

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING THE CITY ATTORNEY TO RELEASE THE CITY'S POTENTIAL CLAIMS AS NECESSARY TO JOIN THE NATIONAL WALGREENS SETTLEMENT AGREEMENT, THE NATIONAL WALMART SETTLEMENT AGREEMENT, THE NATIONAL CVS SETTLEMENT AGREEMENT, AND THEIR ACCOMPANYING CALIFORNIA STATE-SUBDIVISION AGREEMENTS REGARDING DISTRIBUTION AND USE OF SETTLEMENT FUNDS, AS WELL AS TO RELEASE THE CITY'S POTENTIAL CLAIMS AS NECESSARY TO JOIN THE NATIONAL TEVA SETTLEMENT AGREEMENT, THE NATIONAL ALLERGAN SETTLEMENT AGREEMENT, AND THEIR ACCOMPANYING CALIFORNIA STATE-SUBDIVISION AGREEMENTS REGARDING DISTRIBUTION AND USE OF SETTLEMENT FUNDS; ALL PURSUANT TO IN RE NATIONAL PRESCRIPTION OPIATE LITIGATION, MDL MASTER DOCKET NO. 1:17-MD-2804 (OFFICE OF THE CITY ATTORNEY – PUBLIC NUISANCE, FALSE ADVERTISING, UNFAIR COMPETITION).**

**WHEREAS**, in May 2014, the Santa Clara County Counsel's Office and the Orange County District Attorney's Office filed the first lawsuit in the nation brought by government entities against major opioid manufacturers ("Manufacturers") for the companies' roles in creating and perpetuating the opioid crisis; and

**WHEREAS**, in 2018, the Oakland City Attorney and the Los Angeles County Counsel, in the name of the People of the State of California, joined that lawsuit; and

**WHEREAS**, the City Attorney's participation in that state court lawsuit has put the City of Oakland in its current position to authorize the City Attorney to accept the terms of these five national opioid settlements as a "litigating entity"; and

**WHEREAS**, the national Walgreens Settlement Agreement, the national Walmart Settlement Agreement, the national CVS Settlement Agreement, the national Teva Settlement Agreement, and the national Allergan Settlement Agreement arose from federal litigation by innumerable state and local governments across the country, challenging the conduct of a wide variety of opioid industry actors for the roles they played in the opioid crisis; and

**WHEREAS**, those cases were consolidated into a single "Multi-District Litigation" ("MDL") proceeding, and these settlements would resolve all relevant claims in the MDL 2804; and

**WHEREAS**, the City of Oakland may elect to participate in the national Walgreens Settlement Agreement, the national Walmart Settlement Agreement, and/or the national CVS Settlement Agreement, in exchange for releasing the City of Oakland’s relevant claims against those defendants; and

**WHEREAS**, the City of Oakland may elect to participate in the national Teva Settlement Agreement and the national Allergan Settlement Agreement, in exchange for releasing the City of Oakland’s relevant claims against those defendants; and

**WHEREAS**, to join one or more of these national settlements, the City of Oakland must also agree to California’s “State-Subdivision Allocation Agreements,” which accompany each national settlement and which set forth a division of settlement funds between the state and its local governments and between those local governments; and

**WHEREAS**, the City of Oakland will receive settlement funds over the course of years from any of the Settlement Agreements it joins, to be directed to activities that will abate the harms of the opioid crisis, including how that crisis has exacerbated the homelessness crisis; now therefore, be it

**RESOLVED:** That the City Attorney is authorized to release the City’s potential claims as necessary to join the National Walgreens Settlement Agreement, the national Walmart Settlement Agreement, the national CVS Settlement Agreement, and their accompanying California State-Subdivision Agreements Regarding Distribution and Use of Settlement Funds, as well as to release the City’s potential claims as necessary to join the national Teva Settlement Agreement, the national Allergan Settlement Agreement, and their accompanying California State-Subdivision Agreements Regarding Distribution and Use of Settlement Funds, all pursuant to In re: National Prescription Opiate Litigation, MDL Master Docket No. 1:17-MD-2804 (Office of the City Attorney – Public Nuisance, False Advertising, Unfair Competition); and be it

**FURTHER RESOLVED:** That the City Attorney is further authorized and directed to take whatever steps as may be necessary to effect said settlements.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS=

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California