

**SUMMARY EXPLANATION AND BACKGROUND**

At the Board Workshop on November 12, 2019, the School Board heard a presentation from the litigation group of Wagstaff & Carmell, LLP and The Maher Law firm regarding the District's possible involvement in Multi-District Litigation being held in the Federal District Court in San Francisco, California against JUUL Labs, Inc.

At the Workshop, the School Board, through consensus, charged the General Counsel with continued exploration of possible litigation regarding the damages the School District has incurred due to the use of vaping devices and products that students are using at extraordinary high levels.

Just prior to the meeting on November 12, 2019 Scott Weiselberg contacted School Board Member Robin Bartleman and the General Counsel's Office requesting a meeting with him and a group of attorneys who are also working on Multi-District Litigation against JUUL Labs, Inc. This group is comprised of Robbins Geller Rudman & Dowd LLP; Kopelowitz Ostrow Ferguson Weiselberg Gilbert; and, Haliczzer Pettis & Schwamm, P.A. I met with this group on November 21, 2019 and recommend to the School Board that the District engage this group to represent the School Board for the following reasons:

1. The School Board has worked with two of these firms in the past, as clients and colleagues. The firm of Haliczzer Pettis & Schwamm has represented the School District for the past 30 years and is currently the lead counsel in the MSD litigation through our Risk Management Department and Third-Party Insurers, JohnsEastern, Inc.
2. The General Counsel's Office has been working for the past 18 months with attorneys from Kopelowitz Ostrow Ferguson Weiselberg Gilbert in a collaborative and collegial manner as they represent the Broward Sheriff's Office in the MSD litigation.
3. Robbins Geller Rudman & Dowd LLP are a national firm with headquarters in San Diego and an office in Boca Raton where Mark Dearman and Christopher Gold are located. The firm has extensive experience in Multi-District Litigation and has an office in San Francisco, California.
4. All three of these firms have experience the Multi-District Litigation regarding Opioids and are currently representing Broward County Government, City of Fort Lauderdale, Monroe County, City of Orlando and several other local governments in the Opioids litigation. They were chosen to represent Broward County after an extensive RFP process in which numerous groups responded and interviewed.
5. In the past three years the District has been involved in three litigations with multiple parties and multiple legal firms: MSD litigation; the 7069 litigation; and the Rhea case (opt-out of statewide testing). Although each of these cases have proceeded in a satisfactory manner, the MSD litigation has been more streamlined, from a legal standpoint, because the legal firms representing the families and the District respectively are local, which aids in the ability to work together in a coordinated fashion.

Please see the attached presentation from Robbins Geller Rudman & Dowd LLP; Kopelowitz Ostrow Ferguson Weiselberg Gilbert; and, Haliczzer Pettis & Schwamm, P.A. Although much of the information is similar to the information the School Board previously received, the material regarding the individual firms as well as the information on page 31 is important to review.