


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 DISTRIBUTOR SETTLEMENT AGREEMENT, THE CALIFORNIA STATE-SUBDIVISION AGREEMENT REGARDING DISTRIBUTION AND USE OF SETTLEMENT FUNDS—DISTRIBUTORS, THE NATIONAL JOHNSON & JOHNSON (A.K.A. JANSSEN) SETTLEMENT AGREEMENT, AND THE CALIFORNIA STATE-SUBDIVISION AGREEMENT REGARDING DISTRIBUTION AND USE OF SETTLEMENT FUNDS—JANSSEN, 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, 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 that state court lawsuit has put the City of Oakland in its current position to authorize the City Attorney to accept the terms of either or both of the national opioid settlements as a "litigating entity"; and

WHEREAS, the national Distributor Settlement Agreement and the national Johnson & Johnson 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 Distributors Settlement Agreement, the Johnson & Johnson Settlement Agreement, neither, or both, in exchange for releasing the City of Oakland’s relevant claims against those defendants; and

WHEREAS, to join either or both national settlements, the City of Oakland must also agree to California’s “State Allocation Agreement,” a division of settlement funds between the state and its 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; and

RESOLVED: That the City Attorney is authorized to release the City’s potential claims as necessary to join the national Distributor Settlement Agreement, the California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds—Distributors, the national Johnson & Johnson (a.k.a. Janssen) Settlement Agreement, and the California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds—Janssen, 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, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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