

ORDINANCE ADMINISTRATIVE FACT SHEET

Title of O/R:	AUTHORIZE PURDUE BANKRUPTCY PLAN VOTE AND APPROVE GOVERNMENTAL ENTITY SETTLEMENT AGREEMENT	
Submitting Department:	Corporation Counsel	
Department Contact(s): (Include dept. manager or staff who has worked on this ordinance in addition to the dept. head)	Erik Weidig, Corporation Counsel	
Who will appear at committee meetings?	Erik Weidig, Corporation Counsel	
Date of Co. Board Meeting at which you plan O/R to be considered:	08/26/2025	Fiscal Note by DOA? No (DOA fills this in.)
Routing Number:	Routing # 560-03-25	

Does this O/R create or abolish any positions or involve other Human Resources issues?

_____ Yes* X No

* If yes, the ordinance should be reviewed by HR prior to submission to Corp. Counsel.

Does this O/R appropriate or transfer expenditure authority, additional resources or change the Budget intent?

_____ Yes* X No

*If department staff developed a fiscal impact statement, please send to your assigned budget analyst concurrent with forwarding of O/R to Corp. Counsel.

Does this O/R authorize the execution of any new or extended contracts/leases/MOUs or other agreements that obligate the County?

 X Yes* _____ No

*If yes, the proposed documents must be forwarded to risk management and Corp. Counsel for approval. The O/R will not be forwarded to the Co. Board until related agreements receive approval. Departments are responsible for putting approved documents on file with the Co. Clerk.

Are there documents (other than contracts, leases or MOUs) that should be included with this O/R before it goes to the County Board office?

_____ Yes* X No

If yes, all documents must be received by Corp. Counsel before the ordinance can be forwarded to DOA for review. Contracts or leases that are affected by or are the subject of an O/R must be provided to Corp. Counsel.

Has this O/R been reviewed by Corporation Counsel?

 X Yes _____ No

[Sec. 59.14\(1m\), Wis. Stats.](#) Summary (for publication purposes): This Ordinance will authorize corporation counsel to vote on Purdue Pharma's bankruptcy plan and approve the Governmental Entity Settlement Agreement with the Sackler family.

ENROLLED ORDINANCE 180-33

AUTHORIZE PURDUE BANKRUPTCY PLAN VOTE AND APPROVE GOVERNMENTAL
ENTITY SETTLEMENT AGREEMENT

WHEREAS, in February 2018 the Waukesha County Board adopted Enrolled Resolution 172-004 authorizing the Waukesha County Corporation Counsel to, at his discretion, select outside counsel and commence a lawsuit on behalf of the County, against any pharmaceutical company, wholesale distributor, manufacturer and/or other entity or individual that engaged in practices that contributed to the opioid epidemic within Waukesha County; and

WHEREAS, national and local counsel was retained and a lawsuit was filed on behalf of the County against certain manufactures, distributors, and retailers of opioid pharmaceuticals (the “Opioid Defendants”) in an effort to hold the Opioid Defendants financially responsible for the County’s expenditure of money and resources to combat the opioid epidemic; and

WHEREAS, similar lawsuits were filed by seventy other counties in Wisconsin as well as thousands of various other units of government across the state and country and were coordinated in multidistrict litigation in the Northern District of Ohio captioned *In re: Opioid Litigation*, MDL 2804 (the “Litigation”); and

WHEREAS, in 2019 Opioid Defendant Purdue Pharma L.P. and affiliated debtors (“Purdue”) filed for Chapter 11 bankruptcy protection in the United States Bankruptcy Court for the Southern District of New York in a case styled *In re Purdue Pharma L.P. et al.*, (Case No. 10-23649) (the “Purdue Bankruptcy”); and

WHEREAS, Purdue is now soliciting acceptance of a Chapter 11 Plan of Reorganization (the “Plan”) which contemplates a global settlement of the bankruptcy estate’s claims against the Sackler family shareholders through an Estate Claims Settlement and a Direct Claims Settlement. Under the Estate Claims Settlement, Purdue will settle its claims against the Sackler family. Under the Direct Claims Settlement, the Sackler family will provide cash distributions to Purdue’s creditors who participate in a Governmental Entity Settlement Agreement in exchange for the creditors releasing their direct claims against the Sackler family. The Sackler family will make up to \$6.5 billion in cash payments over 15 years and will relinquish their equity interests in Purdue; and

WHEREAS, under the Plan, Purdue will further make distributions to states, including Wisconsin, totaling an estimated \$1.46 billion; and

WHEREAS, a copy of the Plan, the Governmental Entity Settlement Agreement, and related documents are publicly available at <https://nationalopioidsettlement.com/purdue-sacklers-settlements/> and have been discussed with the Board in closed session; and

WHEREAS, the Governmental Entity Settlement Agreement provides, among other things, for the payment of certain sums to Participating Subdivisions (as defined in the Governmental Entity Settlement Agreement), upon the occurrence of certain events detailed in that agreement; and

WHEREAS, in order to become a Participating Subdivision and receive payments under the Plan the Plan must be confirmed and local governmental entities must approve the Governmental

Entity Settlement Agreement and execute participation agreements which, among other things, provide voluntary releases with respect to claims against the Sackler family.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that Corporation Counsel or his designee is hereby authorized to cast a vote in favor of Purdue's Chapter 11 Plan of Reorganization.

BE IT FURTHER ORDAINED that the Governmental Entity Settlement Agreement is in all respects hereby approved.

BE IT FURTHER ORDAINED that Corporation Counsel or his designee is hereby authorized to take all actions necessary to participate in the Governmental Entity Settlement Agreement and to modify as necessary any previously approved state-local allocation agreement in a manner that allows participation in a form substantially consistent with prior allocations of opioid settlement proceeds, and to negotiate and execute any other documents necessary to implement the Governmental Entity Settlement Agreement.

BE IT FURTHER ORDAINED that all proceeds from the Plan and Governmental Entity Settlement Agreement shall be deposited in the account previously established for the proceeds from prior settlements in the Litigation and administered and disbursed in a manner consistent with Wis. Stat. § 165.12(4), the Plan, the Governmental Entity Settlement Agreement and this Ordinance.