

**CITY OF BRIDGEPORT  
MISCELLANEOUS MATTERS COMMITTEE  
EMERGENCY SPECIAL MEETING  
DECEMBER 20, 2021**

**ATTENDANCE:** AmyMarie Vizzo-Paniccia, Co-chair; Tyler Mack, Co-chair; Aikeem Boyd, Marcus Brown, Alfredo Castillo, Matthew McCarthy, Wanda Simmons

**OTHERS:** Council President Nieves, Council Member(s): J. Cruz, J. Herron, M. McBride-Lee, M. McCarthy, M. Pereira, R. Roman-Christy, M. Small & M. Valle (6:03 p.m.); Thomas Gaudett, Mayoral Aide; Atty. Mark Anastasi, Atty. Devin Hartley, Drubner Hartley Mengacci & Hellman LLC; Atty. Linda Wihbey, Associate City Attorney; Atty. James Hartley, Drubner Hartley Mengacci & Hellman LLC; iPad, iPad (2); 203-690-2228

**CALL TO ORDER**

Co-chair Vizzo-Paniccia called the meeting to order at 6:00 p.m. A quorum was present.

**12-21 Proposed Litigation Settlements (with Modified Conditional Participation Agreements) concerning Certain Litigation Comprised of Various Consolidated Class-Action Opioid Lawsuits Pending in the State of Connecticut.**

Council Member Vizzo-Paniccia said that the meeting was being called as a Special Emergency meeting due to time constraints. The dates for the opioid lawsuits have been changed.

Atty. Anastasi explained that Atty. Linda Wihbey was now working for Bridgeport and she had been the chief City Counsel for the City of Waterbury. Waterbury is one of the municipalities that initiated the opioid information along with Bridgeport in the State of Connecticut. Atty. James Hartley is the outside class action litigator for the City. This is a nationwide Class-Action lawsuit.

This meeting was scheduled as an Emergency Special meeting due to the time deadline established by the presiding courts. There are certain requirements that must be fulfilled due to the lack of advanced 24 hour notice. The minutes must be posted within 72 hours along with any actions taken after the meeting.

There were two settlements that must be signed and filed on or before January 2nd. The Miscellaneous Matters Committee meeting is not scheduled until after the City Council meeting that will take place later this evening. The City Council will not meet again after tonight until January 3rd.

*Council Member Valle joined the meeting at 6:03 p.m.*

Atty. Anastasi said that there was some supplemental material along with the December 1st Executive Summary. He named the three major source distributors in the settlement and said that the total settlement amount appeared to be \$21 billion dollars payable over the period of 18 years.

Connecticut's share of the settlement funds will be approximately 1.334352% or \$280 million dollars. The second lawsuit is against Jameson Pharmaceutical Inc., and its parent company, Johnson & Johnson. The total settlement will be for \$5 million dollars to be payable over 7 years. These funds will provide substantial funds for abatement of the opioid epidemic across the country and impose transformative changes in the way the settlement defendants conduct their business. Between 44 and 48 states and numerous municipalities are participating in this settlement. Connecticut is in line to receive \$346 million spread over a number of years.

Atty. Anastasi gave a brief summary of the allocation process, which is subject to clarity in the future. Connecticut Attorney General Tong has determined that the best way to handle this is through Special Legislation for distribution to the Connecticut municipalities. Bridgeport is in favor of a population based formula.

The resolution that the Committee is being asked to approve is as follows:

Now therefore, be it resolved that the City Attorney and/or his designees is/are hereby authorized and empowered to execute Opioid Class-Action litigation settlement participation forms pursuant to the Janson and Distributor Settlement Agreements materially as discussed with the Miscellaneous Matters Committee.

Atty. James Hartley gave an overview of the suit. He said that this would be a good settlement and a good start. The product created the crisis and while there is no amount of money in the world to fix this, it is a good start.

Atty. Wihbey said that if the City does not participate, there would be a dramatic decrease in the funding for the State and the allocation for the City.

Atty. James Hartley said that if the City chooses not to go forward, it could put the City back in Square One for litigation. It will be important to have 100% participation of all the municipalities in Connecticut.

Council Member McCarthy asked for clarification regarding an executive summary that was sent out on December 1st. Attorney Anastasi said that the document was sent out on December 1st to all the City Council Members.

Council Member McCarthy asked for details regarding change in dates. Attorney Anastasi said that originally, they had been told that they would be bringing an amount to the Council for approval, but now the Court has ordered the filing date on a Sunday.

Council Member McCarthy said that there were many instances where the Council was asked to rush things through. Atty. James Hartley said that when they had first met with Attorney General Tong, the time for filing was established and a conditional settlement was created. This was presented to Attorney General Tong last week and the date was changed.

Attorney Anastasi reminded everyone that the amount of money allocated to Connecticut would be determined by the amount of municipal participation.

