

RESOLUTION NO. M-2417

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO PARTICIPATE IN A NATIONAL OPIOID SETTLEMENT AGAINST CERTAIN OPIOID MANUFACTURERS AND PHARMACIES

WHEREAS, the City of Olympia has joined in federal multi-district court litigation to sue parties responsible for overdose deaths and harms resulting from use of opioids by residents of Olympia; and

WHEREAS, the national opioid litigation in which the City of Olympia is a participant against five opioid manufacturers and pharmacies to recover monetary damages sustained by states and local governments as a result of their reckless and negligent behavior, and who profited from the opioid crisis at the expense of Washington state residents and residents of other states and local political subdivisions across the United States, including the City of Olympia; and

WHEREAS, attorneys for the City of Olympia, the Washington State Attorney General's Office, and other attorneys for the plaintiff class, have negotiated a proposed settlement resolution with Allergan, CVS, Teva, Walgreens, and Walmart, that will result in these five companies paying approximately \$434 million over 15 years as compensation for harms to Washington state residents, if all conditions of the proposal are met; and

WHEREAS, Washington's cities and counties will receive one-half of this amount--\$217 million—if each eligible city and county joins the settlement by approving, signing, and returning the necessary settlement documents. As with the previous distributors settlement negotiated by the Washington State Attorney General's Office, the national settlement is contingent on eligible cities and towns joining the settlements; and

WHEREAS, the proposed opioid manufacturers and pharmacies settlements will only be finalized after litigating Washington local governments such as the City of Olympia, agree to the settlement proposal by returning a fully executed Allocation Agreement II and Participation Forms before the deadline of April 18, 2023, for approval by Washington local governments; and

WHEREAS, the Manufacturers and Pharmacies Settlement Agreement includes the City of Olympia subject to the terms of the settlement agreement; and

WHEREAS, the attorneys for the City of Olympia, Keller Rohrback, LLP, and the Washington State Attorney General's Office, strongly urge approval by local governments to the settlement proposal, while recognizing no settlement is perfect is a strong and equitable result to provide funding to help abate the opioid epidemic in Washington state and its political subdivisions; and

WHEREAS, if the settlement is approved, these financial resources will start flowing into Washington's communities, including the City of Olympia, to abate the opioid crisis that continues to devastate families across Washington state; and

WHEREAS, the City of Olympia is a “Litigating Local Government” in the United States District Court for the Northern District of Ohio in *In Re: National Prescription Opiate Litigation*, Case No. 1:17-md-02804-DAP to address a variety of issues including manufacturing and pharmacy distribution of opioid funds, allocation, and abatement use. The City of Olympia qualifies as a “Litigating Local Government” as having filed suit against any Pharmaceutical Supply Chain Participant pertaining to the opioid epidemic prior to September 1, 2020; and

WHEREAS, approval and execution of settlement documents including an Allocation Agreement II and Participation Forms are necessary to complete the terms of the proposed national settlement with the five opioid manufacturers and pharmacies referenced above, and shall settle and release all of the City of Olympia’s claims against the five settling opioid manufacturers and pharmacies; and

WHEREAS, the Olympia City Council recognizes that a monetary settlement alone does not fully atone for despicable corporate behavior to profit off the misery and overdose deaths suffered by Olympia families and residents by companies interested solely in profit, the proposed national settlement against the five settling manufacturers and pharmacies is a first step on the road to abating the opioid epidemic;


NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE as follows:

1. The Olympia City Council hereby approves the Participation Forms and Allocation Agreement II necessary for the City of Olympia to participate in the proposed national settlement against Allergan, CVS, Teva, Walgreens, and Walmart, and the terms and conditions contained therein.
2. The City Manager is authorized and directed to execute on behalf of the City of Olympia any settlement documents, including but not limited to Participation Forms, Allocation Agreement II, and any other documents that may be necessary to finalize and fully settle the proposed national settlement with Allergan, CVS, Teva, Walgreens, and Walmart, and to make any minor modifications or to correct any scrivener’s errors, as may be required and are consistent with the intent of the settlement agreement.

PASSED BY THE OLYMPIA CITY COUNCIL this 7th day of March 2023.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:

Mark Barber
CITY ATTORNEY