



## **TRUCKEE MEADOWS FIRE PROTECTION DISTRICT STAFF REPORT**

**Board Meeting Date: June 1, 2021**

**DATE:** May 18, 2021  
**TO:** Truckee Meadows Fire Protection District Board of Fire Commissioners  
**FROM:** Charles A. Moore, Fire Chief  
Phone: (775) 328-6123 Email: [cmoore@tmfpd.us](mailto:cmoore@tmfpd.us)  
**SUBJECT:** Recommendation to approve an agreement for legal services with Eglet Prince, LLP and Bradley, Drendel & Jeanney to represent Truckee Meadows Fire Protection District in litigation for damages suffered from the actions of manufacturers, distributors and dispensers of opioid-based drugs, and to authorize the filing of actions against such entities. (All Commission Districts) FOR POSSIBLE ACTION

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### **SUMMARY:**

An agreement to engage two Nevada law firms to work together to represent Truckee Meadows Fire Protection District in litigation against manufacturers, distributors, and dispensers of opioid-based drugs and to authorize the filing of such actions.

### **PREVIOUS ACTION**

None

### **BACKGROUND**

Washoe County District Attorney Chris Hicks is the attorney for Washoe County and its various agencies and officials, including Truckee Meadows Fire Protection District, and provides a variety of legal services and advice. Occasionally, a legal matter arises benefits from the engagement of outside counsel. Prior examples include complex bankruptcy matters, complying securities and tax laws in the issuance of bonds, and out-of-state legal matters. The widely known problems with injuries and death from consumption of opioid-based drugs have caused a number of complex legal problems.

District Attorney Hicks met with the principals of the Eglet Prince, LLP and Bradley, Drendel & Jeanney law firms to discuss representation of Washoe County and Truckee Meadows Fire Protection District in actions against manufacturers, distributors and dispensers of opioid-based drugs. The two firms have demonstrated experience in highly complex litigations against companies with lots of resources. The firms are also currently representing other Nevada entities in litigation over opioids. Mr. Hicks believes that in this matter the services of outside law firms is warranted and the experience of the two law firms will benefit Washoe County and the District.

The compensation of the two law firms under the proposed engagement is a 25% contingency fee of any recovery. Court costs, expenses of litigation, or any other costs or expenses will not be charged unless a

recovery occurs. Upon a recovery the costs and expenses will be paid from the recovery but cannot exceed the amount of the recovery. If there is no recovery, contract counsel is not reimbursed for any costs or expense, including District staff time.

The Board of Fire must act in a public meeting to authorize legal actions against the manufacturers, distributors and dispensers of opioid-based drugs. Eglet Prince, LLP and Bradley, Drendel & Jeanney have an extensive presentation on the scope of the opioid problems and the impact on local governments. They can also describe the potential for recovery. If the Board is in favor of moving forward with the engagement and the authorization of the legal actions, the recommended motion would accomplish both approvals.

### **FISCAL IMPACT**

No negative fiscal impact is expected unless the services of the law firms are terminated before the resolution of the lawsuits expected to be filed. In the event of such a termination, the expenses incurred by the law firms and the value of the attorney's fees must be repaid by District at the hourly rate or 25% of the last offer of settlement communicated to the District whichever is more.

### **RECOMMENDATION**

Staff recommends the Board of Fire approve an agreement for legal services with Eglet Prince, LLP and Bradley, Drendel & Jeanney to represent Truckee Meadows Fire Protection District in litigation for damages suffered from the actions of manufacturers, distributors and dispensers of opioid-based drugs, and authorize the filing of actions against such entities

### **POSSIBLE MOTION**

Should the Board/s agree with staff's recommendation, a possible motion could be:

*"I move the Board of Fire approve an agreement for legal services with Eglet Prince, LLP and Bradley, Drendel & Jeanney to represent Truckee Meadows Fire Protection District in litigation for damages suffered from the actions of manufacturers, distributors and dispensers of opioid-based drugs, and authorize the filing of actions against such entities."*