

Resolution No. 12-18
Authorizing Involvement in Opioid Litigation

3 TO THE HONORABLE BOARD OF SUPERVISORS OF THE COUNTY OF POLK,
4 WISCONSIN:

5 Ladies and Gentlemen:

6 WHEREAS, Polk County is concerned with the recent rapid rise in problems arising out of the
7 use, abuse and overuse of opioid medications, which according to certain studies, negatively
8 impacts millions of people across the country; and

9 WHEREAS, issues and concerns surrounding opioid use, abuse and overuse by citizens, residents
10 and visitors are not unique to Polk County and are, in fact, issues and concerns shared by all other
11 state and local governments throughout the country in epidemic proportions; and

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

14 WHEREAS, Polk County has, unexpectedly, been (and for the foreseeable future will continue to
15 be) forced to expend significant time and operational resources in law enforcement, health and
16 human services in being responsive to the worsening opioid epidemic; and

17 WHEREAS, Polk County's provision of programs and services in response to the opioid epidemic
18 becomes increasingly difficult every year because the costs associated with such programs and
19 services continue to rise, yet the County's ability to generate revenue is limited by strict levy limit
20 caps and stagnant or declining state and federal aid to County; and

21 WHEREAS, numerous counties and states across the country have filed or intend to file lawsuits
22 against certain of the opioid manufacturers in an effort to force the persons and entities responsible
23 for the opioid epidemic to assume financial responsibility for the costs associated with addressing,
24 combatting and otherwise dealing with the opioid epidemic; and

25 WHEREAS, Polk County has initiated discussions with representatives of the law firms of Von
26 Briesen & Roper, S.C., Crueger Dickinson LLC and Simmons Hanly Conroy LLC (the "Law
27 Firms") for the purpose of the County pursue certain legal claims against certain opioid
28 manufacturers; and

29 WHEREAS, the Law Firms have proposed that the County enter into an engagement letter with the
30 Law Firms to prosecute the aforementioned claims on a contingent fee basis whereby the Law
31 Firms would not be compensated unless the County receives a financial benefit as a result of the
32 proposed claims and the Law Firms would advance all claim-related costs and expenses associated
33 with the claims; and

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

1 WHEREAS, Polk County would participate in the prosecution of the claims contemplated in this
2 Resolution by providing information and materials to the Law Firms and, as appropriate, the
3 Wisconsin Counties Association as needed; and

4 WHEREAS, by pursuing the claims against certain of the opioid manufacturers, the County is
5 attempting to hold those persons and entities that had a significant role in the causation of the opioid
6 epidemic responsible for the financial costs incurred by County and other public agencies across the
7 country in responding to the opioid epidemic; and

8 WHEREAS, the County believes it to be in the best interest of the County, its citizens, residents,
9 visitors and taxpayers to join with other counties in and outside Wisconsin in pursuit of claims
10 against certain of the opioid manufacturers, all upon the terms and conditions set forth in an
11 Engagement Letter as negotiated by the Corporation Counsel; and

12 WHEREAS, the Polk County Health and Human Services Board has recommended to the Polk
13 County Board of Supervisors to adopt this resolution to authorize involvement in litigation of
14 claims related to the opioid epidemic.

15 NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors hereby
16 authorizes the Corporation Counsel to negotiate, and the County Administrator to execute, an
17 Engagement Letter and agrees to be bound by the same for the prosecution of claims against certain
18 opioid manufacturers.

19 BE IT FURTHER RESOLVED that County shall endeavor to faithfully perform all actions required
20 of County in relation to the claims contemplated herein and in the Engagement Letter and hereby
21 directs all County personnel to cooperate with and assist the Law Firms in relation thereto.

22 BE IT FURTHER RESOLVED that the Clerk is directed to forward a copy of this Resolution,
23 together with the signed Engagement Letter, to the Wisconsin Counties Association, 22 E. Mifflin
24 Street, Suite 900, Madison, Wisconsin, 53703.

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Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	
Effective Date:	Upon Passage
Dated Submitted To County Board	February 20, 2018
Submitted By:	
Review By County Administrator: <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only Dana Frey, County Administrator	Review By Corporation Counsel: <input checked="" type="checkbox"/> Approved as to Form <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only Jeffrey B. Fuge, Corporation Counsel

At its regular business meeting on the 19 of February 2018, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No. 12 -18: Resolution to Authorize Involvement in Opioid Litigation, as follows:

- Enacted by simple majority of all members, by a vote of _____ in favor and _____ against.
- Enacted by unanimous vote.
- Defeated by a vote of 5 in favor and 6 against.
- Defeated by voice vote.
- Action Deferred by Procedural Action, as follows: _____

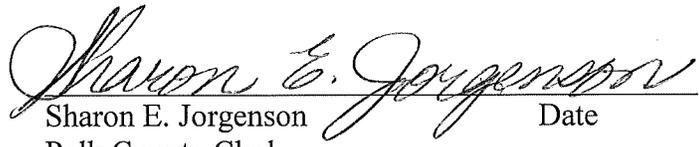
SIGNED BY:

Dean Johansen, County Board Chairperson

Attest:
 Sharon E. Jorgenson, County Clerk

STATE OF WISCONSIN)
) SS
COUNTY OF POLK)

I, Sharon E. Jorgenson, Clerk for Polk County, do hereby certify that the attached is a true and correct copy of Resolution No. 12-18: Authorizing Involvement in Opioid Litigation that was defeated by the Polk County Board of Supervisors on February 19, 2018.


Sharon E. Jorgenson Date
Polk County Clerk 2/19/18