

1 RESOLUTION NO. 2019-468

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3 SPONSOR Ms. Shapiro

4
5 DATE December 9, 2019 COMMITTEE Rules

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7 **A Resolution authorizing the County Executive to pay the law firms that represent the**
8 **County in litigation titled In re: National Prescription Opiate Litigation, Case No. 1:17-**
9 **MD-2804, before Judge Dan Polster in the United States District Court, Northern District**
10 **of Ohio, attorney fees and any costs of litigation for the Executive's Department of Law**
11 **and Risk Management, and declaring an emergency.**

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13 WHEREAS, in the litigation titled In re: National Prescription Opiate Litigation, Case
14 No. 1:17-MD-2804 (the "Multi-District Litigation"), before Judge Dan Polster in the United
15 States District Court, Northern District of Ohio, the following law firms have been retained by
16 the County to represent it: Motley Rice, LLC; Nealon & Associates, P.C.; Raffaelli & Prazak,
17 Attorneys at Law; and Brennan, Manna & Diamond, LLC; and

18
19 WHEREAS Resolution No. 2019-332, as amended by Resolution No. 2019-361,
20 authorizes the County Executive to settle any or all claims, and to execute any corresponding
21 documents, in the Multi-District Litigation which are necessary to effectuate a resolution; and

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23 WHEREAS, it is necessary to pay said law firms, fees and the costs of litigation in
24 accordance with the agreement for representation, from the proceeds of current settlements and
25 any future recovery by trial or settlement; and

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27 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
28 that it is necessary and in the best interest of the County to authorize the County Executive to pay
29 the aforementioned fees and costs of litigation, in accordance with the agreement for
30 representation, from the proceeds of current settlements and any future recovery by trial or
31 settlement.

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33 NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of Summit,
34 State of Ohio, that:

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36 SECTION 1

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38 The County Executive is hereby authorized to pay to pay fees and costs of litigation, in
39 accordance with the agreement for representation, from the proceeds of current settlements and
40 any future recovery by trial or settlement on its claims in the Multi-District Litigation, before
41 Judge Dan Polster in the United States District Court, Northern District of Ohio . The Executive
42 is further authorized to execute any necessary documents to effectuate said payment.

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44 SECTION 2

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46 This Resolution is hereby declared an emergency in the interest of the health, safety and
47 welfare of the residents of the County of Summit and for the further reason to immediately
48 authorize payment to be made to the law firms that represented the County in the Multi-District
49 Litigation.

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2 PAGE TWO

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4 SECTION 3

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6 Provided this Resolution receives the affirmative vote of eight members, it shall take
7 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
8 effect and be in force at the earliest time provided by law.
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10 SECTION 4

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12 It is found and determined that all formal actions of this Council concerning and relating to the
13 adoption of this Resolution were adopted in an open meeting of this Council, and that all
14 deliberations of this Council and of any of its committees that resulted in such formal action,
15 were in meetings open to the public, in compliance with all legal requirements, including Section
16 121.22 of the Ohio Revised Code.
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19 INTRODUCED December 2, 2019

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21 ADOPTED December 9, 2019

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24 _____
25 CLERK OF COUNCIL

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29 PRESIDENT OF COUNCIL

30 APPROVED December 10, 2019

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EXECUTIVE

ENACTED EFFECTIVE December 10, 2019

Voice Vote: YES - 10-0 Dickinson, Donofrio, Feeman, Koehler,
McKenney, Prentice, Rodgers, Schmidt, Walters, Wilhite