

RESOLUTION # 41-2025

Resolution Delegating the Authority to Enter into Settlement Agreements with Opioid Defendants to the Designated Oneida County Officer or Officers

Resolution approved for presentation to the Oneida County Board by the Supervisors of the Executive Committee.

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 LLP (the "Law Firms") to pursue litigation against certain manufacturers, distributors, and retailers of opioid pharmaceuticals (the "Opioid Defendants") in an effort to hold the Opioid Defendants financially responsible for the County's vast expenditure of money and resources to combat the opioid epidemic;

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 extensive settlement discussions with the Opioid Defendants;

WHEREAS, 2021 Wisconsin Act 57 created Section 165.12 of the Wisconsin Statutes relating to the settlement of all or part of the Litigation;

WHEREAS, pursuant to Wis. Stat. § 165.12(2), the Legislature's Joint Committee on Finance is required to approve settlement agreement between the County and Opioid Defendants;

WHEREAS, pursuant to Wis. Stat. § 165.12(2), the proceeds from any settlement of all or part of the Litigation are distributed 70% to local governments in Wisconsin that are parties to the Litigation and 30% to the State;

WHEREAS, Wis. Stat. § 165.12(7) bars claims from any Wisconsin local government against the Opioid Defendants filed after June 1, 2021;

WHEREAS, several of the Opioid Defendants previously agreed to settlement terms with the Plaintiffs' Executive Committee ("PEC"), which is comprised of attorneys representative of all litigating local governments around the country, subject to individual approval of the litigating local governments including Oneida County;

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WHEREAS, representatives of the Law Firms serve on the PEC and, therefore, are intimately familiar with the terms of the previous settlements and will be familiar with the terms of any settlement with any other Opioid Defendant recommended for approval by the PEC;

WHEREAS, it is anticipated that several additional settlements will be proposed by various Opioid Defendants and recommended for approval by the PEC;

WHEREAS, Oneida County's process for approving settlement with an Opioid Defendant is typically a process requiring weeks for committee review and approval as well as approval by the full Oneida County Board;

WHEREAS, given concerns surrounding timing for participation in future settlements combined with the number of anticipated settlements, it would be prudent to provide an opportunity for Oneida County to create a process whereby the authority to enter into settlement agreements is delegated to a responsible County officer or officers provided that any such settlement agreement is recommended by the PEC and the Law Firms; and

WHEREAS, the intent of this Resolution is to delegate to the specified County officer or officers the authority to enter into settlement agreements with any Opioid Defendant from the date of this Resolution forward provided (a) the settlement is recommended for approval by the PEC and the Law Firms; and (b) the Oneida County share of proceeds from any such settlement is consistent with the shares established in Exhibit A to Addendum Two, a copy of which is attached to this Resolution and which is consistent with the allocations established in previous settlements with Opioid Defendants.

NOW, THEREFORE, BE IT RESOLVED: the County Board of Supervisors hereby makes the following resolutions:

- 1) The County Board hereby delegates authority to the County Board Chair to enter into a settlement agreement, including without limitation the execution of any and all ancillary documents and agreements necessary to effectuate a settlement, with any Opioid Defendant provided (a) the PEC and the Law Firms shall have recommended the settlement; and (b) the Oneida County share of proceeds from any such settlement is consistent with the shares established in Exhibit A to Addendum Two, a copy of which is attached to this Resolution and which is consistent with the allocations established in previous settlements with Opioid Defendants.
- 2) Prior to executing any settlement agreement, or any document related thereto, the **Corporation Counsel** shall provide notice to the Administrative Coordinator and Board Chair of the proposed settlement and the terms related thereto.
- 3) The Board Chair is authorized and directed to take any and all such other and further action necessary to effectuate the intent of this Resolution.

BE IT FURTHER RESOLVED: all proceeds from any settlement agreement not otherwise directed to the Attorney Fees Account shall be deposited in the County's Opioid Abatement Account. The Opioid Abatement Account shall be administered consistent with the terms of this Resolution, Wis. Stat. § 165.12(4), and the applicable settlement agreement.

BE IT FURTHER RESOLVED: the County hereby authorizes the establishment of an account separate and distinct from any account containing funds allocated or allocable to the County which shall be referred to by the County as the "Attorney Fees Account." An escrow

