

STATE OF TEXAS

COUNTY OF PANOLA

Consider and take action to approve Resolution for approval of bringing suit on behalf of Panola County, Texas, vs. various drug manufacturers, 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.

WHEREAS, it reasonably appears from public information that there exists in Panola 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 Panola County; and

WHEREAS, Panola 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 Panola County to institute civil legal proceedings requiring legal services, and the Panola 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 Panola 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 Panola 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, Panola County is empowered to employ Special Counsel to prosecute lawful reimbursement of monies spent by Panola County to combat the opioid epidemic in Panola County and has selected the legal team of Simon Greenstone Panatier Bartlett, P C., Martin Walker, P C., Love Law Firm, P C., and Adkison Law Firm to serve as Special Counsel

THEREFORE, BE IT HEREBY RESOLVED that:

1 The Commissioner's Court approves Resolution to bring suit on behalf of Panola County, Texas, versus various drug manufacturers, 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., Martin Walker, P.C., Love Law Firm, P.C., and Adkison Law Firm 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 Panola County Judge or her designee.

3 The Commissioners Court authorizes the County Judge or her 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 Panola County Judge or her designee is authorized to execute on behalf of Panola 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 Panola 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 Panola 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 14th day of November, 2017, by Commissioners' Court of Panola County, Texas.

Kee Ann Jones
County Judge

Attested: Ballice Allen
County Clerk

