

Office of School Board Attorney
Walter J. Harvey, Board Attorney

SUBJECT: NATIONAL PRESCRIPTION OPIATE LITIGATION

LINK TO STRATEGIC BLUEPRINT: EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES

At the School Board's January 16, 2019, regular Board meeting, the Board approved Agenda Item H-5 ("Exploration and Determination of Viability of Joinder in Prescription Opiate Litigation"), sponsored by Dr. Lawrence S. Feldman, Board member. Item H-5 requested that the School Board Attorney explore the feasibility of filing a lawsuit on behalf of the School Board and against the identified responsible defendants in the state court with the appropriate jurisdiction or by joining the national prescription opiate litigation in the appropriate Federal District Court and to update the Board with the relevant conclusions and recommendations.

After much research and multiple discussions with national and local counsel involved in the national opiate litigation, it is the School Board Attorney's recommendation that the Board file a lawsuit by joining the national opiate litigation to seek compensation for the financial impact on the school district in responding to the multitudinous effects of the national opioid epidemic. The claim would be filed as soon as practicable in the national prescription opiate litigation currently overseen by the United States District Court for the Northern District of Ohio, known as *In Re: National Prescription Opiate Litigation*, MDL 2804, Case No. 1:17-md-2804.

A consortium of law firms, which includes the firms of: Romano Law Group; Schochor, Federico & Staton, P.A.; the Law Offices of Daryl P. Jones, P.A.; Coffey Burlington; Joseph Geller, Esq.; Law Offices of Benedict P. Kuehne, P.A.; and Spangenberg, Shibley & Liber LLP. ("the Applicant Team"), would be contracted to spearhead the litigation. The contract for these legal services, which will be a contingency fee agreement, will further stipulate that the School Board will not be subject to any legal fees or litigation costs unless it recovers monetary compensation for its damages. Costs and expenses associated with this litigation will be paid by the Applicant Team with any reimbursement paid fully from any recovery.

RECOMMENDED: That the School Board of Miami-Dade County, Florida, authorize the School Board Attorney to secure outside legal counsel to represent and file a claim(s) on behalf of the School Board in the national opiate litigation that has been consolidated in the matter known as: *In Re: National Prescription Opiate Litigation*, MDL 2804, Case No. 1:17-md-2804, and to execute any necessary contracts to effectuate such legal representation in the manner described in this item.