

RESOLUTION NO. 18-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING THE LAW FIRMS OF HALICZER, PETTIS & SCHWAMM, P.A., KOPELOWITZ OSTROW FERGUSON WEISELBERG GILBERT, MORGAN & MORGAN, P.A., ROBBINS GELLER RUDMAN & DOWD LLP AND LIEFF CABRASER HEIMANN & BERNSTEIN, (COLLECTIVELY, THE "LAW FIRMS"), TO ACT AS SPECIAL COUNSEL TO REPRESENT THE CITY IN CIVIL LITIGATION TO BE FILED TO PURSUE ALL AVAILABLE LEGAL AND EQUITABLE REMEDIES IN CONNECTION WITH THE DECEPTIVE AND FRAUDULENT PRACTICES BY PHARMACEUTICAL MANUFACTURERS, WHOLESALERS AND DISTRIBUTORS OF OPIOID MEDICATIONS; PRESCRIBING COMPENSATION; PROVIDING FOR RESCISSION OF CONFLICTING RESOLUTION PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 23, 2018, the City Commission of the City of Fort Lauderdale, Florida, passed a motion to retain the services of several law firms to file a lawsuit in connection with the deceptive and fraudulent practices by pharmaceutical manufacturers, wholesalers and distributors of opioid medications; and

WHEREAS, the City Charter Section 4.10 requires appointment of Special Counsel to the City Attorney to be by way of adoption of a Resolution; and

WHEREAS, it is anticipated that the City will execute a Retainer Agreement with the Law Firms, subject to the Law Firms being appointed as Special Counsel;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Haliczer, Pettis & Schwamm, P.A.; Kopelowitz Ostrow Ferguson Weiselberg Gilbert; Morgan & Morgan, P.A.; Robbins Geller Rudman & Dowd LLP; and Lieff Cabraser Heimann & Bernstein, are hereby appointed as Special Counsel to the City of Fort Lauderdale for the purpose of filing a lawsuit in connection with the deceptive and fraudulent practices by pharmaceutical manufacturers, wholesalers and distributors of opioid medications.

SECTION 2. That compensation for the Law Firms will be determined as follows:

The Law Firms will undertake the representation and diligently prosecute the Litigation on a contingency fee and cost basis. The Law Firms shall expend all time, and advance all expenses, necessary to fully and effectively prosecute the Litigation. The City is obligated to pay attorneys' fees to the Law Firms and to reimburse the Law Firms for Reasonable Costs/Expenses expended by them only out of any Monetary Recovery. If the City does not receive a Monetary Recovery, it is not obligated to pay any amounts to the Law Firms whatsoever, whether as attorneys' fees or as reimbursement for Reasonable Costs/Expenses. Under no circumstances shall the City be required to pay any sums as Law Firms' Fee or for Reasonable Costs/Expenses that, when aggregated, exceed the amount of the Monetary Recovery. The City's obligations regarding fees and expenses are further limited below.

The Law Firms' Fee structure is tiered based on the stage of the litigation at which the Litigation is resolved. The Law Firms' Fee shall be calculated by multiplying the applicable percentage below by the City's Total Recovery (before deducting the amount necessary to pay all Reasonable Costs/Expenses advanced by the Law Firms that are property allocable to the City):

- Upon commencement of the engagement up to the commencement of discovery: four percent (4%);
- After the commencement of discovery up to the filing of any motion(s) for summary judgment: twelve and one-half percent (12.5%); and
- After the filing of any motion(s) for summary judgment through the conclusion of trial and any and all post-trial appellate proceedings: fifteen percent (15%).

Notwithstanding the Law Firms' Fee percentages set forth above, the maximum percentage that the Law Firms will receive as their combined Law Firms' Fee and reimbursement of Reasonable Costs/Expenses shall not exceed the following percentages of the City's Monetary Recovery:

- Five percent (5%) up to the commencement of discovery;
- Seventeen and one-half percent (17.5%) after the commencement of discovery up to the filing of any motion(s) for summary judgment; and

- Twenty-five percent (25%) after the filing of any motion(s) for summary judgment through the conclusion of trial and any and all post-judgment appellate proceedings.

In the course of the Litigation, Attorneys may, without notice to Client, retain and/or work with other law firms, in which case, Attorneys would divide any legal fees they receive with such other firms. Client agrees that Attorneys may divide fees with other attorneys for serving as local counsel, of counsel, as co-counsel, or for other services performed. The division of attorneys' fees with other counsel may be determined upon a percentage basis or upon time spent in assisting the prosecution of the action. The division of fees with other counsel is Attorneys' sole responsibility and will not increase the fees described above.

After the Total Recovery has been reduced by the Law Firms' Fee and Reasonable Costs/Expenses, the remaining sum (i.e., the City's Net Recovery) shall be promptly remitted to the City.

SECTION 3. That any Resolutions, or parts thereof, in conflict with this Resolution are hereby rescinded.

SECTION 4. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the _____ day of _____, 2018.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI