


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ATTORNEY TO JOIN THE CALIFORNIA MALLINCKRODT STATEWIDE ABATEMENT AGREEMENT REGARDING DISTRIBUTION AND USE OF SETTLEMENT FUNDS PURSUANT TO THE PEOPLE OF THE STATE OF CALIFORNIA, ACTING BY AND THROUGH SANTA CLARA COUNTY COUNSEL JAMES R. WILLIAMS, ORANGE COUNTY DISTRICT ATTORNEY TONY RACKAUCKAS, LOS ANGELES COUNTY COUNSEL MARY C. WICKHAM, AND OAKLAND CITY ATTORNEY BARBARA J. PARKER V. PURDUE PHARMA L.P.; PURDUE PHARMA INC.; THE PURDUE FREDERICK COMPANY, INC.; TEVA PHARMACEUTICAL INDUSTRIES, LTD; TEVA PHARMACEUTICALS USA, INC.; CEPHALON, INC.; JOHNSON & JOHNSON; JANSSEN PHARMACEUTICALS, INC.; ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC. N/K/A JANSSEN PHARMACEUTICALS, INC.; JANSSEN PHARMACEUTICA, INC. N/K/A JANSSEN, ORANGE COUNTY SUPERIOR COURT CASE NO. 30-2014-00725287-CU-BT-CXC; IN RE NATIONAL PRESCRIPTION OPIATE LITIGATION, MDL MASTER DOCKET NO. 1:17-MD-2804; AND IN RE: MALLINCKRODT PLC, ET AL., UNITED STATES BANKRUPTCY COURT, DISTRICT OF DELAWARE, CASE NO. 20-12522, CITY ATTORNEY FILE NO. X04526 (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 participate in the California Mallinckrodt Statewide Abatement Agreement, which will govern the allocation, distribution, use, and reporting of all funds allocated to California from the National Opioid Abatement Trust II ("NOAT II") in In re: Mallinckrodt PLC, et al, Case No. 20-12522, pending in the United States Bankruptcy Court, District of Delaware; and

WHEREAS, the California Mallinckrodt Statewide Abatement 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, the City of Oakland may agree to the additional distributions allowed to the City and other local entities under the California Mallinckrodt Statewide Abatement Agreement, whose terms are more favorable to Oakland than the default allocation provided through *In re Mallinckrodt PLC, et al.*, Case No. 20-12522, pending in United States Bankruptcy Court, District of Delaware; and

WHEREAS, the City of Oakland will receive funds under the California Mallinckrodt Statewide Abatement Agreement over the course of years, to be directed to activities that will abate the harms of the opioid crisis; and

RESOLVED: That the City Attorney is authorized to join the California Mallinckrodt Statewide Abatement Agreement regarding distribution and use of settlement funds pursuant to *In re Mallinckrodt PLC, et al.*, Bankruptcy; 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 settlement.

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