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RESOLUTION #

Resolution to Confirm and Ratify the Authority of Counsel for Sauk County to Add Additional Defendants to Opioid Litigation, including in Multi-District Litigation (MDL) 2804

Resolution Offered by the Executive and Legislative Committee

Resolved by the Board of Supervisors of Sauk County, Wisconsin:

BACKGROUND: The County Board of Supervisors previously authorized the County to enter into an engagement agreement with von Briesen & Roper, s.c., Crueger Dickinson LLC and Simmons Hanly Conroy LLC (the "Law Firms") to pursue litigation against manufacturers, distributors, and retailers, among others, of opioid pharmaceuticals (the "Opioid Defendants") to hold the Opioid Defendants responsible for the opioid epidemic in the County's community. On behalf of the County, the Law Firms filed a lawsuit against the Opioid Defendants. The Law Firms filed similar lawsuits on behalf of 66 other Wisconsin counties and all Wisconsin cases were coordinated with thousands of other lawsuits filed against the same or substantially similar parties as the Opioid Defendants in the Northern District of Ohio, captioned "In re: Opioid Litigation, Multi District Litigation 2804" (the "Litigation"). Four (4) additional Wisconsin counties (Milwaukee, Dane, Waukesha, and Walworth) hired separate counsel and joined the Litigation.

Since the inception of the Litigation, the Law Firms have coordinated with counsel from around the country (including counsel for Milwaukee, Dane, Waukesha, and Walworth Counties) to prepare the County's case for trial and engage in settlement discussions with the Opioid Defendants. To date, through nationwide settlements, the Law Firms have achieved considerable success on behalf of the County in holding the Opioid Defendants responsible for their role in creating or maintaining the opioid epidemic. Through the course of ongoing discovery and investigation concerning the opioid epidemic and parties potentially responsible therefor, it was determined that meritorious opioid-related claims exist against additional parties, including but not limited to the entities listed on Exhibit A hereto, and that they should be added as defendants in the Litigation. The engagement agreement with the Law Firms provides "depending upon the results of initial investigations of facts and circumstances surrounding the potential claim(s), there may be additional parties sought to be made responsible....".

While the County believes the engagement agreement with the Law Firms provided the Law Firms with adequate authority to add additional parties to be held responsible, the County understands that recently those parties questioned that authority, and therefore, for the avoidance of doubt, the County is adopting this Resolution confirming and ratifying the Law Firms' authority to add additional parties, including but not limited to the entities listed on Exhibit A, as defendants in the Litigation. To avoid any confusion surrounding the County's authorization to the Law Firms to amend the pleadings in the Litigation to include additional parties, including but not limited to the entities listed on Exhibit A as named defendants in Multi-District Litigation, MDL 2804, this Resolution is intended to serve as confirmation and ratification of such authorization; and

The County, by this Resolution, intends to confirm and ratify the authority of the Law Firms to amend the pleadings in the Litigation to add additional parties, including but not limited to the entities listed on Exhibit A as defendants in Multi-District Litigation, MDL 2804, or to commence appropriate federal or state court proceedings against such entities, and further intends to authorize Corporation Counsel to execute and deliver any and all other and further documents necessary to effectuate the intent of this Resolution.

THEREFORE, BE IT RESOLVED, that the Sauk County Board of Supervisors, who met in regular session, hereby confirms and ratifies the authority of:

1. The Law Firms to file appropriate pleadings in Multi-District Litigation (MDL) 2804 or appropriate federal or state court proceedings to add additional parties, including but not limited to the entities listed on Exhibit A as defendants.
2. The Corporation Counsel, County Board Chair, or other authorized official to execute and deliver any and all other and further documents necessary to effectuate the intent of this Resolution.

BE IT FURTHER RESOLVED that all actions heretofore taken by the Board of Supervisors and other appropriate public officers and agents of the County with respect to the matters contemplated under this Resolution are hereby ratified, confirmed, and approved.

Approved for presentation to the County Board by the Executive and Legislative Committee, 20th day of May 2025.

Consent Agenda Item: ☐ YES ☒ NO

Fiscal Impact: ☐ None ☒ Budgeted Expenditure ☐ Not Budgeted

Vote Required: Majority = ☒ 2/3 Majority = ☐ 3/4 Majority = ☐

The County Board has the legal authority to adopt: Yes ☒ No ☐ as reviewed by the Corporation Counsel, _____, Date: _____.

Offered and passage moved by the Executive and Legislative Committee:

Chair Tim McCumber ☐ Aye ☐ Nay ☐ Abstain ☐ Absent

Vice-Chair John Deitrich ☐ Aye ☐ Nay ☐ Abstain ☐ Absent

Lynn A. Eberl ☐ Aye ☐ Nay ☐ Abstain ☐ Absent

Brian Peper ☐ Aye ☐ Nay ☐ Abstain ☐ Absent

Marty Krueger ☐ Aye ☐ Nay ☐ Abstain ☐ Absent

Dennis Polivka ☐ Aye ☐ Nay ☐ Abstain ☐ Absent

Mark "Smooth" Detter ☐ Aye ☐ Nay ☐ Abstain ☐ Absent

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_____	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Patricia Rego				
_____	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Sheila Carver				

Fiscal Note: Depending upon the outcome of the litigation, additional funds could come to the county to continue with efforts to reduce the effects of the opioid epidemic.

MIS Note: None