



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpj.net

#25

Kerri Callais
*Councilmember
at Large*

Richard "Richie" Lewis
*Councilmember
at Large*

Gillis McCloskey
*Councilmember
District A*

Nathan Gorbaty
*Councilmember
District B*

Howard Luna
*Councilmember
District C*

Wanda Alcon
*Councilmember
District D*

**Manuel "Monty"
Montelongo III**
*Councilmember
District E*

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, SEPTEMBER 19, 2017 AT THREE O'CLOCK P.M.

On motion of Mr. Lewis, seconded by Ms. Callais, it was moved to adopt the following ordinance:

ORDINANCE SBPC #2008-09-17

Summary No. 3529

Introduced by: Councilmember Lewis on 9/5/17
Public hearing held on 9/19/17

AN ORDINANCE TO AUTHORIZE THE DISTRICT ATTORNEY OF ST. BERNARD PARISH TO COMMENCE LITIGATION EFFORTS AND TO SELECT AND RETAIN OUTSIDE COUNSEL ON A CONTINGENCY FEE BASIS TO PROVIDE LEGAL REPRESENTATION ON BEHALF OF ST. BERNARD PARISH TO ASSERT ALL AVAILABLE CLAIMS, INCLUDING CLAIMS FOR DAMAGES, RELATING TO THE SALE AND DISTRIBUTION OF OPIOIDS AGAINST PHARMACEUTICAL COMPANIES, WHOLESALE DISTRIBUTORS, LOCAL DISTRIBUTORS AND ANY CULPABLE PARTIES, AND ANY MATTERS AND LITIGATION RELATED THERETO.

WHEREAS, the potential for St. Bernard Parish to assert its claims relating to the sale and distribution of opioids requires prompt action and it affects the health, property, public safety and welfare of the citizens of St. Bernard Parish,

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. Authorization. The St. Bernard Parish Council, the governing authority, does hereby approve and authorize the District Attorney of St. Bernard Parish to retain the Law Offices of Dan A. Robin, Jr., LLC and Sher Garner Cahill Richter Klein & Hilbert, LLC. on a contingency fee basis to provide legal representation on behalf of St. Bernard Parish to assert all available claims, including claims for damages, relating to the sale and distribution of opioids against pharmaceutical companies, wholesale distributors, local distributors, and any other culpable parties, and to provide representation on any matters and litigation related thereto.

SECTION 2. Compensation and Contract. The compensation for any outside counsel shall be on a contingency fee basis with no costs or expenses owed by St. Bernard Parish Government and shall be set forth in a written contract in compliance with the parish home rule charter attached as Exhibit "A".



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Extract #25 continued
September 19, 2017

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SECTION 3. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 4. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

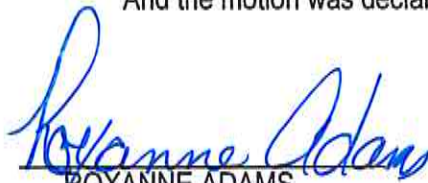
YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 19th day of September, 2017.


ROXANNE ADAMS
CLERK OF COUNCIL


RICHARD LEWIS
COUNCIL CHAIR

Delivered to the Parish President 9/22/2017 2:27pm
Date and Time

Received by maegen Campu



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Clerk of Council

Approved ✓

Vetoed _____

Parish President

Guy McInnis
Guy McInnis

Returned to Clerk of the Council

9/26/2017 9:30am
Date and Time

Received by

Jennife Lemoine



Law Offices of

Dan A. Robin Jr., Esq.

adverse, commercially or in a litigation context, with another client of one of the firms constituting Counsel. Counsel screen each piece of legal work to determine whether an actual or potential conflict of interest exists. If any possible conflict of interest is detected, Counsel will bring it to the Parish's attention and attempt to resolve it in an open and ethical matter. Counsel occasionally have to refuse acceptance or continuation of a particular undertaking for a client due to conflict.

5. The Parish hereby agrees and acknowledges that Counsel may represent other governmental entities in connection with the Disputes. The Parish agrees that no conflict of interest is anticipated by Counsel's representation of such other governmental entities.

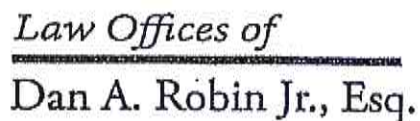
The Parish also acknowledges and agrees that in the event that there is a monetary recovery awarded in connection with the Parish's Disputes as described herein or in connection with any claims on behalf of other governmental entities (including other parishes), including a single lump-sum of money payable to all those governmental entities with claims related to the Disputes, the distribution among the parties shall be made by mutual agreement. In the event that the Parish and the other parties cannot mutually agree as to how any lump-sum monetary recovery should be distributed, the Parish agrees that distribution shall be made pursuant to a mechanism to achieve a fair distribution, which shall be agreed upon at that time.

Despite the mutual assessment of Counsel and the Parish that no conflicts related to the matters described above exist, or are anticipated, should a conflict arise, the Parish agrees to address the matter at that time in good faith with Counsel in an effort to resolve or waive the conflict consistent with the Louisiana Rules of Professional Conduct.

To avoid any errors in communication, we will accept instructions concerning this engagement or any additional work in connection with other matters only from you and from other persons identified by you in writing.

It is important that the client and attorney understand the scope of the representation and the method of payment obligations. If this Engagement Agreement correctly sets forth your understanding of the scope of the services to be rendered to the Parish by Counsel and if all of the terms set forth in this Engagement Agreement are satisfactory, please sign and date a copy of this Engagement Agreement where indicated below and return it to me as soon as possible. If you have any questions or concerns, please do not hesitate to call.

It is our pleasure to represent you in this matter, and we look forward to working with you.



By: Dan Robin, Jr.
Dan A. Robin, Member

By:

By:

9117 W. St. Bernard Hwy * Chalmette, LA 70043 * P 504-271-9854 * F 504-272-0177