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RESOLUTION # 32-2025

Resolution Confirming and Ratifying the Authority of Counsel for Oneida County to Add Additional Defendants to Opioid Litigation, Including in MDL 2804.

Resolution approve for presentation to the Oneida County Board by Supervisor...

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the County Board of Supervisors previously authorized the County to enter into an engagement agreement with von Briesen & Roper, s.c., Crueger Dickinson LLC and Simmons Hanly Conroy LLC (the "Law Firms") to pursue litigation against manufacturers, distributors, and retailers, among others, of opioid pharmaceuticals (the "Opioid Defendants") in an effort to hold the Opioid Defendants responsible for the opioid epidemic in the County's community;

WHEREAS, on behalf of the County, the Law Firms filed a lawsuit against the Opioid Defendants;

WHEREAS, the Law Firms filed similar lawsuits on behalf of 66 other Wisconsin counties and all Wisconsin cases were coordinated with thousands of other lawsuits filed against the same or substantially similar parties as the Opioid Defendants in the Northern District of Ohio, captioned *In re: Opioid Litigation*, MDL 2804 (the "Litigation");

WHEREAS, four (4) additional Wisconsin counties (Milwaukee, Dane, Waukesha, and Walworth) hired separate counsel and joined the Litigation;

WHEREAS, since the inception of the Litigation, the Law Firms have coordinated with counsel from around the country (including counsel for Milwaukee, Dane, Waukesha, and Walworth Counties) to prepare the County's case for trial and engage in settlement discussions with the Opioid Defendants;

WHEREAS, to date, through nationwide settlements, the Law Firms have achieved considerable success on behalf of the County in holding the Opioid Defendants responsible for their role in creating or maintaining the opioid epidemic;

WHEREAS, through the course of ongoing discovery and investigation concerning the opioid epidemic and parties potentially responsible therefore, it was determined that meritorious opioid-related claims exist against additional parties, including but not limited to the entities listed on Exhibit A hereto, and that they should be added as defendants in the Litigation;

WHEREAS, the engagement agreement with the Law Firms provides "depending upon the results of initial investigations of the facts and circumstances surrounding the potential claim(s), there may be additional parties sought to be made responsible;"

WHEREAS, while the County believes the engagement agreement with the Law Firms provided the Law Firms with adequate authority to add additional parties to be held responsible, the County understands that recently those parties questioned that authority, and therefore, for the avoidance of doubt, the County is adopting this Resolution confirming and ratifying the Law Firms' authority to add additional parties, including but not limited to the entities listed on Exhibit

52 A, as defendants in the Litigation;

53
54 **WHEREAS**, to avoid any confusion surrounding the County's authorization to the Law
55 Firms to amend the pleadings in the Litigation to include additional parties, including but not limited
56 to the entitles listed on Exhibit A as named defendants in MDL 2804, this Resolution is intended
57 to serve as confirmation and ratification of such authorization; and
58

59 **WHEREAS**, the County, by this Resolution, intends to confirm and ratify the authority of
60 the Law Firms to amend the pleadings in the Litigation to add additional parties, including but not
61 limited to the entitles listed on Exhibit A as defendants in MDL 2804, or to commence appropriate
62 federal or state court proceedings against such entities, and further intends to authorize
63 Corporation Counsel to execute and deliver any and all other and further documents necessary
64 to effectuate the intent of this Resolution;
65

66 **NOW, THEREFORE, BE IT RESOLVED:** the County Board of Supervisors hereby
67 confirms and ratifies the authority of:
68

- 69 1. The Law Firms to file appropriate pleadings in MDL 2804 or appropriate federal or
70 state court proceedings to add additional parties, including but not limited to the
71 entitles listed on Exhibit A as defendants.
72
73 2. The Corporation Counsel, Board Chair or other authorized official to execute and
74 deliver any and all other and further documents necessary to effectuate the intent
75 of this Resolution.
76

77 **BE IT FURTHER RESOLVED** that all actions heretofore taken by the Board of
78 Supervisors and other appropriate public officers and agents of the County with respect to the
79 matters contemplated under this Resolution are hereby ratified, confirmed, and approved.
80

