

COUNTY COMMISSION RECORD, CAMDEN COUNTY, MISSOURI

THURSDAY 9/5/2019

The Camden County Commission met with Presiding Commissioner Greg Hasty, District #1 Commissioner Bev Thomas, and District #2 Commissioner Don Williams.

Meeting Agenda

Commissioner Thomas made a motion to approve today's agenda as posted. Commissioner Williams seconded the motion. The motion passed by vote: Commissioner Thomas (Yes), Commissioner Williams (Yes). Session opened at 10:10 A.M.

Prior Minutes

Commissioner Williams made a motion to approve September 4, 2019 minutes. Commissioner Thomas seconded the motion. The motion passed by vote: Commissioner Thomas (Yes), Commissioner Williams (Yes).

New Business

Resolution – Commissioner Hasty stated this was in response to President Donald Trump declaration of national emergency for the opioid crisis. Commissioner Thomas made a motion to approve the resolution regarding the opioid crisis. Commissioner Williams seconded the motion. The motion passed by vote: Commissioner Williams (Yes), Commissioner Thomas (Yes). Roll call vote taken. Commissioner Hasty (Yes), Commissioner Williams (Yes), Commissioner Thomas (Yes).

RESOLUTION DECLARING THAT THE UNLAWFUL DISTRIBUTION OF PRESCRIPTION CONTROLLED SUBSTANCES HAS CREATED A PUBLIC NUISANCE AND A SERIOUS PUBLIC HEALTH AND SAFETY CRISIS FOR THE CITIZENS OF CAMDEN COUNTY

WHEREAS, PRESIDENT DONALD TRUMP DECLARED ON OCTOBER 25, 2017, THAT THE OPIOID CRISIS IS A NATIONAL EMERGENCY. Stating, "IT IS A SERIOUS PROBLEM THE LIKES OF WHICH WE HAVE NEVER HAD."

WHEREAS, the County Commission of Camden County is the policy-determining body of Camden County; and

WHEREAS, the County Commission of Camden County is vested with authority under Mo. Rev. STAT. §192.300 and all those powers necessarily or fairly implied or the powers expressly granted therein as well as all powers essential to the declared objects and purposes of the county to enact this Resolution to enhance the public health; and

WHEREAS, the County Commission has the authority to take action to protect the public health, safety, and welfare of the citizens of Camden County; and

WHEREAS, there exists a serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality in Camden County; and

WHEREAS, the diversion of legally produced controlled substances into the illicit market causes or contributes to the serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality in Camden County; and

WHEREAS, the violation of any laws of Missouri or of the United States of America controlling the distribution of a controlled substance is inimical, harmful, and adverse of the public welfare of the citizens of Camden County and constitutes a public nuisance; and

WHEREAS, the County Commission of Camden County has the authority to abate, or cause to be abated, any public nuisance including those acts that significantly interfere with the public health, safety, and welfare of the citizens of Camden County; and

WHEREAS, Camden County expended, is expending, and will continue to expend in the future County public funds to respond to the serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality in Camden County; and

WHEREAS, the County Commission of Camden County may sue to obtain any money due the County; and

WHEREAS, the County Commission of Camden County has received information that indicates that the manufacturers and wholesale distributors of controlled substances in Camden County may have violated state and federal laws and regulation that were enacted to prevent the

diversion of legally produced controlled substances into the illicit market and to prevent the misuse of such drugs; and

WHEREAS, the County Commissioners of Camden County has an affirmative, statutory duty to take suitable and proper measures to prosecute a suit on behalf of the County:

Duty of County Commissioners of Camden County to prosecute and defend suit. It shall be the duty of the County Commissioners of each of the counties of this State to take and order suitable and proper measures for the prosecuting and defending of all suits to be brought by or against their respective counties, and all suits which it may become necessary to prosecute or defend to enforce the collection of all taxes charged on the state assessment; and

WHEREAS, there is a substantial need for the legal services; and

WHEREAS, the legal services cannot be adequately performed or provided solely by the attorneys and supporting personnel of the state governmental entity or by the attorneys and supporting personnel and another state governmental entity; and

WHEREAS, 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 the 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

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Camden County, Missouri:

SECTION I

That the County Commissioners hereby declares that opiate abuse, addiction, morbidity and mortality has created a serious public health and safety crisis in Camden County, Missouri and is a public nuisance; and

SECTION II

That the County Commissioners of Camden County, Missouri hereby authorizes to the extent necessary the law firms of Pleban & Petruska, LLC and Niemeier Grebel Kruse, LLC to represent the County, and attorney John Curvey of Carey Davis and Lowe, PC, where appropriate to investigate and represent, and if appropriate, pursue in state or federal court all civil remedies which may be afforded under law as against the manufacturers and distributors in the chain of distribution of controlled substances who have caused or contributed to the public nuisance and serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality

in the County of Camden, with the compensation therefore on a contingent fee basis, in concert with the contingent fee agreement that is designated as "Authority to Represent" and for which all members of the Commission of Camden County are authorized to execute the afore stated contingent fee agreement, the same of which is attached as Exhibit A and attached hereto and made a part hereof in its entirety.

SECTION III

That the County Commission of the County of Camden hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with all applicable legal requirements.

ADOPTED by roll call vote this 5 day of SEPTEMBER, 2019.

