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From Corporation Counsel, Office of Corporation Counsel, requesting authorization to select and engage outside counsel on a contingency fee basis to initiate lawsuit(s) against companies that engage in practices that are contributing to the opioid epidemic in Milwaukee County, by recommending adoption of the following:

A RESOLUTION

WHEREAS, Milwaukee County (the County) is in the midst of an opioid epidemic that is claiming hundreds of lives each year and destroying families and communities; and

WHEREAS, according to the Office of the Medical Examiner, in 2016, 294 deaths were related to opioids – a 112 percent increase from 2011; and

WHEREAS, the Office of the Medical Examiner estimates that in 2017 well over 325 deaths, the equivalent of one death per day, will occur in the County due to opioids; and

WHEREAS, the County is not alone in this crisis, as the opioid epidemic spans across the country, infiltrating communities and affecting individuals of all ages, races, ethnicities, educational backgrounds, and socioeconomic statuses; and

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), the societal costs associated with the opioid epidemic are staggering and amount to over \$75 billion annually; and

WHEREAS, the United States (U.S.) Department of Health and Human Services reports that in 2015, 12.5 million people misused prescription opioids; and

WHEREAS, 33,091 people died from opioid overdoses, and 2 million people had a prescription opioid-use disorder; and

WHEREAS, according to the CDC, since 1999, the amount of prescription opioids sold in the U.S. nearly quadrupled, even though there was no overall change in the amount of pain reported by Americans; and

WHEREAS, the number of overdose deaths, including prescription opioids and heroin also quadrupled; and

WHEREAS, according to the CDC, in 2015, the number of opioids prescribed in the U.S. was enough to medicate every American around the clock for three weeks; and

WHEREAS, according to the American Society of Interventional Pain Physicians, Americans make up 4.6 percent of the world population, but consume 80 percent of the

47 world's opioids and 99 percent of the global hydrocodone supply; and

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49 WHEREAS, according to a study conducted by The American Journal of Public
50 Health, opioid sales generated an estimated \$15.3 billion in 2016, with opioid abuse
51 causing the U.S. economy to lose \$78.5 billion each year; and

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53 WHEREAS, the National Institute for Health has identified the manufacturers of
54 certain opioid medications as being directly responsible for the rapid rise of the opioid
55 epidemic by virtue of their aggressive, and according to some, unlawful and unethical
56 marketing practices; and

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58 WHEREAS, in a September 2016 report, the Associated Press and The Center
59 for Public Integrity stated that since 2006, opioid manufacturers and allied non-profits
60 spent nearly \$1 billion on lobbying and political contributions at the State and Federal
61 levels in attempts to kill or weaken legislation unfavorable to prescription opioids; and

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63 WHEREAS, state and local governments have previously filed lawsuits against
64 industries engaging in illegal business practices, such as the big tobacco lawsuits of the
65 1990's to protect citizens; and

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67 WHEREAS, in response to this epidemic, state and local governments around
68 the country have filed lawsuits against wholesale distributors, claiming a violation of the
69 Federal Controlled Substances Act by failing to alert the U.S. Drug Enforcement
70 Administration of suspicious opioid purchases; and

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72 WHEREAS, state and local governments have also filed lawsuits in response to
73 manufacturers stating an exaggeration of the benefits of the opioid medications, and the
74 failure to warn doctors about the extreme addictive nature of opioids; and

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76 WHEREAS, state and local governments have sought lawsuits against opioid
77 manufacturers for their lobbying efforts of politicians to maintain a favorable political
78 climate for the continued and expanded use of opioids and/or intentionally falsely
79 representing to doctors and other stakeholders the addictive properties of opioids; and

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

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84 WHEREAS, the County is aware that other counties and local governments have
85 filed lawsuits against certain opioid manufacturers to force the persons and entities
86 responsible for the opioid epidemic to assume financial responsibility for the costs borne
87 by governments and citizens to address and combat the opioid epidemic; and

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89 WHEREAS, the County has spent millions of dollars in unexpected and
90 unbudgeted time and resources in its programs and services related to the opioid
91 epidemic; and

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WHEREAS, the County is responsible for a multitude of programs and services, all of which require the County to expend significant resources during a time when revenues are limited and/or decreasing due to strict tax levy limits coupled with a decline in State and Federal aid to the County; and

WHEREAS, all of the resources that the County directs towards addressing and combatting the opioid epidemic cannot be used for other essential programs and services that the County provides to its citizens, taxpayers, residents, and visitors; and

WHEREAS, the damages and costs suffered by the County as a result of the opioid epidemic are of a magnitude and scale greater than and in excess of the damages and costs suffered by other local governments in Wisconsin; and

WHEREAS, it is prudent for the County to explore every option available to combat the opioid epidemic in the community, including litigation against pharmaceutical companies, wholesale distributors, and/or manufacturers whose actions may have contributed to or exacerbated the ongoing opioid epidemic within the County; and

WHEREAS, the Committee on Judiciary, Safety, and General Services, at its meeting of October 19, 2017, recommended adoption of File No. 17-722 (vote 4-0); now, therefore,

BE IT RESOLVED, the Milwaukee County Board of Supervisors (County Board) hereby authorizes Corporation Counsel, Office of Corporation Counsel (OCC), at its discretion to select outside counsel, and to enter into a contingency fee arrangement with the selected outside counsel; and

BE IT FURTHER RESOLVED, outside counsel will not be compensated unless Milwaukee County (the County) receives a financial benefit as a result of the proposed claims, to commence a lawsuit exclusively on behalf of the County, against any pharmaceutical company, wholesale distributor, manufacturer, and/or other entity that engages in practices that contribute to the ongoing opioid epidemic within the County; and

BE IT FURTHER RESOLVED, Corporation Counsel, OCC, is authorized and requested to provide a report to the County Board as soon as practicable, if outside counsel is engaged with regular updates as the litigation progresses.