

Minutes of the Grant County Fiscal Court October 29, 2019

The Grant County Fiscal Court met in Special Session on Tuesday, October 29, 2019, at 3:00 P.M. at the Grant County Courthouse in Williamstown, Kentucky. Those in attendance were The Honorable Judge/Executive Chuck Dills presiding, Magistrate Jacquelyn Riley, and Magistrate Roger Humphrey. Magistrate Coldiron was out of town and unable to attend. Pete Whaley Assistant Grant County Attorney and Pat Conrad, Grant County Fiscal Court clerk were also present.

The guest were in attendance was Mike Webster, Grant County Jailer, and Attorney David Guarnieri with the law firm of McBrayer PLLC .

CALL TO ORDER:

Judge/Executive Chuck Dills called the meeting to order.

Judge/Executive Chuck Dills directed the clerk to call the roll, whereupon all members of the court were present.

Judge/Executive Chuck Dills presented for review and a motion to approve Resolution No. 2019-16, regarding the opioid crisis in the United States and the State of Kentucky. Attorney David Guarnieri with McBrayer PLLC explained the issue of litigation for costs associated with the opioid crisis for the various entities that are involved in the litigation against those companies and entities that have been involved in perpetuating the use of opioids.

Motion of Magistrate Riley, seconded by Magistrate Humphrey, to approve Resolution No. 2019-16 regarding the opioid crisis in the United States, and the State of Kentucky.

Judge/Executive Chuck Dills called for discussion and there being none all members present voted in the affirmative.

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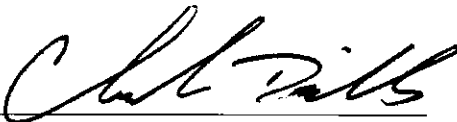
Judge/Executive Chuck Dills presented a motion to approve the retention agreement between the Grant County Fiscal Court and the law firm of McBrayer PLLC for opioid litigation for the county of Grant, Kentucky.

Motion of Magistrate Coldiron, seconded by Magistrate Riley to approve the retention agreement between the Grant County Fiscal Court and the law firm of McBrayer PLLC for opioid litigation for the county of Grant, Kentucky, and to grant permission for Judge/Executive Chuck Dills to sign the retention agreement on behalf of the Grant County Fiscal Court.

Judge/Executive Chuck Dills called for discussion and there being none all members present voted in the affirmative.

Judge/Executive Chuck Dills reminded the court that the next meeting of this body will be held on Monday, November 4, 2019. The meeting will be held at the Grant County Courthouse at 6:30 P.M.

Motion to adjourn was made by Magistrate Riley, and seconded by Magistrate Humphrey. All members present voted to adjourn.


Grant County Judge/Executive
Chuck Dills

RETENTION AGREEMENT FOR OPIOID LITIGATION

WHEREAS, the undersigned has determined that claims should be made against AmerisourceBergen Corp., McKesson Corp., Cardinal Health 110, LLC, Cardinal Health, Inc., Cardinal Health 105, Inc, Cardinal Health 108, LLC, Cardinal Health 112, LLC, Cardinal Health 414, LLC, The Harvard Drug Group, LLC, Purdue Pharma, L.P., Purdue Pharma, Inc., The Purdue Frederick Company, Inc., Teva Pharmaceutical Industries USA, Ltd., Cephalon, Inc., Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc., Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc., Endo Health Solutions Inc., Endo Pharmaceuticals, Inc., Allergan , PLC f/k/a Actavis, PLC, Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc., Watson Laboratories, Inc., Actavis, LLC, Actavis Pharma, Inc. f/k/a Watson Pharma, Inc., and other similar pharmaceutical companies (hereinafter "Pharmaceutical Companies") which have engaged in violations of Medicaid Fraud Control Act and other violations of law in the fraudulent marketing and sales of certain highly addictive, opiate-derived painkillers for purposes for which they are neither safe nor effective; and

WHEREAS, the undersigned has determined that the investigation, research, and litigation of the claims may require the expenditure of large sums of money and require the work of numerous lawyers, paralegals, and others who are familiar with the Pharmaceutical Companies' wrongful actions and/or inactions and related issues for an extended period of time; and,

WHEREAS, the undersigned has further determined that it is in the best interests of this governmental entity and its citizens that it authorizes Jaron P. Blandford, David J. Guarnieri, Jason R. Hollon, and McBrayer PLLC (the "Law Firm") to represent it in such litigation and to associate other counsel, if needed, to proceed with the claims against the Pharmaceutical Companies.

IT IS, ACCORDINGLY, AGREED as follows:

1. The undersigned hereby retains Jaron P. Blandford, David J. Guarnieri, Jason R. Hollon, and the Law Firm, who are hereby designated to investigate, research, and prepare claims or complaint(s) for the undersigned to file in any appropriate Court or before any appropriate governmental agency.

2. The undersigned does not relinquish its authority or responsibility through this Retention Agreement. It has the sole authority to settle this litigation on behalf of the County and its citizens, and the Law Firm shall apprise it of all settlement offers. The Law Firm shall consult with the County Judge Executive or his designee, and obtain his approval on all material matters pertinent to the claims and any litigation arising therefrom; including whether and how to proceed with litigation, which claims to advance, what relief to seek, and whether and on what terms to settle. The undersigned and the Law Firm both recognize that the claims present numerous factual and legal obstacles and that no assurance of success on the claims has or can be made.

3. The Law Firm has agreed to represent the undersigned, and the undersigned hereby agrees that the Law Firm will be compensated for any monies recovered by it on the following basis:

a. Recovery of Attorneys' Fees: The undersigned may request that the Court, to the extent permitted by applicable law, award it and the Law Firm reasonable attorneys' fees.

b. In addition, the Law Firm will be entitled to compensation that, along with any award of attorneys' fees, shall not exceed thirty percent (30%) of the total amount recovered.

c. All reasonable and necessary costs of litigation including, but not limited to, court costs, travel, witness fees, consultants, accounting, and expert fees and expenses, as shall be approved by the undersigned, shall be borne entirely by the Law Firm, but shall be reimbursed from any gross recoveries from the pursuit of the claims.

d. The Law Firm shall receive no compensation or reimbursement other than set out above, and all within conformity of law. In the event that no recovery is realized, the Law Firm shall receive no compensation or reimbursement.

4. With the approval of the undersigned, the Law Firm may associate other attorneys at its own expense and at no cost to the undersigned. Notwithstanding such association of other attorneys, this Retention Agreement is non-assignable and non-transferable, nor are the Law Firm's commitments delegable without the express, written approval of the undersigned.

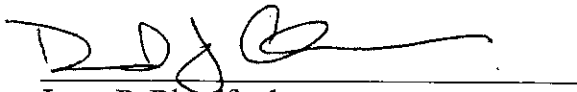
Dated this 29th day of October, 2019.

GRANT COUNTY FISCAL COURT


Grant County Judge Executive

ACCEPTED BY:

MCBRAYER PLLC


Jaron P. Blandford
David J. Guarnieri
Jason R. Hollon

4842-2730-0522, v. 1

RESOLUTION NO. 2019-16

RESOLUTION REGARDING OPIOID CRISIS

WHEREAS, the United States and the several States, including Kentucky, are experiencing, in the words of the Center for Disease Control and Prevention, an opioid-induced “public health epidemic,” and;

WHEREAS, on October 26, 2017, the President of the United States declared the opioid crisis to be a “public health emergency,” and;

WHEREAS, 91 Americans die every day from an opioid overdose, with more than 15,000 deaths involving prescription opioids alone in 2015, and;

WHEREAS, a Kentucky Health Poll found that 33% of Kentucky residents have a prescription opioid addiction, and;

WHEREAS, Kentucky ranks far higher than the national average for ER utilization for opioid related issues as well as for opioid related inpatient admissions, and;

WHEREAS, statistics maintained by the Center for Disease Control indicate that Kentucky has a prescription rate of more than 125 painkillers per 100 individuals, and;

WHEREAS, various statistics maintained by the Commonwealth of Kentucky, Cabinet for Health and Family Services, Office of Inspector General, and others, indicate that Grant County has a significant opioid addiction issue and;

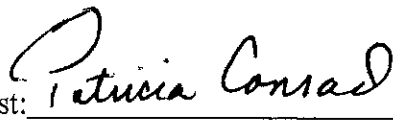
WHEREAS, governments (including federal, state and local) have born substantial financial and societal burden related to this crisis and epidemic and will incur costs for this nuisance for years to come into the foreseeable future, and;

WHEREAS, certain manufacturers and distributors knowing of the serious risks and adverse outcomes related to the use of their products, including their highly addictive nature, nevertheless did purposefully set out to persuade providers, regulators and patients that their products were safe and effective; and;

NOW THEREFORE, BE IT RESOLVED, that the Grant County Fiscal Court finds and declares that there exists a public nuisance related to such products and that the Grant County Fiscal Court shall pursue such legal action as is available against such manufacturers, distributors and others as are necessary, either by itself or in concert with others, and to the full extent available under the law.

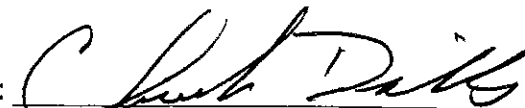
IT IS SO RESOLVED, this 29th day of October, 2019.

Attest:



Patricia (Pat) Conrad,
Grant County Fiscal Court Clerk

By:



Chuck Dills
Grant County Judge/Executive