ATTEST:

CLERK

Presiding Commissioner

**PLEBAN | PETRUSKA
LAW L.L.C.**

CONTINGENCY FEE CONTRACT

Camden County, hereinafter referred to as "client", hereby employ Pleban & Petruska Law, LLC and Niemeier Grebel and Kruse, LLC ("Firms"), as my attorneys to represent me in filing including but not limited to filing legal actions, of client either individually or as representative of a class of similarly situated persons, in claims against any manufacturer, distributor, dispenser or provider of opioid or other addictive drugs, or an entity involved in the diversion or chain of distribution of opioid or other addictive drugs, including In Re: National Prescription Opiate Litigation, Case No. 1:17 MD 2804, pending in Ohio.

For professional services client agrees to pay to Firms 25% of all amounts collected before or after suit is filed, and 35% of all amounts collected after any party files a notice of appeal or after any party initiates an interlocutory appeal, or after any party files a petition seeking the issuance of an extraordinary writ whichever should occur earlier.

Firms shall have no obligation to file a lawsuit until and unless client and Firms mutually agree that a lawsuit should be filed. Should the client and Firms disagree regarding whether a lawsuit should be filed, Firms shall be entitled to 25% of any settlement offer then available or quantum meruit, whichever is greater, for its professional services provided plus reimbursement of all expenses incurred. Pleban & Petruska Law LLC shall have no obligation to file a notice of appeal until and unless client and Firms mutually agree that a notice of appeal should be filed.

Should the client and Firms disagree regarding whether a notice of appeal should be filed, Firms shall be entitled to 35% of any judgment entered, settlement offer then available, or quantum meruit, whichever is greater, for its professional services provided plus reimbursement of all expenses incurred. Client acknowledges and agrees that the decision whether to file a lawsuit cannot be made at this time and that the decision whether to file a notice of appeal cannot be made until after entry of judgment.

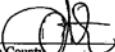
Contingency attorneys' fees shall be calculated on the basis of the gross amount recovered from whatever source without reduction for any litigation expenses (if any are advanced by Firms). Client shall be responsible for all litigation expenses, which include, but are not limited to, filing fees, court reporter fees, service fees, expert witness fees and expenses, consultant fees and expenses, copy costs, long distance telephone costs, fax, computer research charges, travel costs, and costs for medical records, as they come due. Client understands that it remains responsible for all litigation expenses incurred regardless of the outcome of the representation. Client agrees to pay all such litigation expenses incurred within thirty (30) days of my receipt of an itemized written request. Client understands and agrees that Firms will impose interest at the legal rate of 1.5% per month on all litigation expenses that are not paid/reimbursed within thirty (30) days of my receipt of a written request. Client further understands and agrees that failure to pay/reimburse litigation expenses in a timely manner constitutes good and sufficient cause for Firms to withdraw from this representation regardless whether any interest charges have been imposed. Should Firms withdraw from representation for reasons that include my failure to pay litigation expenses

in a timely manner, Firms shall be entitled to compensation for the value of the legal services provided up to the date of withdrawal.



Client will repay to Firms, within thirty (30) days after the conclusion of this representation, any other litigation expenses incurred on my behalf including, but not limited to, all sums borrowed from a bank or other lender together with all interest charged. If repayment in full of all litigation expenses incurred on my behalf is not made within thirty (30) days after the conclusion of this representation, I agree and acknowledge that I will be responsible for all court costs, expenses, and reasonable attorneys' fees incurred by Firms in pursuing recovery/repayment of any/all unpaid litigation expenses together with all interest charges that are not timely repaid.

Client hereby agrees to retrieve my file, and all of the contents of my file, at mutually convenient date and time, within sixty (60) days of the conclusion of this representation. Should Client not retrieve my file and all of its contents within that period, Client hereby authorizes Firms to dispose of my file and all of its contents in whatever manner they deem appropriate without need for any additional notice or approval.

Should there be any dispute concerning this Contingency Fee Contract, any term or provision of this Contingency Fee Contract, or the professional services provided by Firms to the client, to include, but not be limited to, any action to recover legal fees and/or expenses owed, and regardless of the court or other forum in which any such dispute is raised, pursued, or litigated, Firms, if it is the prevailing party, shall be entitled to recover from, and shall be entitled to an award and/or judgment in its favor and against client, for its reasonable attorneys' fees, litigation expenses, expert witness fees incurred. The sole and exclusive venue for any proceeding concerning any such dispute, to include, but not be limited to, any litigation, mediation, or arbitration to recover legal fees and/or expenses owed, shall be in St. Louis County, Missouri unless the client and Firms expressly agree to another venue in writing.


Camden County Date: 8-16-2018
By: Greg Hasty, Presiding Commissioner

Accepted in St. Louis County, Missouri by Firms:

By:  Date: 8-20-18
Nelson & Pappas Law, LLC
By:  Date: 8-20-18
Neugebauer Grebel and Kruse, LLC

Adjourn: With no further official business on the agenda: Commissioner Williams made a motion to adjourn to any unofficial business that may develop during the day. Commissioner Thomas seconded the motion. The motion passed by vote: Commissioner Thomas (Yes), and Commissioner Williams (Yes). Session closed at 10:14 A.M.

Ordered that the Commission adjourn until day Tuesday, September 10, 2019.

Greg Hasty, Presiding Commissioner

Melissa Peters Benefits Coordinator