

ENROLLED RESOLUTION 172-004

AUTHORIZE SELECTION AND ENGAGEMENT OF OUTSIDE
COUNSEL REGARDING POTENTIAL OPIOID LITIGATION

WHEREAS, Waukesha County is in the midst of an opioid epidemic that is claiming many lives each year, destroying families and harming communities; and

WHEREAS, concerns surrounding opioid use, abuse and overuse by citizens, residents and visitors are not unique to Waukesha County as the opioid epidemic spans across the country, infiltrating communities and affecting individuals of all ages, races, ethnicity, education and socioeconomic status; and

WHEREAS, the societal costs associated with the opioid epidemic are staggering and, according to the Centers for Disease Control and Prevention (CDC), 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, alleged unlawful and unethical marketing practices; and

WHEREAS, in response to this epidemic state and local governments around the country have filed lawsuits against wholesale distributors, claiming a violation of the federal Controlled Substances Act by failing to alert the U.S. Drug Enforcement Administration of suspicious opioid purchases, or against manufacturers stating an exaggeration of the benefits of the medication and a failure to warn doctors about the extreme addictive nature of the opioids, or against opioid manufacturers that lobbied politicians to maintain a favorable political climate for the continued and expanded use of opioids and/or intentionally falsely represented to doctors and other stakeholders the addictive properties of opioids; and

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

WHEREAS, state and local governments have previously filed lawsuits against industries engaging in illegal business practices to protect their citizens; and

WHEREAS, the County is aware that other counties and local governments have filed lawsuits against certain opioid manufacturers to force persons and entities responsible for the opioid epidemic to assume financial responsibility for the costs borne by governments and citizens to address and combat the opioid epidemic; and

WHEREAS, Waukesha County has spent significant amounts of unexpected and unbudgeted time and resources in its programs and services related to the opioid epidemic; and

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

WHEREAS, the need to direct increasing resources toward addressing the opioid epidemic makes it more and more difficult to provide other essential programs and services as all

resources the County directs toward the opioid epidemic cannot be used for other essential programs and services that the County provides to its citizens, residents and visitors; and

WHEREAS, it is prudent for Waukesha County to explore every option available to combat the opioid epidemic in Waukesha County, including potential litigation against pharmaceutical companies, wholesale distributors, manufacturers and/or other entities whose actions may have contributed to or exacerbated the ongoing opioid epidemic; and

WHEREAS, through pursuit of claims against such entities and/or individuals, the County would be 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 the County in dealing with the opioid epidemic.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA
RESOLVES that the Waukesha County Corporation Counsel, at his discretion, is authorized to select outside counsel and to enter into a contingency fee arrangement with outside counsel, whereby outside counsel will not be compensated unless the County receives a financial benefit as a result of the proposed claims, to commence a lawsuit on behalf of the County, against any pharmaceutical company, wholesale distributor, manufacturer and/or other entity or individual that engages in practices that contribute to the ongoing opioid epidemic within Waukesha County.

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Presented by:
Executive Committee

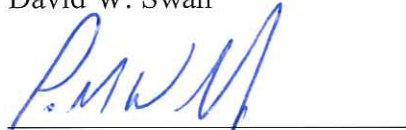

Paul L. Decker, Chair


James A. Heinrich


Christine M. Howard



Larry Nelson


David W. Swan


Peter M. Wolff


David D. Zimmermann

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County,
Wisconsin, was presented to the County Executive on:

Date: 2/27/18, 
Kathleen Novack, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County,
Wisconsin, is hereby:

Approved: X
Vetoed: _____

Date: 3/5/18, 
Paul Farrow, County Executive

D1 - Kolb	NAY	D14 - Wood	AYE
D2 - Zimmermann	(2) AYE	D15 - Mitchell	AYE
D3 - Morris	AYE	D16 - Crowley	AYE
D4 - Batzko	AYE	D17 - Paulson	AYE
D5 - Dondlinger	AYE	D18 - Nelson	AYE
D6 - Walz	AYE	D19 - Cummings	AYE
D7 - Grant	AYE	D20 - Schellinger	AYE
D8 - Michalski	AYE	D21 - Zaborowski	AYE
D9 - Heinrich	(M) AYE	D22 - Wysocki	AYE
D10 - Swan	AYE	D23 - Hammitt	AYE
D11 - Howard	AYE	D24 - Whittow	AYE
D12 - Wolff	AYE	D25 - Johnson	AYE
D13 - Decker	AYE		

172-R-004

Passed (24 Y - 1 N - 0 Absent)

Majority Vote

