

STATE OF TEXAS  
COUNTY OF UPSHUR

FILED  
TERRI ROSS  
COUNTY CLERK  
2017 SEP 29 AM 11:05  
UPSHUR COUNTY, TX.  
DEPUTY

**Consider and take action to approve Resolution for approval of bringing suit on behalf of Upshur County, Texas, vs. various drug manufactures, developers, suppliers and others of a class of pharmaceutical drugs commonly referred to as opioids and approval of Professional Services Agreement for Special Counsel.**

WHEREAS, it reasonably appears from public information that there exists in Upshur County an epidemic of opioid drug abuse created and/or fueled by misconduct of opioid manufacturers and distributors in their improper promotion and over-supply of those drugs, thus creating a public nuisance within Upshur County; and

WHEREAS, Upshur County is empowered by law to seek recompense for its expenditures to combat public nuisance; and

WHEREAS, enforcement of the law regarding public nuisance requires Upshur County to institute civil legal proceedings requiring legal services, and the Upshur County Commissioners Court finds as follows:

- (1) there is a substantial need for the legal services;
- (2) the legal services cannot be adequately performed by the attorneys and supporting personnel of Upshur County or by the attorneys and supporting personnel of another governmental entity; and
- (3) the legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which the services will be obtained and because Upshur County does not have appropriated funds available to pay the estimated amounts required under a contract providing only for the payment of hourly fees; and

WHEREAS, Upshur County is empowered to employ Special Counsel to prosecute lawful reimbursement of monies spent by Upshur County to combat the opioid epidemic in Upshur County and has selected the legal team of Simon Greenstone Panatier Bartlett, P.C., and Martin Walker, P.C, and Tefeller Law PLLC, to serve as Special Counsel.

THEREFORE, BE IT HEREBY RESOLVED that:

- 1. The Commissioner's Court approves Resolution to bring suit on behalf of Upshur County, Texas, versus various drug manufactures, developers, suppliers and others of a class of

pharmaceutical class of drugs commonly referred to as opioids and approval of Professional Services Agreement for Special Counsel.

2. The Commissioners Court selects the legal team of Simon Greenstone Panatier Bartlett, P.C., and Martin Walker, P.C, and Tefteller Law PLLC to serve as Special Counsel and approves and adopts the terms and conditions of employment of such counsel as set out in the attached Professional Services Agreement. Special Counsel will work under the oversight and approval of the Upshur County District Attorney or his designee.

3. The Commissioners Court authorizes the District Attorney or his designee and Special Counsel to file such claims and litigation as Special Counsel deems necessary against various drug manufactures, developers, suppliers and others of a class of pharmaceutical class of drugs commonly referred to as opioids

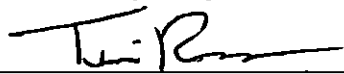
4. The Upshur County Judge or his designee is authorized to execute on behalf of Upshur County an agreement with Special Counsel (hereinafter the "Agreement") containing terms and provisions substantially similar to those contained in the attached agreement because the Court finds that there is a substantial need for the legal services of Special Counsel which cannot adequately be performed by attorneys and supporting personnel of Upshur County or another public agency, nor can the legal services reasonably be obtained from attorneys in private practice under a contract providing only for payment of hourly fees without regard to the outcome of the matter because of the nature of the representation.


5. All fees to be paid to Special Counsel are contingent upon the recovery of the penalties, attorneys' fees and costs as provided for in the Agreement and shall be paid only from such recovery and no money shall be due or paid from the General Fund or any special fund under the Agreement.

6. All Upshur County officials and employees are authorized to do any and all things necessary or convenient to accomplish the purposes of this order.

THIS RESOLUTION WAS ADOPTED this 29 day of SEPTEMBER, 2017, by Commissioners' Court of Upshur County, Texas.

  
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Dean Fowler, County Judge

Attested:   
\_\_\_\_\_  
County Clerk

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