



### Legislation Details (With Text)

**File #:** 65883      **Version:** 1      **Name:** Enter into an agreement to commence a lawsuit against opioid pharmaceutical manufacturers, distributors and pharmacies

**Type:** Resolution      **Status:** Passed

**File created:** 6/8/2021      **In control:** Attorney's Office

**On agenda:** 6/15/2021      **Final action:** 6/15/2021

**Enactment date:** 6/18/2021      **Enactment #:** RES-21-00439

**Title:** Authorizing the Mayor and City Attorney, on behalf of the City, to enter into a contingent fee agreement with the law firm of Phipps, Ortiz, Talafuse, PLLC, to commence a civil suit against opioid pharmaceutical manufacturers, distributors and pharmacies due to the opioid crisis

**Sponsors:** Satya V. Rhodes-Conway, Syed Abbas, Charles Myadze

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
6/15/2021	1	COMMON COUNCIL	Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25	Pass
6/9/2021	1	Attorney's Office	RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - MISC. ITEMS	

**Fiscal Note**

No appropriation required. Legal fees would be paid from any settlement or judgment that may be received by the city as a result of this civil suit.

**Title**

Authorizing the Mayor and City Attorney, on behalf of the City, to enter into a contingent fee agreement with the law firm of Phipps, Ortiz, Talafuse, PLLC, to commence a civil suit against opioid pharmaceutical manufacturers, distributors and pharmacies due to the opioid crisis

**Body**

WHEREAS, opioid use and addiction have plagued the City of Madison and its residents and businesses for numerous years. The opioid crisis has caused egregious harm to affected individuals and caused countless deaths including financial hardship on all affected by this crisis; and

WHEREAS, in 2020 Dane County EMS averaged 95 calls per month for opioid overdose. 86% of individuals from these calls were transported to local hospitals and 4.7% of individuals died on scene. 2020 saw an increase of 23% in the number of Dane County EMS calls for service for opioid overdose; and

WHEREAS, first responders in Madison are dispatched daily for opioid related calls; and

WHEREAS, the cases involving opioid use continue to rise; and

WHEREAS, the City has numerous staff assigned to the opioid crisis and the repercussions that have occurred from this crisis; and

WHEREAS, the City has spent extensive staff time and supplies attempting to combat this crisis; and

WHEREAS, in 2020 the City filed a proof of claim in the matter of In Re Purdue Pharma L.P., et al, seeking damages in the amount of \$102,554,600 as an illustration of the financial cost the opioid crisis has had on the City; and

WHEREAS, under the above mentioned case opioid distributors and manufacturers have been held liable for the opioid crisis; and

WHEREAS, in the above mentioned case the defendant has now filed a bankruptcy claim; and

WHEREAS, there are countless opioid pharmaceutical manufacturers, distributors and pharmacies who have contributed to the opioid crisis; and

WHEREAS, the City Attorney's Office has been in consultation with the law firm of Phipps, Ortiz, Talafuse, PLLC, who have been retained to represent similarly situated municipalities throughout the United States; and

WHEREAS, said law firm is in the process of identifying opioid pharmaceutical manufacturers, distributors and pharmacies to commence civil litigation in Dane County Circuit Court.

NOW THEREFORE BE IT HEREBY RESOLVED that the City Attorney is authorized to bring suit in Dane County Circuit Court, on behalf of the City of Madison, against opioid pharmaceutical manufacturers, distributors and pharmacies to obtain civil judgment for the opioid crisis and to pursue any relief afforded by law or equity; and

BE IT FURTHER RESOLVED that the Mayor and City Attorney are authorized to enter into a contingent fee agreement with the law firm of Phipps, Ortiz, Talafuse, PLLC, to initiate and pursue the litigation described above.