



## OFFICE OF CORPORATION COUNSEL

*Client-Driven. Community-Focused.*

MARGARET C. DAUN  
Corporation Counsel

SCOTT F. BROWN  
KAREN L. TIDWALL  
Deputy Corporation Counsel

ALAN M. POLAN  
KATHRYN M. WEST  
DALE R. NIKOLAY  
DAVID N. FARWELL  
LISA M. PROCACCIO  
NELSON W. PHILLIPS III  
MELINDA S. LAWRENCE  
JUDD H. TABACK  
CHRISTOPHER L. MORGAN  
WILLIAM G. DAVIDSON  
RACHEL L. EBERT  
Assistant Corporation Counsel

DATE: April 11, 2023

TO: Milwaukee County Board of Supervisors  
Milwaukee County Executive Crowley

FROM: Margaret C. Daun, Corporation Counsel  
Karen L. Tidwall, Deputy Corporation Counsel

SUBJECT: Further Settlement of Ohio Multidistrict Opioid Litigation

Pursuant to the Milwaukee County Board of Supervisors' (County Board) authorization in adopted [File No. 17-722](#), the Office of Corporation Counsel (OCC) engaged outside legal counsel to commence litigation on behalf of Milwaukee County (County) against various opioid manufacturers, distributors and retailers (collectively, Opioid Defendants) as the OCC deemed appropriate. As of today's date, the County is a plaintiff in two pending federal multi-district litigations (MDLs) against Opioid Defendants which are captioned as follows:

1. *In re: Opioid Litigation*, MDL 2804, pending in the United States District Court for the Northern District of Ohio (the "Ohio MDL"); and
2. *In re: McKinsey & Company, Inc., National Prescription Opiate Consultant Litigation*, MDL 2996, pending in the United States District Court for the Northern District of California (the "California MDL").

In 2021, in the Ohio MDL, claims against some but not all of the Opioid Defendants were settled for a total net amount of approximately \$56,000,000.00 (Settlement One). Pursuant to the County Board authorization in adopted File No. 21-1127, the County established the Opioid Abatement Account and the Attorney Fee Account, and the OCC was authorized to execute any documents necessary to effectuate Settlement One including, but not limited to, the Allocation Memorandum of Understanding.

In 2023, in the Ohio MDL, a tentative settlement of claims against other Opioid Defendants, specifically, Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Inc. (collectively, Settling Defendants) has been reached (Settlement Two). The estimated net settlement proceeds allocable to the County in Settlement Two is \$45,398,915.70. The OCC confirms that Settlement Two is in

the best interests of the County and an excellent result. Settlement Two brings the total net settlement amount realized in the Ohio MDL, allocable to the County, to over \$101,000,000.00.

In order to effectuate Settlement Two, the OCC seeks approval of this Resolution authorizing the County, by the OCC, to enter into certain Settlement Agreements with the Settling Defendants referenced in the Resolution; to agree to the Addendum to the Memorandum of Understanding Allocating Settlement Proceeds in substantially the same form as submitted as Exhibit A to the Resolution; to establish an Attorney Fee Account to hold attorney fees and costs related to Settlement Two; and to authorize entry into a Memorandum of Understanding with the Attorney General of the State of Wisconsin in substantially the same form as submitted as Exhibit B to the Resolution.

According to the County's outside counsel, the County must execute the Settlement Two documents submitted herewith by April 20, 2023, which may require a special meeting of the committee(s) to which the Resolution is referred, in advance of the April 20, 2023 full Board meeting.

\*\*\*