

RESOLUTION NO. 2021-06

A RESOLUTION IN SUPPORT OF DRUG DEALER LIABILITY ACT LAWSUIT

The Board of Mayor and Aldermen of the City of Fayetteville, Tennessee, meeting in regular session on the 9th day of February, 2021, a quorum being present and a majority voting in the affirmative, hereby RESOLVES as follows:

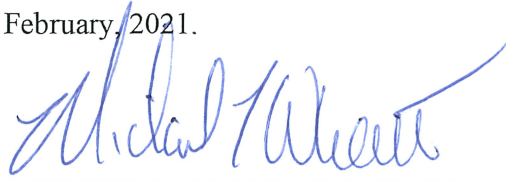
WHEREAS, the City of Fayetteville, as well as other counties and municipalities in Tennessee and in surrounding states, has experienced an epidemic related to the distribution and use of opioids by its citizens that has generated critical issues and problems for the City of Fayetteville, including but not limited to opioid addiction by Fayetteville citizens, drug overdose deaths, the birth of drug dependent babies, a rise in criminal charges convictions for the illegal sale and use of opioids as well as other crimes resulting from the opioid abuse epidemic, including but not limited to burglary, theft, and fraud, and the lost of productivity of the citizens in the workplace, damage and destruction to the family unit, all resulting from the illegal sale, distribution, and use of opioids in the City of Fayetteville; and

WHEREAS, District Attorney Robert J. Carter is the duly elected District Attorney General for the Seventeenth Judicial District of the State of Tennessee; and

WHEREAS, General Robert J. Carter brought a lawsuit in 2017 through the law firm of Branstetter, Stranch & Jennings, PLLC to recover money for the City of Fayetteville under Tennessee's Drug Dealer Liability Act ("DDLA"), and that lawsuit is pending in the Circuit Court of Cumberland County, Tennessee; and

The Board of Mayor and Aldermen hereby RESOLVES that it fully supports the lawsuit, approves of the actions taken in the lawsuit thus far on its behalf, approves of the lawsuit going forward with the City of Fayetteville as the named plaintiff, and retains District Attorney Robert J. Carter and the law firm of Branstetter, Stranch & Jennings, PLLC as counsel in this matter.

Approved and adopted this the 9th day of February, 2021.



Michael T. Whisenant, Mayor

ATTEST:



Scott Collins, City Clerk



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ROBERT J. CARTER
DISTRICT ATTORNEY GENERAL
17TH JUDICIAL DISTRICT
311 East Market Street
Fayetteville, Tennessee 37334

Counties:
Bedford
Lincoln
Marshall
Moore

RETAINER AGREEMENT

This agreement is made between Branstetter, Stranch & Jennings, PLLC, and Robert J. Carter, District Attorney for the Seventeenth Judicial District, hereafter referred to as "Attorneys," and the City of Fayetteville, Tennessee. The terms of our representation are as follows:

Services to be Rendered:

The legal services to be provided under this agreement are as follows:

1. Representation in a lawsuit relating to the opioid crisis in Tennessee, filed in Cumberland County.
2. Attorneys will make best efforts in the representation and shall adhere to the Tennessee Rules of Professional Conduct in all respects.

Costs of Services:

The costs of services to be provided under this agreement are as follows:

1. Attorneys will advance all litigation costs. Client has no obligation to reimburse attorneys for any costs of litigation, unless successful. Attorneys have the right to petition the court for the reimbursement of any costs associated with the litigation.
2. Attorneys have the right to petition the court, if successful, for attorneys' fees on the basis of fee reversal, fee shifting, or fees pursuant to a common fund. Attorneys will make every effort to avoid a contingency fee situation, but in the case of a lump sum settlement, Attorneys will be entitled to 25% of total recovery plus costs advances in the litigation.

Risk of Legal Action:

It is impossible to predict the result of a legal action. Client recognizes that Attorneys cannot guarantee a favorable result in this case.

Client:

CITY OF FAYETTEVILLE

Firm:

2/11/21

Date: