
39 deposited in a segregated account (the "Opioid Abatement Account") and may be expended only for approved uses
40 for opioid abatement as provided in the Settlement Agreements; and

