



City of Pittsburgh

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Pittsburgh, PA 15219

Text File

Introduced: 5/8/2020

Bill No: 2020-0335, **Version:** 1

Committee: Committee on Finance and Law

Status: Passed Finally

Resolution authorizing the Mayor and the City Solicitor to enter into a professional services agreement or agreements or a retainer agreement or agreements with the law firm of Motley Rice LLC as special legal counsel to: 1) determine the economic impact that prescription opioids have had on the City of Pittsburgh and its residents and 2) based on such evidence, to investigate and, if appropriate, to commence and prosecute litigation against manufacturers, distributors, insurance companies and/or prescribers of prescription opiates for damages to the City of Pittsburgh arising out of marketing, manufacturing, distribution and/or prescribing of opiates.

WHEREAS, Pittsburgh City Council acknowledges that Governor Tom Wolf has declared Pennsylvania's opioid epidemic as a "statewide disaster emergency;" and

WHEREAS, in 2015, there were more than 3,500 overdose deaths in Pennsylvania, and it has been further noted that at least 10 Pennsylvanians die each day from a drug overdose. (Source: <https://www.pa.gov/guides/opioid-epidemic>); and

WHEREAS, the City's first responders are among those on the front lines dealing with the opioid crisis locally; and

WHEREAS, determining the nature and scope of the City of Pittsburgh's (the "City's") potential claims to recover its damages against manufacturers, distributors, insurance companies and/or prescribers of prescription opiates requires assistance from subject matter experts; and

WHEREAS, due to the significant resources associated with prosecuting these claims in combination with the specialized areas of expertise required, it is in the City's best interest to hire special legal counsel to assess the economic impact, investigate, and, if appropriate, to pursue claims on behalf of the City on a contingency-fee basis; and

WHEREAS, the City issued a Request for Information ("RFI") for Special Legal Counsel for Opioid Litigation on January, 18, 2018, in order to solicit proposals from firms qualified to handle this type of civil litigation; and

WHEREAS, after a comprehensive review of the responses to the RFP, the City has selected Motley Rice LLP ("Motley Rice") to represent the City's interests in the aforementioned determination of economic impact, investigation, and litigation; and

WHEREAS, Allegheny County has also independently selected Motley Rice to represent its interests in pursuing a similar investigation and possible litigation after undertaking its own competitive process.

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. The Mayor and the City Solicitor are authorized to enter into a professional services agreement or agreements and/or a retainer agreement or agreements with Motley Rice LLP to: 1) determine the economic impact that prescription opioids have had on the City of Pittsburgh and its residents and, 2) based on such evidence, to investigate and, if appropriate, to commence and prosecute litigation against manufacturers, distributors, insurance companies and/or prescribers of prescription opiates for damages to the City arising out of marketing, manufacturing, distribution and/or prescribing of opiates. Motley Rice LLP will be retained on a contingency fee basis with no cost to the City if the City does not prevail in litigation and all terms and conditions of the professional services agreement or agreements or retainer agreement or agreements are subject to the review and approval by the City Solicitor.

Section 2. The contingency fee to Motley Rice is limited to the amount of twenty percent (20%) of all claims or recoveries from and against all sources, persons, or entities whether actually tried before a judge or jury or not. This percentage will be calculated on and subtracted from the gross amount of any recovery obtained before any outstanding expenses incurred by the Firm or other costs have been deducted. This fee shall also cover any additional lawyers or firms retained by Motley Rice to assist in the scope of services in its representation of the City as described in **Section 1**.

Section 3. Any net recovery to the City of Pittsburgh from the proposed litigation shall be deposited into the following: JDE 11101.108000.44.44109.