

1 RESOLUTION NO. 2019-361

Late Filing
First Reading Passage Requested
(B. Nelsen)

2
3 SPONSOR Ms. Shapiro

4
5 DATE September 9, 2019

COMMITTEE Rules

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7 **A Resolution amending Resolution No. 2019-332 to authorize the County Executive to settle**
8 **any or all claims, and to execute any corresponding settlement agreements, in litigation**
9 **titled In re: National Prescription Opiate Litigation, Case No. 1:17-MD-2804, before Judge**
10 **Dan Polster in the United States District Court, Northern District of Ohio, with any**
11 **manufacturing or distributor of opioids or pharmacy Defendant, for the Executive's**
12 **Department of Law, Insurance and Risk Management, and declaring an emergency.**

13
14 WHEREAS, County Council previously adopted Resolution No. 2019-332 authorizing
15 the County Executive to settle any or all claims, and to execute any corresponding settlement
16 agreements, in litigation titled In re: National Prescription Opiate Litigation, Case No. 1:17-MD-
17 2804, before Judge Dan Polster in the United States District Court, Northern District of Ohio,
18 with any manufacturing or distributor Defendant with less than a 10% share of the opioid market
19 in Summit County; and

20
21 WHEREAS, this Council finds it necessary to expand the scope of this authorization to
22 further authorize the County Executive to settle any or all claims, and to execute any
23 corresponding settlement agreements, in litigation titled In re: National Prescription Opiate
24 Litigation, Case No. 1:17-MD-2804, before Judge Dan Polster in the United States District
25 Court, Northern District of Ohio, with any manufacturing or distributor Defendant, regardless of
26 market share of the opioid market in Summit County and to additionally authorize settlement
27 with Pharmacy Defendants; and

28
29 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
30 that it is necessary and in the best interest of the County to amend Resolutions 2019-332 and
31 authorize the County Executive to settle any or all claims, and to execute any corresponding
32 settlement agreements, in the Multi-District Litigation, with any manufacturing or distributor of
33 opioids, or pharmacy Defendant in Summit County during the time in which the County asserts
34 the actions of the Defendants transpired.

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

38
39 SECTION 1

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41 Resolution 2019-332 is hereby amended as follows:

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43 The County Executive is hereby authorized to settle any or all claims, and to execute any
44 corresponding settlement agreements, in the litigation titled In re: National Prescription Opiate
45 Litigation, Case No. 1:17-MD-2804, before Judge Dan Polster in the United States District
46 Court, Northern District of Ohio, with any manufacturing or distributor or pharmacy Defendant
47 ~~with less than a 10% share of the opioid market in Summit County~~ during the time in which the
48 County asserts the actions of the Defendants transpired. The County Executive is further
49 authorized to take any action and to execute any other documents necessary to effectuate the
50 settlement of the claims authorized under this Section.

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1 RESOLUTION NO. 2019-361

2 PAGE TWO

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5 SECTION 2

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

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12 SECTION 3

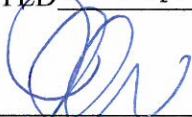
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14 Provided this Resolution receives the affirmative vote of eight members, it shall take
15 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
16 effect and be in force at the earliest time provided by law.

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18 SECTION 4

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20 It is found and determined that all formal actions of this Council concerning and relating
21 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
22 deliberations of this Council and of any of its committees that resulted in such formal action,
23 were in meetings open to the public, in compliance with all legal requirements, including Section
24 121.22 of the Ohio Revised Code.

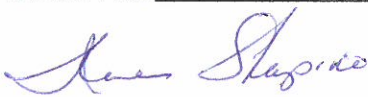
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28 INTRODUCED September 9, 2019

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30 ADOPTED September 9, 2019

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33 _____
34 CLERK OF COUNCIL

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38 PRESIDENT OF COUNCIL

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40 APPROVED September 10, 2019

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44 EXECUTIVE

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46 ENACTED EFFECTIVE September 10, 2019

Voice Vote YES: 10-0-1 Dickinson, Donofrio, Feeman, Hamilton,
McKenney, Prentice, Rodgers, Schmidt, Walters, Wilhite
ABSTAIN: Koehler