

Wisconsin Counties Association: Landmark opioid settlement proposal a milestone in battle against drug epidemic

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The Wisconsin Counties Association (WCA) announced today a milestone moment in the county effort to battle the opioid epidemic – the county, state, and other local government litigants have reached a tentative nationwide settlement with drug maker Johnson & Johnson and wholesale distributors, McKesson Corp., Cardinal Health and AmerisourceBergen.

Wisconsin counties played an integral role in producing this momentous settlement, having coordinated their efforts and filed some of the first lawsuits in the country in 2017. To date, all but one of Wisconsin's 71 counties have filed suit. Thousands of local county and city governments across the United States have since joined the litigation effort.

Erin Dickinson of Crueger Dickinson represents 67 of the Wisconsin counties and is a member of the Executive Committee comprised of representative lawyers leading the nationwide litigation. "This tentative settlement is a very important step in bringing resolution to the litigation surrounding an epidemic that has had a devastating impact on our county clients both in Wisconsin and across the nation."

Burton LeBlanc of Baron and Budd, who represents Milwaukee, Waukesha, Walworth and Dane Counties, together with many other governmental entities across the

country echoed the sentiment, stating “It has been a long fight and there is still work to do, but we are excited to finalize the agreement with this group of defendants and get dollars flowing to counties to help the people in dire need of help.”

The proposed \$26 billion nationwide settlement follows hard-fought negotiations between representatives for state and local governments and the four defendants. In addition to the monetary payments, the defendants have agreed to fundamental changes in their business practices to help abate the epidemic and make sure it does not happen again.

Before becoming final, the nationwide tentative settlement agreement must meet the approval of two groups. First, states have 30 days to decide whether to participate in the settlement. If enough states agree, then counties and cities have the opportunity to accept the terms. A critical mass of state and local governments must agree to the terms before funds are released to the communities that have been impacted by the epidemic.

WCA Board Chairman and Wood County Board Chair, Lance Pliml, stated he “fully expects the Attorneys General to do their part in supporting the settlement so that much needed funds start to flow into the State of Wisconsin.” Once the Attorneys General approve, Pliml is “confident the deal we fought so hard to get meets with county approval.”

Milwaukee County Corporation Counsel Margaret Daun, who has also played a prominent role on the national litigation stage, remarked, “As I’ve said from the get-go, the people of Milwaukee County have been hit incredibly hard by the epidemic – we are losing lives and families are being destroyed. Real accountability is finally starting to happen. We are very excited to see money start flowing into the County so we can begin the process of abatement and rehabilitation.”

Wisconsin leads the country in establishing the framework to ensure full participation in any settlement like this, having been just one of a few states to successfully adopt legislation detailing how to allocate settlement proceeds between the state and local

governments.

The legislation, introduced and spearheaded by Senator Patrick Testin and Representative Jon Plumer, was signed into law by Governor Tony Evers on July 1, 2021.

“Legislative leadership was critical in this effort,” said Wisconsin Counties Association (WCA) Executive Director Mark D. O’Connell. “The vision and foresight of Speaker Robin Vos and Majority Leader Devin LeMahieu, coupled with the support of the Administration, resulted in Wisconsin adopting a historic piece of legislation that will help get resources to communities quickly. We applaud our legislative leadership in achieving a measure that will save lives and provide much needed relief to our communities and thank Governor Evers for signing the bill into law.”

Andrew T. Phillips of von Briesen & Roper, s.c., WCA’s outside General Counsel, and attorney for 67 of the Wisconsin counties stated, “We hope the legislation will serve as a model for numerous other states who have yet to pass such necessary measures.”

Dickinson concluded “There is much more work to do on the settlement but I’m cautiously optimistic this step marks the conclusion of a significant phase of one of the most important pieces of litigation in U.S. history. Our firm is proud to have played a leadership role in that litigation and to support Wisconsin counties in their fight against the opioid epidemic.”

The Wisconsin Counties Association represents the interests of county governments at both the state and federal level and is located in Madison, Wisconsin.