103 agent shall deposit a sum equal to up to, but in no event exceeding, an amount equal to 20%
104 of the County's proceeds from a settlement agreement into the Attorney Fees Account unless
105 such other amount is established by the applicable settlement agreement. If the payments to
106 the County are not enough to fully fund the Attorney Fees Account as provided herein because
107 such payments are made over time, the Attorney Fees Account shall be funded by placing up
108 to, but in no event exceeding, an amount equal to 20% of the proceeds from a settlement
109 agreement attributable to Local Governments (as that term is defined in the MOU) into the
110 Attorney Fees Account for each payment. Funds in the Attorney Fees Account shall be
111 utilized to pay the fees, costs, and disbursements owed to the Law Firms pursuant to the
112 engagement agreement between the County and the Law Firms provided, however, the Law
113 Firms shall receive no more than that to which they are entitled under their fee contract when
114 considering the amounts paid the Law Firms from any fee fund established in a settlement
115 agreement and allocable to the County. The Law Firms may make application for payment
116 from the Attorney Fees Account at any time and the County shall cooperate with the Law
117 Firms in executing any documents necessary for the escrow agent to make payments out of
118 the Attorney Fees Account.
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120 **BE IT FURTHER RESOLVED:** that all actions heretofore taken by the Board of
121 Supervisors and other appropriate public officers and agents of the County with respect to the
122 matters contemplated under this Resolution are hereby ratified, confirmed and approved.
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124 **Vote Required:** Majority = 1 2/3 Majority = 3 3/4 Majority = 4

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126 The County Board has the legal authority to adopt: Yes No as reviewed
127 by the Corporation Counsel, [Signature], Date: 7-9-25

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130 Approved for presentation to the County Board by the Executive Committee this 9th day
131 of July, 2025.

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133 Consent Agenda Item: YES NO

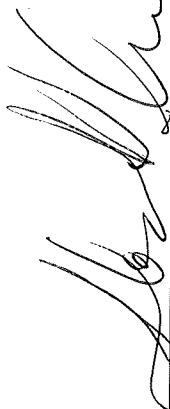
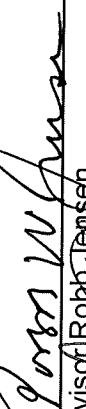
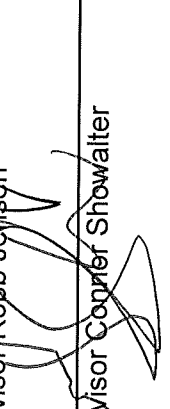
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137 Offered and passage moved by:

	Fiscal Impact	Aye	Nay	Abstain
138	<input type="checkbox"/> Included in Resolution	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
139	<input type="checkbox"/> Attached	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
140	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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142	<u>[Signature]</u> Supervisor Billy Fried			
143	<u>[Signature]</u> Supervisor Scott Holewinski			
144	<u>[Signature]</u> Supervisor Russ Fisher			
145	<u>[Signature]</u> Supervisor Diana Harris			
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20 Ayes
0 Nays
1 Absent
0 Abstain
X Adopted
 Defeated

by the County Board of Supervisors this 15th day July, 2025.

 _____ Supervisor Steven Schreier	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Supervisor Robb Jensen	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
 _____ Supervisor Corner Showalter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Tracy Hartman, County Clerk



Scott Holewinski, County Board Chair

Resolution # 41 - 2025

Supervisors	AYE	NAY	ABS	ABSTAIN
Almekinder	✓			
Hess	x			
Jensen	x			
Schultz	x			
Fisher	x			
Ives	x			
Tautges	x			
Hanus	—		x	
Schreier	x			
Oettinger	x			
Timmons	x			
Fried	x			
Sorgel	x			
Newman	x			
Cushing	x			
Briggs	x			
Harris	x			
Showalter	x			
Condado	x			
Lopez	x			
Holewinski	x			
TOTALS	20		1	
TAGS				

Resolution # 41 – 2025: Offered by the Supervisors of the Executive Committee Delegating the Authority to Enter into Settlement Agreements with Opioid Defendants to the Designated Oneida County Officer or Officers.

CONFIDENTIAL LEGAL MEMORANDUM

ATTORNEY-CLIENT PRIVILEGED

TO: Wisconsin County Clients

FROM: Crueger Dickinson, von Briesen & Roper, Attolles Law

DATE: July 2, 2025

RE: Approval of Sandoz and Other Settlement Agreements

You were recently notified of a proposed settlement with Sandoz, Inc., an opioid manufacturer and one of the defendants in MDL 2804. In the notice advising you of the proposed settlement, we asked that you execute the Participation Agreement signifying your acceptance of the terms by July 24, 2025. Because of the tight timeframe (and the fact that many counties experience a break in their summer schedules in July), we have received questions about the deadline for participation.

First and foremost, we have now confirmed that the deadline for participation is September 30, 2025. This means there is no need to call any special meetings to authorize participation in the Sandoz settlement. That said, there are several counties that previously delegated authority to sign a Participation Agreement to a county officer with the understanding that a full county board resolution would still be needed at some point. If that is the case in your county, you can certainly proceed in that fashion.

Second, the Sandoz settlement appears to be the first in a line of anticipated settlements with additional defendants, including Purdue Pharma. Rather than proceeding with individual resolutions for each settlement, we discussed with a small group of corporation counsel the wisdom of distributing a template resolution that would delegate settlement authority to a specific county officer or officers if certain conditions are met. Specifically, the delegation would be effective if (1) the settlement is recommended by the Plaintiffs' Executive Committee in MDL 2804 (upon which representatives of your counsel sit); and (2) the county share of proceeds would be calculated according to the same methodology of previous settlements.

