

**RESOLUTION NO. 2019-13**

**VILLAGE OF YORKVILLE  
RACINE COUNTY, WISCONSIN**

**A RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF YORKVILLE TO  
RETAIN THE LAW FIRM OF PHIPPS, DEACON, PURNELL, PLLC, AS OUTSIDE  
COUNSEL TO HANDLE OPIOID-RELATED CLAIMS ASSERTED BY THE VILLAGE  
IN STATE COURT**

**THE VILLAGE BOARD OF THE VILLAGE OF YORKVILLE, RACINE COUNTY,  
WISCONSIN, RESOLVES AS FOLLOWS:**

**WHEREAS**, an opioid epidemic has swept the nation in recent decades and has affected millions of Americans, including citizens of the Village of Yorkville, and

**WHEREAS**, lawsuits have been filed by municipalities, counties, and states in both state and federal court to attempt to recover the costs of this epidemic from the manufacturers and distributors of opioids, which, allegedly, by their actions, caused the opioid epidemic, and

**WHEREAS**, Village staff, the Union Grove-Yorkville Fire Department, and the Village Attorney's office have reviewed options for asserting claims for the costs that the Village has incurred as a result of the opioid epidemic, and those costs warrant potential litigation against opioid manufacturers and distributors to ensure the Village is properly compensated, and

**WHEREAS**, Village staff and the Village Attorney's office have met with representatives of Phipps, Deacon, Purnell, PLLC, regarding this litigation and its impact on the Village, and

**WHEREAS**, the firm of Phipps, Deacon, Purnell, PLLC, has extensive experience representing municipalities and counties throughout the country in opioid-related state and federal court proceedings, and

**WHEREAS**, multiple municipalities throughout Racine and southeastern Wisconsin have retained Phipps, Deacon, Purnell, PLLC, to pursue claims against opioid manufacturers and distributors, and

**WHEREAS**, the firm of Phipps, Deacon, Purnell, PLLC, shall represent the Village of Yorkville in regard to potential opioid litigation in either state or federal court, and the firm has agreed to represent the Village for a contingent fee of 35%, and the Village shall not be responsible for litigation fees and costs associated with such representation, and

**WHEREAS**, Phipps, Deacon, Purnell, PLLC, has advised that the Village should opt out of the Negotiation Class created by the Order of the United States District Court for

the Northern District of Ohio in order to preserve the ability of the Village to pursue and negotiate its own claim and settlement with the assistance of Phipps, Deacon, Purnell, PLLC.

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board of the Village of Yorkville approves the selection of Phipps, Deacon, Purnell, PLLC, as outside counsel in regard to potential opioid litigation and authorizes the Village Clerk-Treasurer to execute a contract consistent with this resolution, and

**BE IT FURTHER RESOLVED**, that the Village Clerk-Treasurer shall file the opt-out form after retention of Phipps, Deacon, Purnell, PLLC, but prior to November 22, 2019.

This Resolution was adopted by the Yorkville Village Board on November 11, 2019.

Ayes: 5

Nays: Ø

Abstentions: Ø

Absences: Ø

**VILLAGE OF YORKVILLE**

By:   
Douglas Nelson, President

Attest:   
Michael McKinney, Clerk-Treasurer