

1 RESOLUTION NO. 2019-332

**First Reading Passage Request**

**(J. Dodson)**

2 SPONSOR Ms. Shapiro

3  
4 DATE August 19, 2019

COMMITTEE Rules

6  
7 **A Resolution authorizing the County Executive to settle any or all claims, and to execute**  
8 **any corresponding settlement agreements, in litigation titled In re: National Prescription**  
9 **Opiate Litigation, Case No. 1:17-MD-2804, before Judge Dan Polster in the United States**  
10 **District Court, Northern District of Ohio, with any manufacturing or distributor**  
11 **Defendant with less than a 10% share of the opioid market in Summit County, for the**  
12 **Executive's Department of Law, Insurance and Risk Management, and declaring an**  
13 **emergency.**

14  
15 WHEREAS, the County is a bellwether Plaintiff in certain multi-district litigation  
16 brought by the County, several political subdivisions within the County, and several states,  
17 counties and local political subdivisions across the United States entitled In re: National  
18 Prescription Opiate Litigation, Case No. 1:17-MD-2804, before Judge Dan Polster in the United  
19 States District Court, Northern District of Ohio (the "Multi-District Litigation"; and

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21 WHEREAS, in the Multi-District Litigation, the County has sued several Defendants  
22 who are and were, at all times relevant to the County's Complaint, manufacturers and  
23 distributors of opioids that were consumed by residents of Summit County; and

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25 WHEREAS, the claims of the County, as well as Cuyahoga County, in the Multi-District  
26 Litigation are set for trial before a jury in October 2019; and

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28 WHEREAS, it is possible that the County may reach a settlement of any or all claims  
29 asserted by the County in the Multi-District Litigation against one or more manufacturing or  
30 distributor Defendants with less than a 10% share of the opioid market in Summit County during  
31 the time in which the County asserts the actions of the Defendants transpired; and

32  
33 WHEREAS, the County Executive cannot settle any or all such claims brought in the  
34 Multi-District Litigation against such Defendants and execute any corresponding settlement  
35 agreements without authority provided by this Council; and

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37 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
38 that it is necessary and in the best interest of the County to authorize the County Executive to  
39 settle any or all claims, and to execute any corresponding settlement agreements, in the Multi-  
40 District Litigation, with any manufacturing or distributor Defendant with less than a 10% share  
41 of the opioid market in Summit County during the time in which the County asserts the actions  
42 of the Defendants transpired.

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44 NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of Summit,  
45 State of Ohio, that:

46  
47 SECTION 1

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49 The County Executive is hereby authorized to settle any or all claims, and to execute any  
50 corresponding settlement agreements, in the litigation titled In re: National Prescription Opiate  
51 Litigation, Case No. 1:17-MD-2804, before Judge Dan Polster in the United States District  
52 Court, Northern District of Ohio, with any manufacturing or distributor Defendant with less than

1 RESOLUTION NO. 2019-332

2 PAGE TWO

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4 SECTION 1 (cont'd)

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6 a 10% share of the opioid market in Summit County during the time in which the County asserts  
7 the actions of the Defendants transpired. The County Executive is further authorized to take any  
8 action and to execute any other documents necessary to effectuate the settlement of the claims  
9 authorized under this Section.

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11 SECTION 2

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13 This Resolution is hereby declared an emergency in the interest of the health, safety and  
14 welfare of the residents of the County of Summit and for the further reason to immediately  
15 authorize any of the aforementioned settlements to occur in a timely fashion and in accordance  
16 with applicable laws and rules governing such settlements.

17  
18 SECTION 3

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20 Provided this Resolution receives the affirmative vote of eight members, it shall take  
21 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
22 effect and be in force at the earliest time provided by law.

23  
24 SECTION 4

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26 It is found and determined that all formal actions of this Council concerning and relating  
27 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
28 deliberations of this Council and of any of its committees that resulted in such formal action,  
29 were in meetings open to the public, in compliance with all legal requirements, including Section  
30 121.22 of the Ohio Revised Code.

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32  
33 INTRODUCED August 19, 2019

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35 ADOPTED August 19, 2019

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39 CLERK OF COUNCIL

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45 PRESIDENT OF COUNCIL

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47 APPROVED August 21, 2019

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49 EXECUTIVE

50 ENACTED EFFECTIVE August 21, 2019

Voice Vote 11-0 - YES: Dickinson, Donofrio, Feeman, Hamilton, Koehler, McKenney, Prentice, Rodgers, Schmidt, Walters, Wilhite