

County Council of Cuyahoga County, Ohio

Resolution No. R2019-0193

Sponsored by: County Executive Budish	A Resolution authorizing a proposed settlement between the Counties of Cuyahoga and Summit and Mallinckrodt Pharmaceuticals in the total amount of \$24,000,000.00 in cash and \$6,000,000.00 in product in the matter of <u>In Re: National Prescription Opiate Litigation</u> , United States District Court, Northern District of Ohio, Eastern Division, Case No. 1:2017-md-02804; authorizing the County Executive and/or his designee to execute the settlement agreement and any related documentation; 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; and

WHEREAS, the Counties of Cuyahoga, Ohio, and Summit County, Ohio, and Mallinckrodt Pharmaceuticals, a defendant, for and on behalf of the Counties of Cuyahoga, Ohio, and Summit County, Ohio, wish to fully and completely resolve with finality certain alleged claims that the Counties of Cuyahoga, Ohio, and Summit County, Ohio, have or may have against Mallinckrodt Pharmaceuticals; and

WHEREAS, the parties hereto have reached a settlement agreement that, if performed, will fully settle and resolve certain alleged claims; and

WHEREAS, the Cuyahoga County Council, having been briefed about the facts and the history of the case, hereby authorizes the settlement agreement between the Counties of Cuyahoga, Ohio, and Summit County, Ohio, and Mallinckrodt Pharmaceuticals regarding certain claims.

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

SECTION 1. The Cuyahoga County Council hereby authorizes the settlement agreement between the Counties of Cuyahoga, Ohio, and Summit County, Ohio, and

Mallinckrodt Pharmaceuticals in the matter of In Re: National Prescription Opiate Litigation, United States District Court, Northern District of Ohio, Eastern Division, Case No. 1:2017-md-02804, in the total amount of Twenty-Four Million Dollars (\$24,000,000) in cash and Six Million Dollars (\$6,000,000) in product to be divided by agreement between the County of Cuyahoga, Ohio, and the County of Summit, Ohio, inclusive of all costs and attorneys' fees.

SECTION 2. The County Executive (or his authorized designee) is hereby authorized to execute a settlement agreement and any other documents to effectuate the settlement in accordance with this Resolution.

SECTION 3. 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 4. 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. Miller, seconded by Ms. Conwell, 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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