

RESOLUTION 18 - _____

**A RESOLUTION OF THE COCHISE COUNTY BOARD OF SUPERVISORS APPROVING
RETENTION OF OUTSIDE COUNSEL TO REPRESENT COCHISE COUNTY IN THE OPIOID
MULTI DISTRICT LITIGATION**

WHEREAS, Cochise County (“County”) is concerned with the recent rapid rise in troubles among County citizens, residents, and visitors in relation to problems arising out of the use, abuse and overuse of opioid medications, which according to certain studies, impacts millions of people across the country; and

WHEREAS, issues and concerns surrounding opioid use, abuse and overuse by citizens, residents and visitors are not unique to County and are, in fact, issues and concerns shared by all other counties in Arizona and, for that matter, states and counties across the country, as has been well documented through various reports and publications, and is commonly referred to as the Opioid Epidemic (“Opioid Epidemic”); and

WHEREAS, the societal costs associated with the Opioid Epidemic are staggering and, according to the Centers for Disease Control and Prevention, amount to over \$75 billion annually; and

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

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

WHEREAS, County has spent significant funds in unexpected and unbudgeted time and resources in its programs and services related to the Opioid Epidemic; and

WHEREAS, County is responsible for a multitude of programs and services, all of which require County to expend resources generated through state and federal aid, property tax levy, fees and other permissible revenue sources; and

WHEREAS, County's provision of programs and services becomes more and more difficult every year because the costs associated with providing the Opioid Epidemic programs and services continue to rise, yet County's ability to generate revenue is limited by strict levy limit caps and stagnant or declining state and federal aid to County; and

WHEREAS, all sums that County expends in addressing, combatting and otherwise dealing with the Opioid Epidemic are sums that cannot be used for other critical programs and services that County provides to County citizens, residents and visitors; and

WHEREAS, County has been informed that numerous counties and states across the country have filed or intend to file lawsuits against certain of the opioid manufacturers and distributors in an effort to force the persons and entities responsible for the Opioid Epidemic to assume financial responsibility for the costs associated with addressing, combatting and otherwise dealing with the Opioid Epidemic; and

WHEREAS, County has engaged in discussions with representatives of the law firm of Keller Rohrback, L.L.P. (the "Law Firm") related to the potential for County to pursue certain legal claims against certain opioid manufacturers and distributors; and

WHEREAS, County has been informed that the Law Firm has the requisite skill, experience and wherewithal to prosecute legal claims against certain of the opioid manufacturers and distributors on behalf of public entities seeking to hold them responsible for the Opioid Epidemic; and

WHEREAS, the Law Firm has proposed that County engage the Law Firm to prosecute the aforementioned claims on a contingent fee basis, whereby the Law Firm would not be compensated unless County receives a financial benefit as a result of the proposed claims and the Law Firm would advance all claim-related costs and expenses associated with the claims; and

WHEREAS, all of the costs and expenses associated with the claims against certain of the opioid manufacturers and distributors would be borne by the Law Firm; and

WHEREAS, the County is not obligated to reimburse any of the costs and expenses associated with the claims against certain of the opioid manufacturers and distributors, if there are no sums recovered through the litigation; and

WHEREAS, the Law Firm has prepared an Attorney Engagement Letter and Contingency Fee Agreement (“Engagement Letter”), which is submitted as part of this Resolution, specifying the terms and conditions under which the Law Firm would provide legal services to County and otherwise consistent with the terms of this Resolution; and

WHEREAS, County would participate in the prosecution of the claim(s) contemplated in this Resolution and the Engagement Letter by providing information and materials to the Law Firm, as needed; and

WHEREAS, County believes it to be in the best interest of County, its citizens, residents, visitors and taxpayers to join with other counties in and outside Arizona in pursuit of claims against certain of the opioid manufacturers and distributors, all upon the terms and conditions set forth in the Engagement Letter; and

WHEREAS, by pursuing the claims against certain of the opioid manufacturers and distributors, County is attempting to hold those persons and entities that had a significant role in the creation of the Opioid Epidemic responsible for the financial costs assumed by County and other public agencies across the country in dealing with the Opioid Epidemic.

NOW, THEREFOR, BE IT RESOLVED, that the Cochise County Board of Supervisors hereby authorizes, and agrees to be bound by, the Engagement Letter and hereby directs the County Attorney to execute the Engagement Letter on behalf of the County; and

BE IT FURTHER RESOLVED, that the County shall endeavor to faithfully perform all actions required of County in relation to the claims contemplated herein and in the Engagement Letter and hereby directs all County personnel to cooperate with and assist the Law Firm in relation thereto.

Resolution 18-____

A Resolution of The Cochise County Board of Supervisors Approving Retention of Outside Counsel to Represent Cochise County in The Opioid Multi District Litigation

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PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this ____ day of _____, 2018.

Ann English, Chairman
Cochise County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Arlethe G. Rios
Clerk of the Board

Christine J. Roberts
Civil Deputy County Attorney