

AGENDA



Joint Meeting: Committees on Administration and Finance & Budget
Tuesday, July 15, 2025, at 6:30 p.m.

Government Center (721 Oxford Ave, Eau Claire, WI)
Room 1301/1302

Join by Phone:

Dial in Number: 415.655.0001
Access Code: 2539 597 4198

Join by Meeting Number:

Meeting Number: 2539 597 4198
Meeting Password: 9yN3gMqJHP5

Join from Meeting Link:

<https://eauclairecounty.webex.com/eauclairecounty/j.php?MTID=mb2077aa70e95756bf41e86ad48f88808>

For those wishing to make public comment, you can submit your request to speak and/or written comment to Samantha Kraegenbrink at samantha.kraegenbrink@eauclairecounty.gov at least 60 minutes prior to the start of the meeting.

1. Call meeting to order and confirm meeting notice
2. Roll Call (Committee on Administration)
3. Roll Call (Committee on Finance & Budget)
4. Public Comment
5. File No. 25-26/039: Resolution confirming, ratifying and delegating the authority to enter into agreements with opioid defendants designated to the Eau Claire County Officers, either the County Administrator or Corporation Counsel – **Discussion/Action**
6. Adjourn

Prepared by: Samantha Kraegenbrink – Executive Office Administrator

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through sign language, interpreters, remote access, or other auxiliary aids. Contact the clerk of the committee or Administration for assistance at (715) 839-5106. For additional information on ADA requests, contact the County ADA Coordinator at (715) 839-7335, (FAX) (715) 839-1669, TTY: use Relay (711) or by writing to the ADA Coordinator, Human Resources, Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire, WI 54703.

FACT SHEET

File No. 25-26/039

CONFIRMING, RATIFYING AND DELEGATING THE AUTHORITY TO ENTER INTO SETTLEMENT AGREEMENTS WITH OPIOID DEFENDANTS DESIGNATED TO THE EAU CLAIRE COUNTY OFFICERS, EITHER THE COUNTY ADMINISTRATOR OR CORPORATION COUNSEL

Eau Claire County was recently notified of a proposed settlement with Sandoz, Inc., an opioid manufacturer and one of the defendants in MDL 2804. In the notice, counties were asked to execute the Participation Agreement signifying acceptance of the terms by July 24, 2025. The law firm has 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. Several counties previously delegated authority to sign a Participation Agreement to a county officer.

Rather than proceeding with individual resolutions for each settlement, this resolution would delegate settlement authority and the authorization to sign documents to a specific county officer or officers if certain conditions are met. This resolution proposes the County Administrator or the Corporation Counsel be the designated county officers. 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.

It is important to ensure the county appropriately authorizes settlement of these matters 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.

Respectfully submitted by,

Sharon McIlquham, Corporation Counsel

2
3 CONFIRMING AND RATIFYING THE AUTHORITY OF COUNSEL FOR EAU CLAIRE
4 COUNTY TO ADD ADDITIONAL DEFENDANTS TO OPIOID LITIGATION, INCLUDING
5 IN MDL 2804
6

7 **WHEREAS**, the County Board of Supervisors previously authorized the County to enter
8 into an engagement agreement with von Briesen & Roper, s.c., Crueger Dickinson LLC and
9 Simmons Hanly Conroy LLC (the “Law Firms”) to pursue litigation against manufacturers,
10 distributors, and retailers, among others, of opioid pharmaceuticals (the “Opioid Defendants”) in
11 an effort to hold the Opioid Defendants responsible for the opioid epidemic in the County’s
12 community; and
13

14 **WHEREAS**, on behalf of the County, the Law Firms filed a lawsuit against the Opioid
15 Defendants; and
16

17 **WHEREAS**, the Law Firms filed similar lawsuits on behalf of 66 other Wisconsin counties
18 and all Wisconsin cases were coordinated with thousands of other lawsuits filed against the same
19 or substantially similar parties as the Opioid Defendants in the Northern District of Ohio, captioned
20 *In re: Opioid Litigation*, MDL 2804 (the “Litigation”); and
21

22 **WHEREAS**, four (4) additional Wisconsin counties (Milwaukee, Dane, Waukesha, and
23 Walworth) hired separate counsel and joined the Litigation; and
24

25 **WHEREAS**, since the inception of the Litigation, the Law Firms have coordinated with
26 counsel from around the country (including counsel for Milwaukee, Dane, Waukesha, and
27 Walworth Counties) to prepare the County’s case for trial and engage in settlement discussions
28 with the Opioid Defendants; and
29

30 **WHEREAS**, to date, through nationwide settlements, the Law Firms have achieved
31 considerable success on behalf of the County in holding the Opioid Defendants responsible for
32 their role in creating or maintaining the opioid epidemic; and
33

34 **WHEREAS**, through the course of ongoing discovery and investigation concerning the
35 opioid epidemic and parties potentially responsible therefor, it was determined that meritorious
36 opioid-related claims exist against additional parties, including but not limited to the entities listed
37 on Exhibit A hereto, and that they should be added as defendants in the Litigation; and
38

39 **WHEREAS**, the engagement agreement with the Law Firms provides “depending upon
40 the results of initial investigations of the facts and circumstances surrounding the potential
41 claim(s), there may be additional parties sought to be made responsible”; and
42

43 **WHEREAS**, while the County believes the engagement agreement with the Law Firms
44 provided the Law Firms with adequate authority to add additional parties to be held responsible,

