

..Number

190458

..Version

SUBSTITUTE 2

..Reference

..Sponsor

ALD MURPHY

..Title

Resolution authorizing the City Attorney to retain outside counsel and to investigate possible solutions including litigation to the opioid epidemic.

..Analysis

This resolution authorizes the City Attorney to investigate litigation options and file suit against drug makers and distributors and other parties that may be responsible for damages incurred by the City of Milwaukee due to the creation and perpetuation of the opioid epidemic, and to retain outside counsel for such litigation on a contingent fee basis.

..Body

Whereas, the existence of a public health epidemic, both nationally and locally, based on opioid use has been well documented by the Centers for Disease Control and Prevention, and by the City-County Heroin, Opioid and Cocaine Task Force created pursuant to Council file number 161061; and

Whereas, thousands of governmental entities throughout the United States, have filed lawsuits alleging, among other things, that pharmaceutical companies and distributors engaged in fraudulent and deceptive trade practices, in violation of regulatory and common law, in marketing prescription opioids; and

Whereas, in 2018 Milwaukee County filed suit in federal court, and in May 2019, the State of Wisconsin filed suit in the Dane County Circuit Court; and

Whereas, approximately 2000 of such cases nationwide that have been filed in, or removed to federal court, have now been consolidated in a multidistrict action pending in the United States District Court for the Northern District of Ohio; and

Whereas, the City of Milwaukee may also consider separate litigation in the Circuit Court for the State of Wisconsin; and

Whereas, the City Attorney for the City of Milwaukee is able to retain outside counsel for such litigation, whether in state or federal court, on a contingent fee basis, avoiding any negative fiscal impact to the City; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the City Attorney is authorized to retain outside counsel and to investigate possible solutions including litigation to the opioid epidemic; and be it

Further Resolved, That the selection of outside counsel for these purposes by the City Attorney is subject to the approval of the Common Council, with the understanding that the Common Council is particularly interested in minority participation; and be it

Further Resolved, that the City Attorney may enter into a contingent fee agreement with outside counsel and file suit as the City Attorney determines to be in the best interests of the City of Milwaukee.

..Requestor  
ALD MURPHY  
..Drafter  
MRH:  
July 30, 2019  
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