

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ATTORNEY TO RELEASE THE CITY'S POTENTIAL CLAIMS AS NECESSARY TO JOIN THE NATIONAL KROGER SETTLEMENT AGREEMENT AND THE ACCOMPANYING CALIFORNIA STATE-SUBDIVISION AGREEMENT REGARDING DISTRIBUTION AND USE OF SETTLEMENT FUNDS, ALL PURSUANT TO IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION (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 for the companies' roles in creating and perpetuating the opioid crisis; and

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

WHEREAS, the City Attorney's participation in the state court lawsuit has put the City of Oakland in its current position to authorize the City Attorney to fully participate in the national Kroger Settlement Agreement and the associated California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds (collectively, "Kroger Settlement Agreement"); and

WHEREAS, the Kroger Settlement Agreement arose from the federal litigation by innumerable state and local governments across the country, challenging the conduct of a wide variety of opioid industry actors for the role they played in the opioid crisis; and

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

WHEREAS, the City of Oakland may election to participate in the national Kroger Settlement Agreement, in exchange for releasing the City of Oakland's relevant claims against Kroger Co. and its subsidiaries; and

WHEREAS, to join the national settlement, the City of Oakland must also agree to California’s “State-Subdivision Allocation Agreement,” which sets 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 funds under the Kroger Settlement Agreement over the course of years, to be directed to activities that will abate the harms of the opioid 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 Kroger Settlement Agreement and the associated California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds, pursuant to In re: National Prescription Opiate Litigation MDL Master Docket No. 1:17-MD-2804; 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 agreements.

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