

**ADDITIONAL MATERIAL
10:00 A.M. REGULAR MEETING**

JANUARY 23, 2018

SUBMITTED AT THE REQUEST OF

**OFFICE OF THE COUNTY
ATTORNEY**

MEMORANDUM

TO: Board of County Commissioners

FROM: Andrew J. Meyers, County Attorney 

DATE: January 18, 2018

RE: **Opioid Epidemic Litigation - Selection of Outside Counsel**
CAO File: 18-026.00

On January 11, I shortlisted four legal teams to potentially represent the County in the opioid epidemic litigation and stated that I would provide my ranking of those teams by January 19. My stated reason for the delay between shortlisting and ranking was to give each team an opportunity to both develop or enhance its local (Broward) presence and to broaden the diversity of the lawyers who would actively participate in the litigation.

Since January 11, the teams have changed as follows:

A. The following two teams have combined and now constitute one team:

Lieff Cabraser Heimann & Bernstein and Robbins Geller Rudman & Dowd LLP; and

Kopelowitz Ostrow Ferguson Weiselberg Gilbert; Morgan & Morgan; and Haliczzer Pettis & Schwamm.

B. The team of Motley Rice, LLC; Gelber Schachter & Greenberg, P.A.; and Colson Hicks Eidson has added the Law Office of Johnny L. McCray, Jr., PA. Mr. McCray is a Broward-based attorney.

C. The team of Simmons Hanly Conroy; Crueger Dickinson; and von Briesen & Roper, s.c., has added Kelley Uustal, a Broward-based firm, and specifically included named partners Robert Kelley and John Uustal.

Each of the three teams is formidable and would provide excellent representation to the County. Distinguishing among these teams for purposes of ranking was extremely difficult. As directed, I hereby rank the teams as follows:

First Ranked Team. Lief Cabraser Heimann & Bernstein; Robbins Geller Rudman & Dowd LLP; Kopelowitz Ostrow Ferguson Weiselberg Gilbert; Morgan & Morgan; and Haliczzer Pettis & Schwamm.

Second Ranked Team. Motley Rice, LLC; Gelber Schachter & Greenberg, P.A.; Colson Hicks Eidson; and Law Office of Johnny L. McCray, Jr., PA.

Third Ranked Team. Simmons Hanly Conroy; Crueger Dickinson; von Briesen & Roper, s.c.; and Kelley Uustal.

Attached please find a chart identifying the individual attorneys from each team who would be expected to actively participate in the litigation. The chart also identifies the leadership positions occupied by each team in the federal multidistrict litigation (it is very likely, but not a foregone conclusion, our case will wind up as part of the federal multidistrict litigation rather than be filed and remain in state court).

Each team will be given up to ten minutes on January 23 to present why it believes it should be retained to provide this representation. Team representatives will be available to answer any questions. Senior Assistant County Attorney Angela Benjamin and I are also available to answer any questions regarding the ranking or, more generally, this matter.

A one-way cone of silence is now in effect. Thus, you and your staff may initiate contact with the legal teams to seek information, but the legal teams (and anyone acting on their behalf) must continue to refrain from initiating contact with you or your staff regarding this matter. We will provide any contact information upon request.