81 Vote Required: Majority = 2/3 Majority = _____ 3/4 Majority = _____
82

83 The County Board has the legal authority to adopt: Yes No _____ as reviewed
84 by the Corporation Counsel, _____, Date: May 15, 2025
85

86
87 Consent Agenda Item: _____ YES NO
88

89
90 Offered and passage moved by: _____
91
92 Supervisor

93
94 Seconded by Steven Schreier
95

96
97 19 Ayes
98

99 0 Nays
100

101 2 Absent (1 vacancy)
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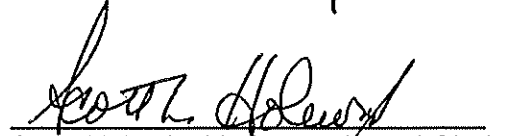
Abstain

Adopted

by the County Board of Supervisors this 20 day May, 2025.

Defeated


Tracy Hartman, County Clerk


Scott Holewinski, County Board Chair

**Exhibit A – Non-Inclusive List of Potential Defendants
(Including all Related Entities of Each Listed)**

- Abbot Laboratories, Inc.
- Albertsons LLC
- Allergan, Inc.
- Alvogen, Inc.
- Amerisource Bergen
- Amneal Pharmaceuticals, Inc.
- Associated Pharmacies, Inc.
- Auburn Pharmaceuticals
- Aurolife Pharma LLC
- Baker, Stuart
- Cardinal Health
- Costco Wholesale Corporation
- CVS Health Corporation
- Dakota Drug, Inc.
- Discount Drug Mart
- Eckerd Corp.
- Eveready Wholesale Drugs
- Express Scripts Inc.
- Henry Shein, Inc.
- Hy-Vee, Inc.
- Indivior Inc.
- Janssen Pharmaceuticals
- K-VA-T/Ahold Delhaize
- KVK-Tec, Inc.
- Louisiana Wholesale Drug Co., Inc.
- Lupin Pharmaceuticals, Inc.
- McKesson
- Miami-Luken, Inc.
- Morris & Dickson Co., LLC
- Mylan Pharmaceuticals, Inc.
- North Carolina Mutual Wholesale Drug Co.

154 Omnicare Distribution Center
155 OptumRx, Inc.
156 Pharmacy Buying Association Inc.
157 Prescription Supply, Inc.
158 Publix Super Markets, Inc.
159 Purdue Pharma
160 Raymond Sacker Trust
161 RiteAid of Maryland, Inc.
162 Sacker, Kathe A.
163 Sacker, Richard S.
164 Sackler Defendants
165 Sackler Lefcourt, Ilene
166 Sackler, Beverly
167 Sackler, David A.
168 Sackler, Mortimer D.A.
169 Sackler, Theresa
170 Sandoz, Inc.
171 Smith Drug Company
172 Smith's Food & Drug Centers, Inc.
173 Sun Pharmaceutical
174 Supervalu, Inc. d/b/a Advantage Logistics
175 Target Corporation
176 Teva Pharmaceuticals
177 The Kroger Co.
178 Thrifty Payless, Inc.
179 Top Rx, Inc.
180 Tris Pharma, Inc.
181 Walgreens Boots Alliance
182 Walmart Inc.
183 Warner Chilcott Company, LLC
184 West-Ward Pharmaceuticals Corp. n/k/a Hikma Pharmaceuticals, Inc.
185 Winn-Dixie
186 Zydus Pharmaceuticals (USA), Inc.

Resolution # 32-2025

Supervisors	AYE	NAV	ABS	ABSTAIN
Cushing	X			
Condado	—	—	X	
Harris	X			
Schreier	X			
Almekinder	X			
Hess	X			
Showalter	X			
Hanus	X			
Lopez	X			
Jensen	X			
Schultz	X			
Sorgel	X			
Newman	X			
Briggs	X			
Ives	X			
Fisher	X			
Oettinger	X			
	—	—	X	
Tautges	X			
Fried	X			
Holewinski	X			
TOTALS	19		1/1	
TAGS				

Resolution # 32 – 2025: Offered by Supervisor Scott Holewinski to Confirm and Ratify the Authority of Counsel for Oneida County to Add Additional Defendants to Opioid Litigation, Including in MDL 2804.

Second: Schwartz