With these considerations in mind, attached is a template resolution for your consideration. If this resolution is adopted (in form substantially similar to that attached), it would cover the Sandoz settlement as well as all future settlements. Please note the highlighted areas where each county is provided the opportunity to identify the particular officer or officers to whom such authority is delegated and under what reporting conditions. We anticipate that each county may want to handle the delegation differently.

Finally, it is important to ensure we all appropriately authorize settlement of the Sandoz matter and every other matter in a timely fashion. Under the terms of nearly all of the settlement agreements emanating from MDL 2804, the full participation of state and local governments in a

particular state will increase the amount of settlement proceeds made available in a particular state. In Wisconsin, Wis. Stat. § 165.12 establishes that only those counties and municipalities that litigated MDL 2804 may participate in any settlement. So while our burden in Wisconsin is a bit easier to bear than in other states (where sign-off is required from both litigating and non-litigating local governments), full participation remains critically important.

If you have any questions surrounding the resolution template, please do not hesitate to contact us. Thank you for your consideration and for your continued support of the opioid litigation.

EXHIBIT A

Allocation of Proceeds Among the Local Governments

The following chart is agreed upon by and between the Local Governments identified below as representing the allocation of proceeds from the Settlement Agreements following (a) allocation to the Local Governments; and (b) allocation to the Attorney Fee Fund. The Local Governments shall cooperate with one another and the State in the negotiation and execution of an Escrow Agreement to effectuate the terms of the State-Local Government MOU, the Local Government MOU and the allocation set forth below. **The monetary value associated with the percentages below will be calculated consistent with the Settlement Agreements.**

Local Government Type	Wisconsin Litigating Local Government	Allocation Percentage
County	Adams County	0.327%
County	Ashland County	0.225%
County	Barron County	0.478%
County	Bayfield County	0.124%
County	Brown County	2.900%
County	Buffalo County	0.126%
County	Burnett County	0.224%
County	Calumet County	0.386%
County	Chippewa County	0.696%
County	Clark County	0.261%
County	Columbia County	1.076%
County	Crawford County	0.195%
County	Dane County	8.248%
County	Dodge County	1.302%
County	Door County	0.282%
County	Douglas County	0.554%
City	Superior	0.089%
County	Dunn County	0.442%
County	Eau Claire County	1.177%
County	Florence County	0.053%
County	Fond Du Lac County	1.196%
County	Forest County	0.127%
County	Grant County	0.498%
County	Green County	0.466%
County	Green Lake County	0.280%
County	Iowa County	0.279%

County	Iron County	0.061%
County	Jackson County	0.236%
County	Jefferson County	1.051%
County	Juneau County	0.438%
County	Kenosha County	3.712%
City	Kenosha	0.484%
City	Pleasant Prairie	0.059%
County	Kewaunee County	0.156%
County	La Crosse County	1.649%
County	Lafayette County	0.134%
County	Langlade County	0.312%
County	Lincoln County	0.350%
County	Manitowoc County	1.403%
County	Marathon County	1.259%
County	Marinette County	0.503%
City	Marinette	0.032%
County	Marquette County	0.246%
County	Menominee County	0.080%
County	Milwaukee County	25.220%
City	Cudahy	0.087%
City	Franklin	0.155%
City	Greenfield	0.163%
City	Milwaukee	7.815%
City	Oak Creek	0.166%
City	South Milwaukee	0.096%
City	Wauwatosa	0.309%
City	West Allis	0.378%
County	Monroe County	0.655%
County	Oconto County	0.336%
County	Oneida County	0.526%
County	Outagamie County	1.836%
County	Ozaukee County	1.036%
County	Pepin County	0.055%
County	Pierce County	0.387%
County	Portage County	0.729%
County	Price County	0.149%
County	Racine County	3.208%
City	Mount Pleasant	0.117%
City	Sturtevant	0.018%

City	Union Grove	0.007%
City	Yorkville Town	0.002%
County	Richland County	0.218%
County	Rock County	2.947%
County	Rusk County	0.159%
County	Sauk County	1.226%
County	Sawyer County	0.258%
County	Shawano County	0.418%
County	Sheboygan County	1.410%
County	St Croix County	0.829%
County	Taylor County	0.159%
County	Trempealeau County	0.320%
County	Vernon County	0.322%
County	Vilas County	0.468%
County	Walworth County	1.573%
County	Washington County	0.185%
County	Washington County	1.991%
County	Waukesha County	6.035%
County	Waupaca County	0.606%
County	Waushara County	0.231%
County	Winnebago County	2.176%
County	Wood County	0.842%