

County Council of Cuyahoga County, Ohio

Resolution No. R2019-0180

Sponsored by: Council President Brady	A Resolution authorizing the Cuyahoga County Council President, or his designee, to have settlement authority on behalf of the Cuyahoga County Council in the matter of <u>In Re: National Prescription Opiate Litigation</u> , Case No. 1:2017-md-02804, before Judge Dan A. Polster in the United States District Court, Northern District of Ohio, Eastern Division, with any manufacturer or distributor Defendant; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Counties of Cuyahoga County, Ohio, and Summit County, Ohio, filed a civil action that was consolidated nationally and docketed as In Re: National Prescription Opiate Litigation, United States District Court, Northern District of Ohio, Eastern Division, Case No. 1:2017-md-02804 before United States District Court Judge Dan A. Polster; and

WHEREAS, the Counties of Cuyahoga County, Ohio, and Summit County, Ohio, are bellwether Plaintiffs in this litigation and are set for trial in October of 2019; and

WHEREAS, it is possible that the Counties of Cuyahoga, Ohio, and Summit County, Ohio, may reach a settlement of certain claims asserted by the Counties in the Multi-District Litigation against one or more manufacturer or distributor Defendants; and

WHEREAS, the Cuyahoga County Council can only approve settlement agreements at a publicly-noticed meeting and recognizes that there will be times where settlement authority on behalf of the Council will need to be provided before a public meeting is scheduled; and

WHEREAS, the Cuyahoga County Council desires to ensure that any potential settlements are authorized in a timely manner; and

WHEREAS, the Cuyahoga County Council finds and determines, after having been briefed on the facts of the case and all other pertinent information, that it is necessary and in the best interest of the County to authorize the Cuyahoga County

Council President, or his designee, to have settlement authority on behalf of the Cuyahoga County Council; and

WHEREAS, the Cuyahoga County Council understands that all final settlements will still be presented to the Council to be ratified and retroactively approved at a publicly-noticed Council Meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. The Cuyahoga County Council hereby authorizes the Cuyahoga County Council President, or his designee, to have settlement authority on behalf of the Cuyahoga County Council in the matter of In Re: National Prescription Opiate Litigation, Case No. 1:2017-md-02804, before United States District Court Judge Dan A. Polster in the United States District Court, Northern District of Ohio, Eastern Division, with any manufacturer or distributor Defendant.

SECTION 2. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Gallagher, seconded by Mr. Tuma, the foregoing Resolution was duly adopted.

Yeas: Stephens, Simon, Baker, Miller, Tuma, Gallagher, Conwell, Jones and Brady

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

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