

Resolution 1113-18 – Opioid Law Suit

A RESOLUTION OF THE COMMISSIONERS FOR THE TOWN OF BEL AIR, MARYLAND, PURSUANT TO THE MARYLAND CONSTITUTION, ARTICLE XI-E, THE ANNOTATED CODE OF MARYLAND, SECTION 4-103, AND THE TOWN CHARTER, ARTICLE III, SECTION 308, and Article IV, Section 401 (15), TO AUTHORIZE THE RETENTION OF SPECIAL COUNSEL FOR THE PURPOSE OF FILING A LAWSUIT AGAINST OPIOID MANUFACTURERS AND/OR DISTRIBUTORS

Whereas, the Commissioners for the Town of Bel Air are aware of problems in the community related to and associated with the epidemic of opioid addiction, abuse and overdoses based on police reports, first responders' reports, medical reports, personal knowledge, and/or ongoing media coverage; and

Whereas, the opioid addiction epidemic constitutes a continuing and increasing health problem of crisis proportions which negatively affects the health, safety and welfare of the citizens of the Town of Bel Air and their families, and significantly disturbs the peace and good order of the Town of Bel Air, and jeopardizes the protection and preservation of the Town's property; and

Whereas, opioid abuse, addiction and overdoses are increasing and placing heightened demand for and strain on local services to include, but not limited to, elevated number of citizens' visits to the nearby hospital emergency room, addiction treatment services, the Bel Air Police Department, and the Bel Air Volunteer Fire Company; and

Whereas, the Commissioners recognize that the opioid addiction crisis is being addressed by programs and processes through various branches of government, businesses, and community groups and organizations, to include increased police training and apprehension of offenders, improved court proceedings, programs and outcomes, community-based awareness programs, education, family interventions, and addiction treatment programs; and

Whereas several counties in the State of Maryland, including Harford County, and several municipalities in the State of Maryland, have filed or are preparing to file lawsuits against various opioid manufacturers and /or distributors in the hope of reducing the availability and over-prescribing of opioid drugs which lead to citizens' addictions, drug dependency and possibility of overdoses; and

Whereas, the various county and municipal lawsuits have or may become part of the multi-district litigation pending in the United States District Court for the Northern District of Ohio, which, according to recent news reports, coordinates approximately 400 lawsuits across the nation; and

Whereas the cities of Aberdeen and Havre de Grace, and Harford County, are also experiencing the negative effects of the opioid addiction crisis; and

Whereas, the Town of Bel Air believes certain synergies and economics of scale can be obtained by a coordinated approach with the City of Havre de Grace and/or other municipalities and jurisdictions by retaining special counsel to represent them as a coalition in a similar lawsuit against certain opioid manufacturers and/or distributors; and

Whereas, the Town of Bel Air desires to retain special counsel to pursue such litigation on a contingent fee basis such that legal fees and expenses will be paid out of monetary recovery, but if there is not monetary recovery, the Town will not be responsible for any fees and expenses; and

Whereas the law firms of Motley Rice, LLC; Fears/ Nachawati Law Firm, PLLC; Law Office of Ferrer, Poirot & Wansbrough; The Kane Law Group; and McNamee Hosea already represent several counties in Maryland in connection with the opioid litigation and are willing to represent the Town of Bel Air on a contingent fee basis as set forth above, and as provided in the retainer fee agreement;

NOW, THEREFORE, be it decided and determined and resolved that

The Commissioners for the Town of Bel Air are authorized to enter into a contingency fee retainer agreement to retain the law firms of Motley Rice, LLC; Fears/Nachawati Law Firm, PLLC; Law Office of Ferrer, Poirot & Wansbrough; The Kane Law Group; and McNamee Hosea as special counsel to pursue the opioid litigation.

And be it further resolved by the Bel Air Board of Town Commissioners that this resolution shall become effective upon the date of its passage.

AYES:

NAYES:

ABSENT:

Susan Burdette, Chair
Board of Town Commissioners

Michael Krantz, Town Clerk