

RESOLUTION RE: AUTHORIZING THE COUNTY OF SUSSEX TO PARTICIPATE IN THE NATIONWIDE SETTLEMENT AGREEMENTS WITH JOHNSON & JOHNSON, MCKESSON, CARDINAL HEALTH, AND AMERISOURCEBERGEN TO RESOLVE CLAIMS INVOLVING THEIR ROLES IN THE COUNTRY'S OPIOID CRISIS

WHEREAS, the ongoing opioid crisis in America has had a devastating effect on individuals and communities, including many here in Sussex County; and

WHEREAS, the County of Sussex is a party to a class action lawsuit filed by state, local, and tribal governments, hospitals, individuals, and insurers, seeking damages against opioid manufacturers, distributors, and retailers in *In re National Prescription Opiate Litigation*, Case No. 17-md-02804, MDL No. 2804, in the District Court for the Northern District of Ohio; and

WHEREAS, on August 20, 2021, Acting Attorney General Andrew J. Bruck announced that New Jersey intends to join nationwide settlement agreements with New Jersey based pharmaceutical company Johnson & Johnson and the United States' three largest pharmaceutical distributors, McKesson, Cardinal Health and AmerisourceBergen, to resolve claims involving their roles in fomenting the country's opioid crisis; and

WHEREAS, participation in the nationwide settlements will not only hold the companies financially accountable by requiring payments of as much as \$26 billion, the settlements will provide funding to support programs that address the opioid epidemic in New Jersey and across the country, and will require significant changes in the pharmaceutical industry aimed at preventing similar crises in the future; and

WHEREAS, the proposed settlements provide:

“the Distributors to pay up to \$21 billion over 18 years and Janssen to pay up to \$5 billion over no more than 9 years, for a total of \$26 billion (the “Settlement Amount”). Of the Settlement Amount, approximately \$22.7 billion is earmarked for use by participating states and subdivisions to remediate and abate the impacts of the opioid crisis. The Settlements also contain injunctive relief provisions governing the opioid marketing, sale and distribution practices at the heart of the states' and subdivisions' lawsuits and further require the Distributors to implement additional safeguards to prevent diversion of prescription opioids;” and

WHEREAS, participation by a significant number of states, county, and municipal governments nationwide must agree to the proposed terms in order for the settlements to take effect; and

WHEREAS, provided enough states opt to participate in the settlements, their subdivisions will have through January 2, 2022 to join; and

WHEREAS, the County's share in the settlement funds will ultimately depend on the number of counties and municipalities that opt-in, population of each participating county and municipality, and effects of the opioid epidemic on each participating community; and

WHEREAS, it is in the best interests of the County and its residents to participate and join in the settlement agreements in order to hold these companies financially accountable for the ongoing opioid crisis and to implement the necessary changes to prevent such a crisis from happening again in the near future.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Sussex that County Administrator Gregory V. Poff is authorized to sign any documents necessary in order to join the settlement agreements with Johnson & Johnson, McKesson, Cardinal Health and AmerisourceBergen to resolve claims involving their participation in the opioid crisis.

BE IT FURTHER RESOLVED that upon effectuation of the settlement agreement, the County of Sussex agrees to dismiss its claims against the settling parties.

BE IT FURTHER RESOLVED that the Clerk of the Board of Commissioners shall forward a copy of this Resolution to the Office of the Attorney General of New Jersey.

Certified as a true copy of the
Resolution adopted by the
Board of County Commissioners
On the 8th day of December, 2021

Teresa Lyons, Clerk
Board of County Commissioners
County of Sussex