Council Member McCarthy asked how the outside counsel was being paid. Atty. James Hartley said that they were originally going to be paid one third of the settlement, but the fee will now be paid by the State. Bridgeport will not be paying out of pocket

Council Member Pereira said that the December 1st memo states that the referral to the Miscellaneous Matter Committee did not need to be on the City Council's agenda until December 20, 2021 regular meeting for referral. The next day, there was an executive summary that was stamped by the City Clerk, which missed the Wednesday 4:30 deadline, so it should have never been on the December 6th agenda, but it was. The Executive Session on page 2, it states that the December 20, 2021 City Council meeting is the deadline for legislative body action in order to comply with established court deadlines for proceeding with the settlement. This contradicts the memo filed on December 1st that stated that the item did not need to be on the agenda until December 20th for referral to Committee. Then it goes on to say that Bridgeport intends to sign on to the Federal settlement. A Council vote needs to be transmitted to the Mayor for his signature, so a final full Council vote will be necessary at the December 20th meeting.

The reason the Council Members are holding an Emergency Special Meeting, which will never qualify under the Freedom of Information Act because it is only applicable when there is a crisis such as a school building fire or COVID, not for incompetence. The issue is that the memorandum states the item referral to Committee is not needed on the agenda until the 20th. The Executive Summary clearly states that the Council has to vote on this by December 20th.

The email was sent out at 1:19 p.m. today, with less than 5 hours' notice for an item that will result in billions of dollars in settlements for Connecticut and millions of dollars when there were so many families in this City that were devastated by opioid addiction, where children or other relatives have died. To announce that there would be an emergency vote on this with only 5 hours' notice because of incompetence is atrocious.

Council Member Pereira stated that she would be filing a Freedom of Information Act complaint because this in no way qualifies for an emergency meeting.

Attorney Anastasi stated that he could not dispute that there may have been some inaccuracies in what was submitted, but noted that he had stated earlier that the full Council would be requested to take three votes at the meeting. The first will be asking the City Council to vote according to its own rules, to add the item to the agenda under FOI and then a request for immediate consideration based on the court deadlines. Despite the procedural issues that have been pointed out, the Council clearly can act on immediate consideration with a 2/3rds vote based on time

being of the essence. He hoped that the Council Members would not block this item because of the process rather receiving money from the settlements for the affected families.

Council Member Pereira stated that she speaks for herself and follows the law. She said Attorney Anastasi did not speak for her.

Council Member Cruz thanked Attorney Anastasi for the clarification regarding the Immediate Consideration issue. He said that the company had been found guilty for promoting this drug and creating addicts.

**\*\* COUNCIL MEMBER MCCARTHY MOVED THE ITEM.**

**\*\* COUNCIL MEMBER CASTILLO SECONDED.**

Atty. Anastasi said that it would be important to include the resolution language in the motion.

**\*\* COUNCIL MEMBER MCCARTHY RETRACTED HIS MOTION.**

**\*\* COUNCIL MEMBER CASTILLO RETRACTED HIS SECONDED.**

Attorney Anastasi said that this would be a recommendation that the Committee make a favorable recommendation regarding Agenda Item 12-21 Proposed Litigation Settlements (with Modified Conditional Participation Agreements) concerning Certain Litigation Comprised of Various Consolidated Class-Action Opioid Lawsuits Pending in the State of Connecticut with the following language:

Now Therefore, be it resolved that the City Attorney and/or his designees is/are hereby authorized and empowered to execute Opioid Class-Action Litigation Settlement Participation Forms pursuant to the Janson and distributor settlement agreements materially as discussed with the Miscellaneous Matters Committee and;

the City Attorney and/or his designee are further authorized and empowered to take such other reasonably necessary actions in the furtherance of these settlements as he may deem to be in the best interest of the City of Bridgeport.

**\*\* COUNCIL MEMBER MCCARTHY MOVED TO APPROVE AND RECOMMEND FAVORABLE ACTION TO THE FULL CITY COUNCIL ON AGENDA ITEM 12-21 PROPOSED LITIGATION SETTLEMENTS (WITH MODIFIED CONDITIONAL PARTICIPATION AGREEMENTS) CONCERNING CERTAIN LITIGATION COMPRISED OF VARIOUS CONSOLIDATED CLASS-ACTION OPIOID LAWSUITS PENDING IN THE STATE OF CONNECTICUT AS FOLLOWS:**

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY ATTORNEY AND/OR HIS DESIGNEES IS/ARE HEREBY AUTHORIZED AND EMPOWERED TO EXECUTE OPIOID CLASS-ACTION LITIGATION SETTLEMENT PARTICIPATION FORMS PURSUANT TO THE JANSON AND**

**DISTRIBUTOR SETTLEMENT AGREEMENTS MATERIALLY AS DISCUSSED WITH THE MISCELLANEOUS MATTERS COMMITTEE AND;**

**THE CITY ATTORNEY AND/OR HIS DESIGNEE ARE FURTHER AUTHORIZED AND EMPOWERED TO TAKE SUCH OTHER REASONABLY NECESSARY ACTIONS IN THE FURTHERANCE OF THESE SETTLEMENTS AS HE MAY DEEM TO BE IN THE BEST INTEREST OF THE CITY OF BRIDGEPORT.**

- \*\* COUNCIL MEMBER CASTILLO SECONDED.**
- \*\* THE MOTION PASSED UNANIMOUSLY.**

**ADJOURNMENT**

- \*\* COUNCIL MEMBER CASTILLO MOVED TO ADJOURN.**
- \*\* COUNCIL MEMBER MACK SECONDED.**
- \*\* THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 6:37 p.m.

Respectfully submitted

Telesco Secretarial Services