

ENROLLED ORDINANCE 176-96

APPROVE SETTLEMENT AGREEMENTS WITH CERTAIN OPIOID DISTRIBUTORS AND
MANUFACTURERS AND APPROVE ATTORNEY GENERAL AND
LOCAL GOVERNMENT ALLOCATION AGREEMENTS

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;

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 McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (the "Settling Defendants") have resulted in a tentative agreement as to settlement terms pending agreement from the County and other plaintiffs involved in the Litigation; and

WHEREAS copies of the settlement agreements with the Settling Defendants (collectively "Settlement Agreements") representing the terms of the tentative settlement agreements with the Settling Defendants are publicly available at <https://nationalopioidsettlement.com> 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; (b) approves the Memorandum of Understanding allocating proceeds from the Settlement Agreements among the various Wisconsin Participating Subdivisions (the "Allocation MOU"); and (c) approves the Memorandum of Understanding with the Wisconsin Attorney General regarding allocation of settlement proceeds (the "AG MOU"); and that the Legislature's Joint Committee on Finance approves the terms of the Settlement Agreements and the AG MOU; and

WHEREAS current drafts of the Allocation MOU and AG MOU are on file in the Corporation Counsel's office pending approval by the County Board and have been shared with the Board in closed session; and

WHEREAS it is necessary to establish an account separate and distinct to be used solely for the proceeds from the Settlement Agreements wherein all settlement funds received shall be deposited and the funds administered and disbursed in a manner consistent with Wis. Stat. § 165.12(4), the Settlement Agreements and this Ordinance.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Distributors Settlement Agreement with McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation and the Janssen Settlement Agreement with Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, 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 finalize and implement the Allocation MOU and the AG MOU with respect to the allocation of settlement proceeds among the Wisconsin litigating local government entities and the State of Wisconsin in substantially the same form as on file with the Corporation Counsel and shared with the Board, including the further negotiation and execution of an escrow agreement for receipt and disbursement of the proceeds of the Settlement Agreements.

BE IT FURTHER ORDAINED that there be established an account separate and distinct to be used solely for the proceeds from the Settlement Agreements wherein all settlement funds received shall be deposited and the funds administered and disbursed in a manner consistent with Wis. Stat. § 165.12(4), the Settlement Agreements and this Ordinance.

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The foregoing legislation adopted by the County Board of Supervisors of Waukesha County,
Wisconsin, was presented to the County Executive on:

Date: 12/22/21, Margaret Waitman
Margaret Waitman, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County,
Wisconsin, is hereby:

Approved: X

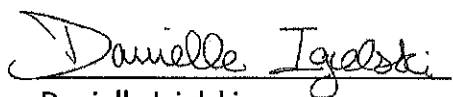
Vetoed: _____

Date: 12/22/2021, Paul Farrow
Paul Farrow, County Executive

FISCAL NOTE

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This ordinance authorizes Waukesha County to execute an agreement among local governments with the Wisconsin Attorney General regarding allocation of settlement proceeds from opioid litigation. These funds will be tracked in a separate account, will be used in accordance with the Settlement Agreement, and will be appropriated through the Annual Budget or separate ordinance.



Danielle Igielski
Accounting Services Manager
12/1/2021

VOTING RESULTS

AVE 23 NAY 0 ABSTAIN | ABSENT 2

Ordinance 176-O-100

Ordinance 176-O-100: Approve Settlement Agreement...

 Passed By Majority Vote

D1 - Fohi	AVE
D2 - Zimmermann	AVE
D3 - Morris	AVE
D4 - Batzko	AVE
D5 - Dondlinger	AVE
D6 - Walz	AVE
D7 - LaFontain	AVE
D8 - Michalski	AVE
D9 - Heinrich	AVE
D10 - Swan	AVE
D11 - Howard	AVE
D12 - Wolff	AVE
D13 - Decker	AVE

D14 - Mommaerts	AVE
D15 - Mitchell	AVE
D16 - Crowley	AVE
D17 - Paulson	AVE
D18 - Nelson	AVE
D20 - Schellinger	ABSENT
D21 - Gaughan	AVE
D22 - Wysocki	AVE
D23 - Hammitt	AVE
D25 - Johnson	ABSENT

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