



**PEMBROKE PINES
CITY COMMISSION**

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INTER-OFFICE CORRESPONDENCE

MEMORANDUM NO. 2019-003

TO: Mayor Frank C. Ortis
Members of the City Commission

CC: Charles F. Dodge, City Manager
Marlene Graham, City Clerk

FROM: Samuel S. Goren, City Attorney *SSG*
Jacob G. Horowitz, Assistant City Attorney *JGH*

DATE: January 3, 2019

RE: City of Pembroke Pines ("City") / Holland & Knight Conflict Waiver

On December 21, 2018, pursuant to the Rules Regulating the Florida Bar, the City Attorney's Office received a request for a conflict waiver from Holland & Knight, LLP ("Holland"). Holland currently represents the City on certain public finance matters. Holland, through its office in Portland, Oregon, represents Insys Therapeutics, Inc. ("ITI"). ITI is a named defendant in the opioid litigation that the City recently joined as a party plaintiff.

A copy of Holland's conflict waiver request is attached for your review. All requests for conflict waivers must be approved by the City Commission.

Please let us know if there is any additional information that we can provide.

Jacob G. Horowitz

From: Samuel S. Goren
Sent: Friday, December 21, 2018 8:03 AM
To: michael.wiener@hklaw.com
Cc: Michael D. Cirullo, Jr.; Jacob G. Horowitz
Subject: Re: City of Pembroke Pines (FL) / Insys Therapeutics, Inc.

Mike, good morning. Happy holidays, back.

We will work on it.

Regards.

Samuel S. Goren

GOREN, CHEROF, DOODY & EZROL, P.A.

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Offices in Fort Lauderdale and Delray Beach, Florida.

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> On Dec 21, 2018, at 8:01 AM, "michael.wiener@hklaw.com" <michael.wiener@hklaw.com> wrote:

>

> Sam and Mike – Hope this email finds you both well. I’m sure like me, you’re looking forward to the holidays and spending time with your families. I was writing to request a conflict waiver on behalf of my law Partner in Portland. Holland & Knight LLP currently represents Insys Therapeutics, Inc. in opioid-related litigation across the Country. Insys is one of the defendants that has been sued by Pembroke. My partners email below describes the matter in more detail below and a copy of the complaint is attached. In light of my role as Disclosure Counsel to the City, I was writing for your consideration of requesting a conflict waiver from the City Council. I thought it would be easier for you to have the complaint and information about this matter before we spoke. I’m happy to discuss at your convenience. Would you please let me know your thoughts.

>

> I hope you both have a happy and health holiday and new year.

>

> Best,

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> Mike
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>
> Michael Wiener | Holland & Knight
> Partner
> Holland & Knight LLP
> 2115 Harden Blvd. | Lakeland, Florida 33803
> Phone 863.499.5362 | Fax 863.413.4206
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>
>
> From: Franco, Joe (POR - X52941)
> Sent: Thursday, December 20, 2018 8:48 PM
> To: Wiener, Michael L (LAK - X35362) <michael.wiener@hklaw.com>
> Cc: Donohue, J. Matthew (POR - X52913) <Matt.Donohue@hklaw.com>
> Subject: City of Pembroke Pines (FL) / Insys Therapeutics, Inc.
>
> Mike,
>
> As we've discussed, Matt Donohue and I are national counsel for Insys Therapeutics, Inc. in
several hundred cases pending throughout the U.S. in which cities and counties are suing
pharmaceutical manufacturers alleging they are responsible for an opioid crisis. The plaintiff in
this particular case is the City of Pembroke Pines, FL (the "City"). I'm reaching out to you
because it appears H&K represents the City in a matter unrelated to the national opioid
litigation, and that you are the primary H&K contact for the City.
>
> For your convenience, I have attached the complaint filed by the City. The complaint was filed
in federal court, and is in the process of being transferred to the federal MDL pending in U.S.
District Court in Ohio. We are representing Insys in approximately 450 cases pending in the
MDL. There are three "bellwether" cases that are going forward with discovery and that are set
for trial in the MDL. There are a handful of other cases in which briefing on motions to dismiss
has been allowed by the Court. Otherwise, all cases in the MDL are presently stayed. Once in
the MDL, this new case will be automatically stayed pending further order of the Court – which
might not come for many months. We also want to note that because Insys is one of a dozen or
so manufacturers sued in these cases, Insys rarely takes action in these cases that is
independent of what the manufacturer joint defense group does. The combination of the MDL
procedure and the fact that most actions are taken in concert with a joint defense group, means
that there would be little prospect of direct contact between Insys and the City for months.
>
> Do you think it would be possible to obtain a waiver of the conflict with the City under these
circumstances? Numerous other firm clients have been willing to waive conflicts on these
cases. Thanks in advance for considering this request. We would be happy to discuss further if
you have any questions.
>
> Regards,
> Joe
>
> Joe Franco | Holland & Knight

> Partner
> Holland & Knight LLP
> 2300 U.S. Bancorp Tower, 111 S.W. Fifth Avenue | Portland, Oregon 97204
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>
> Add to address book<http://www.hklaw.com/vcard.aspx?user=jolfranco> | View professional
biography<http://www.hklaw.com/id77/biosjolfranco>
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> <2018-12-06 City of Pembroke Pines (FL) v Insys Complaint.pdf>