

ORDINANCE ADMINISTRATIVE FACT SHEET

Title of O/R:	APPROVE SETTLEMENT AGREEMENTS WITH CERTAIN OPIOID MANUFACTURERS AND AUTHORIZE LOCAL GOVERNMENT ALLOCATION AGREEMENT MODIFICATION	
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 # 560-02-25	

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 approve settlement agreements with opioid manufacturers Alvogen Inc., Amneal Pharmaceuticals, Inc., Apotex, Inc., Hikma Pharmaceuticals USA Inc., Indivior Inc., Mylan Pharmaceuticals Inc., Sun Pharmaceuticals Industries, Inc. and Zydus Pharmaceuticals, Inc. and authorize modification to local government allocation agreements.

ENROLLED ORDINANCE 180-32

APPROVE SETTLEMENT AGREEMENTS WITH CERTAIN OPIOID MANUFACTURERS
AND AUTHORIZE LOCAL GOVERNMENT ALLOCATION AGREEMENT
MODIFICATION

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, settlement discussions with opioid manufacturers Alvogen Inc., Amneal Pharmaceuticals, Inc., Apotex, Inc., Hikma Pharmaceuticals USA Inc., Indivior Inc., Mylan Pharmaceuticals Inc., Sun Pharmaceuticals Industries, Inc. and Zydus Pharmaceuticals, Inc. (the “Settling Defendants”) have resulted in tentative agreements as to settlement terms (“Settlement Agreements”) pending agreement from the County and other plaintiffs involved in the Litigation; and

WHEREAS, copies of the Settlement Agreements with the Settling Defendants representing the terms of the tentative settlement agreements with the Settling Defendants are publicly available at <https://nationalopioidsettlement.com/additional-settlements/> and have been discussed with the Board in closed session; and

WHEREAS, the Settlement Agreements provide, among other things, for the payment of certain sums to Participating Subdivisions (as defined in the Settlement Agreements) upon the occurrence of certain events detailed in the Settlement Agreements; and

WHEREAS, in order to become a Participating Subdivision and participate in the benefits of the Settlement Agreements it is necessary that the County (a) approves the Settlement Agreements and (b) authorizes any necessary modification to existing, previously approved state-local allocation agreements to implement the Settlement Agreements.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Settlement Agreements with Alvogen Inc., Amneal Pharmaceuticals, Inc., Apotex, Inc., Hikma Pharmaceuticals USA Inc., Indivior Inc., Mylan Pharmaceuticals Inc., Sun Pharmaceuticals Industries, Inc. and Zydus Pharmaceuticals, Inc. (collectively, the “Settlement Agreements”) are 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 Settlement Agreements and to modify previously approved state-local allocation agreements 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 Settlement Agreements.

BE IT FURTHER ORDAINED that all proceeds from the Settlement Agreements 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 Settlement Agreements and this Ordinance