1 the County understands that recently those parties questioned that authority, and therefore, for the
2 avoidance of doubt, the County is adopting this Resolution confirming and ratifying the Law
3 Firms' authority to add additional parties, including but not limited to the entities listed on Exhibit
4 A, as defendants in the Litigation; and

5
6 **WHEREAS**, to avoid any confusion surrounding the County's authorization to the Law
7 Firms to amend the pleadings in the Litigation to include additional parties, including but not
8 limited to the entitles listed on Exhibit A as named defendants in MDL 2804, this Resolution is
9 intended to serve as confirmation and ratification of such authorization; and

10
11 **WHEREAS**, the County, by this Resolution, intends to confirm and ratify the authority of
12 the Law Firms to amend the pleadings in the Litigation to add additional parties, including but not
13 limited to the entitles listed on Exhibit A as defendants in MDL 2804, or to commence appropriate
14 federal or state court proceedings against such entities, and further intends to authorize Corporation
15 Counsel to execute and deliver any and all other and further documents necessary to effectuate the
16 intent of this Resolution.

17
18 **NOW, THEREFORE, BE IT RESOLVED:** the Eau Claire County Board of Supervisors
19 hereby confirms and ratifies the authority of:

- 20
21 1. The Law Firms to file appropriate pleadings in MDL 2804 or appropriate federal
22 or state court proceedings to add additional parties, including but not limited to the
23 entitles listed on Exhibit A as defendants.
24
25 2. The Corporation Counsel, Board Chair, County Administrator or other authorized
26 official to execute and deliver any and all other and further documents necessary to
27 effectuate the intent of this Resolution.
28

29 **BE IT FURTHER RESOLVED** that all actions heretofore taken by the Eau Claire County
30 Board of Supervisors and other appropriate public officers and agents of the Eau Claire County
31 with respect to the matters contemplated under this Resolution are hereby ratified, confirmed, and
32 approved.
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**Exhibit A – Non-Inclusive List of Potential Defendants
(Including all Related Entities of Each Listed)**

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- 3
- 4 Abbot Laboratories, Inc.
- 5 Albertsons LLC
- 6 Allergan, Inc.
- 7 Alvogen, Inc.
- 8 Amerisource Bergen
- 9 Amneal Pharmaceuticals, Inc.
- 10 Associated Pharmacies, Inc.
- 11 Auburn Pharmaceuticals
- 12 Aurolife Pharma LLC
- 13 Baker, Stuart
- 14 Cardinal Health
- 15 Costco Wholesale Corporation
- 16 CVS Health Corporation
- 17 Dakota Drug, Inc.
- 18 Discount Drug Mart
- 19 Eckerd Corp.
- 20 Eveready Wholesale Drugs
- 21 Express Scripts Inc.
- 22 Henry Shein, Inc.
- 23 Hy-Vee, Inc.
- 24 Indivior Inc.
- 25 Janssen Pharmaceuticals
- 26 K-VA-T/Ahold Delhaize
- 27 KVK-Tec, Inc.
- 28 Louisiana Wholesale Drug Co., Inc.
- 29 Lupin Pharmaceuticals, Inc.
- 30 McKesson
- 31 Miami-Luken, Inc.
- 32 Morris & Dickson Co., LLC
- 33 Mylan Pharmaceuticals, Inc.
- 34 North Carolina Mutual Wholesale Drug Co.
- 35 Omnicare Distribution Center
- 36 OptumRx, Inc.
- 37 Pharmacy Buying Association Inc.
- 38 Prescription Supply, Inc.
- 39 Publix Super Markets, Inc.
- 40 Purdue Pharma
- 41 Raymond Sacker Trust
- 42 RiteAid of Maryland, Inc.
- 43 Sacker, Kathe A.
- 44 Sacker, Richard S.

- 1 Sackler Defendants
- 2 Sackler Lefcourt, Ilene
- 3 Sackler, Beverly
- 4 Sackler, David A.
- 5 Sackler, Mortimer D.A.
- 6 Sackler, Theresa
- 7 Sandoz, Inc.
- 8 Smith Drug Company
- 9 Smith's Food & Drug Centers, Inc.
- 10 Sun Pharmaceutical
- 11 Supervalu, Inc. d/b/a Advantage Logistics
- 12 Target Corporation
- 13 Teva Pharmaceuticals
- 14 The Kroger Co.
- 15 Thrifty Payless, Inc.
- 16 Top Rx, Inc.
- 17 Tris Pharma, Inc.
- 18 Walgreens Boots Alliance
- 19 Walmart Inc.
- 20 Warner Chilcott Company, LLC
- 21 West-Ward Pharmaceuticals Corp. n/k/a Hikma Pharmaceuticals, Inc.
- 22 Winn-Dixie
- 23 Zydus Pharmaceuticals (USA), Inc.

24
25 ADOPTED:

26
27
28 **Committee on Administration**

29		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
30	Nancy Coffey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31	Connie Russell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32	Gerald Wilkie	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33	Steve Chilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34	Katherine Schneider	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35 Dated this _____ day of _____, 2025.

36 ATTEST:

37 _____
38 Sharon McIlquham – Interim County Administrator/Corporation Counsel

1 **Committee on Finance & Budget**

2		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
3	Jim Dunning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Stella Pagonis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Jim Schumacher	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Bob Swanson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Dane Zook	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8 Dated this _____ day of _____, 2025.

9 ATTEST:

10 _____
11 Sharon McIlquham – Interim County Administrator/Corporation Counsel

12
13 Resolution 25-26/039

APPROVED
By Jason Szymanski at 12:31 pm, Jul 11, 2025

APPROVED
By Sharon McIlquham at 1:36 pm, Jul 11, 2025