



Montgomery
County Council

Committee: Directly to Council
Committee Review: N/A
Staff: Robert H. Drummer, Senior Legislative Attorney
Purpose: Final action – vote expected
Keywords: #

AGENDA ITEM #21
October 15, 2019
Action

SUBJECT

Appointment of Special Counsel – Robbins Geller Rudman & Dowd

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- County Attorney's request to approve the appointment of special counsel to investigate and prosecute the County's claims against the manufacturers and distributors of E-cigarettes.
- Council staff recommends approval.

DESCRIPTION/ISSUE

Should the County file a claim for damages against the manufacturers and distributors of E-cigarettes?

SUMMARY OF KEY DISCUSSION POINTS

- Qualifications of proposed attorneys.

This report contains:

County Attorney Memorandum

Pages 1-#

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OFFICE OF THE COUNTY ATTORNEY

Marc Elrich
County Executive

Marc P. Hansen
County Attorney

MEMORANDUM

TO: Nancy Navarro, President
Montgomery County Council

FROM: Marc P. Hansen *Marc Hansen*
County Attorney

DATE: October 5, 2019

RE: Appointment of Special Counsel – Robbins Geller Rudman & Dowd, LLP

Under Charter Section 213, I request that the Council approve the appointment of Robbins Geller Rudman & Dowd, LLP, as special counsel to represent Montgomery County in connection with the investigation and the prosecution of claims against the manufacturers and distributors of E-cigarettes.

Specifically, Robbins Geller believes that JUUL Labs (JUUL) and Altria Group (Altria) (parent company of Phillip Morris USA, which, as of December 2018 owns 35% of JUUL) have violated Maryland and federal law by aggressively marketing their highly addictive JUUL electronic cigarettes and flavored nicotine cartridges directly to minors as a trendy and safe alternative to traditional cigarettes. This has created a national problem of underage nicotine addiction that is negatively impacting schools and local governments around the country.

I believe that Robbins Geller is imminently qualified to represent the County in this matter. Robbins Geller has 200 lawyers, including former federal and state prosecutors, located in 9 offices across the United States. Robbins Geller has provided legal representation to plaintiffs in large and complex cases, including representation of Montgomery County in the opioid litigation currently pending before the U.S. District Court for the Northern District of Ohio.

Robbins Geller will pay all out-of-pocket costs associated with investigating and prosecuting e-cigarette related claims on behalf of Montgomery County. All legal fees will be on a contingency basis.

Nancy Navarro, President
October 4, 2019
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Accordingly, I request Council confirmation, under Charter Section 213, of Robbins Geller Rudman & Dowd, LLP, as special counsel to represent Montgomery County in connection with the investigation and, if appropriate, the prosecution of claims against the manufacturers and distributors of e-cigarettes and flavored nicotine cartridges. I also request that this confirmation be made effective as of October 8, 2019.

cc: Marc Elrich, County Executive
Dale Tibbitts, Special Assistant to the County Executive
Raymond Crowel, Director, Health & Human Services
Andrew Kleine, Chief Administrative Officer
Fariba Kassiri, Deputy Chief Administrative Officer
Robert Drummond, Sr. Legislative Attorney
Linda Lauer, Staff, Montgomery County Council
John Markovs, Deputy County Attorney

MPH:tjs