AJM/gf
Attachment

c: Bertha Henry, County Administrator
Bob Melton, County Auditor

	<u>Outside Counsel Teams</u>	<u>MDL Leadership Role</u>	<u>Individual Team Members (based on team submittals)</u>		<u>Participation by Local (Broward) Firms</u>
1.	<p>Lieff Cabraser Heimann & Bernstein, LLP</p> <p>Robbins Geller Rudman & Dowd, LLP</p> <p>Kopelowitz Ostrow Ferguson Weiselberg Gilbert, PA</p> <p>Morgan & Morgan</p> <p>Haliczer, Pettis & Schwamm¹</p>	<ul style="list-style-type: none"> • Executive Committee² (Elizabeth Cabraser; Paul Geller; and James D. Young) 	<p>Lieff Cabraser:</p> <ul style="list-style-type: none"> • Elizabeth J. Cabraser • Richard M. Heimann • Steven E. Fineman • Mark P. Chalos • Paulina do Amaral • Lexi J. Hazam • Kenneth S. Byrd • John T. Spragens • Kelly McNabb <p>Morgan & Morgan:</p> <ul style="list-style-type: none"> • James D. Young • Greg Stumbo • John Yanchunis • Frank Petosa • Michael Goetz • Laura Yeager • Sarah Foster • Rebecca Lowrance • Marisa Glassman • Patrick Barthle • Keith Mitnik 	<p>Robbins Geller:</p> <ul style="list-style-type: none"> • Paul J. Geller • Patrick J. Coughlin • Shawn A. Williams • Mark J. Dearman • Aelish M. Baig • Rachel L. Jensen • Thomas E. Egler • Dorothy P. Antullis • Matthew S. Melamed <p>Kopelowitz Ostrow:</p> <ul style="list-style-type: none"> • Robert C. Gilbert • Scott Weiselberg • Avi Kaufman <p>Haliczer Pettis:</p> <ul style="list-style-type: none"> • Eugene K. Pettis • Jim Haliczer • Debra P. Klauber 	<p>Kopelowitz Ostrow, et al.</p> <p>Haliczer Pettis, et al.</p>

¹ Four teams were shortlisted. Two of the shortlisted teams have since combined to form this team.

² The MDL Plaintiffs' Executive Committee is comprised of 16 members.

	<u>Outside Counsel Teams</u>	<u>MDL Leadership Role</u>	<u>Individual Team Members (based on team submittals)</u>		<u>Participation by Local (Broward) Firms</u>
2.	<p>Motley Rice, LLC</p> <p>Gelber, Schachter & Greenberg</p> <p>Colson Hicks Eidson</p> <p>Law Office of Johnny L. McCray, Jr., PA</p>	<ul style="list-style-type: none"> • Co-Lead³ (Joseph Rice) 	<p>Motley Rice:</p> <ul style="list-style-type: none"> • Linda Singer • Joseph F. Rice • Mimi Liu • Elizabeth Smith • David Ackerman • David A. Benner • Jeffrey C. Nelson • Lisa M. Saltzburg <p>Law Office of Johnny L. McCray, Jr., PA:</p> <ul style="list-style-type: none"> • Johnny L. McCray, Jr. 	<p>Gelber Schachter:</p> <ul style="list-style-type: none"> • Dan Gelber • Gerald Greenberg • Adam Schachter • Freddy Funes • Jarred Reiling • Christian Montelione <p>Colson Hicks:</p> <ul style="list-style-type: none"> • Lewis S. "Mike" Eidson • Curtis Miner • Roberto Martinez • Julie Braman Kane • Latoya Brown • Stephanie Casey 	<p>Law Office of Johnny L. McCray, Jr., PA</p>
3.	<p>Simmons Hanly Conroy</p> <p>Crueger Dickinson</p> <p>von Briesen & Roper, s.c.</p> <p>Kelley/Uustal PLC</p>	<ul style="list-style-type: none"> • Co-Lead (Paul Hanly) <p>Executive Committee (Erin Dickinson)</p>	<p>Simmons Hanly:</p> <ul style="list-style-type: none"> • Paul J. Hanly, Jr. • Jayne Conroy <p>Kelley Uustal:</p> <ul style="list-style-type: none"> • Robert Kelley • John Uustal • Michael Hersh • Catherine Darlson 	<p>Crueger Dickinson:</p> <ul style="list-style-type: none"> • Charles Crueger • Erin Dickinson • Krista Baisch <p>von Briesen:</p> <ul style="list-style-type: none"> • Andrew Phillips 	<p>Kelley/Uustal PLC</p>

³ The Court appointed three attorneys to serve as Plaintiffs' co-lead counsel in the MDL proceedings.