

RESOLUTION NO. 2018-040

A RESOLUTION OF THE BALDWIN COUNTY COMMISSION APPROVING THE FILING OF CIVIL COMPLAINT AGAINST MANUFACTURERS AND DISTRIBUTORS OF PRESCRIPTION OPIOIDS.

WHEREAS, there exists a serious public health and safety crisis in this County involving opioid abuse, addiction, morbidity, and mortality;

WHEREAS, the Baldwin County Commission has the authority to take action to protect the public welfare of the citizens of this County;

WHEREAS, the Baldwin County Commission have duly considered the litigation filed by other counties against the manufacturers and wholesale distributors of prescription opioids;

WHEREAS, the Baldwin County Commission believes it is in the best interest of the citizens of this County to pursue similar litigation;

WHEREAS, Peter J. Mougey, an attorney licensed to practice in Alabama, has designed a plan to investigate, pursue civil litigation and hold responsible those in the chain of distribution of prescription opioids responsible for the public health and safety crisis;

WHEREAS, the Baldwin County Commission has conferred with counsel regarding the potential civil liability of those in the chain of distribution of prescription opioids which caused or contributed to the opioid epidemic plaguing our community;

WHEREAS, the Baldwin County Commission has considered the terms of the Engagement to Represent necessary to retain counsel;

WHEREAS, the retention of counsel is necessary and desirable given the expertise required to prosecute this complex case against the manufacturers and wholesale distributors. The citizens of this County will benefit from the retention of counsel on a contingent fee basis. There is no fee if there is no recovery. There is no reimbursement of litigation expenses if there is no recovery. Such counsel shall not exercise any administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the state or any political subdivision, or execution of public trusts. The Baldwin County Commission shall retain the authority to decide the disposition of the case and maintain absolute control of the litigation.

NOW, THEREFORE, BE IT RESOLVED, the Baldwin County Commission hereby authorizes the employment of Peter J. Mougey and the attorneys listed in the Engagement to Represent to assist the Baldwin County Commission in the pursuit of civil litigation to abate or cause to be abated the public nuisance of opioid abuse, addiction, morbidity and mortality caused by the manufacturers and wholesale distributors of prescription opioids on a contingent fee basis.

FURTHER, that the Baldwin County Commission hereby approves the filing of a civil action and directs counsel to perform all due diligence and take appropriate action against all

manufacturers and wholesale distributors legally responsible for causing or contributing to the opioid epidemic plaguing our community.

THIS RESOLUTION shall become effective immediately upon passage.

BALDWIN COUNTY, ALABAMA,

acting by and through the Baldwin County
Commission, its governing body

By: 
Frank Burt, Jr., Chairman

By: 
T. Christopher Elliott, Commissioner

By: 
J. Tucker Dorsey, Commissioner

By: 
Charles F. Gruber, Commissioner

ATTEST:


Ronald J. Cink, County Administrator

