

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara J. Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TTY/TDD: (510) 238-3254

December 20, 2022

HONORABLE CITY COUNCIL
Oakland, California

Subject: 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

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)

Dear President Fortunato Bas and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing the City Attorney to join the California Mallinckrodt Statewide Abatement Agreement (“Agreement”), a statewide agreement to 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.

The opportunity to negotiate and then join this Agreement arose due to litigation the City Attorney joined some years ago. 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’

HONORABLE CITY COUNCIL

December 20, 2022

**Re: The People of the State of California, acting by and through Santa Clara County Counsel
James R. Williams et al. v. Purdue Pharma L.P. et al.**

Page 2

roles in creating and perpetuating the opioid crisis. In 2018, Oakland and Los Angeles County, in the name of the People of the State of California, joined that lawsuit. The lawsuit was and is distinct from the Agreement before the Council, but the City Attorney's participation in that lawsuit has put the City of Oakland in its current position to authorize the City Attorney to join the present Agreement.

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. The Agreement changes the default allocation provided by NOAT II in the corporation's bankruptcy proceedings to make the allocation more favorable to many local governments in California, providing more overall funding to cities such as Oakland for opioid abatement.

The California Mallinckrodt Statewide Abatement Agreement must be signed by local entities representing a certain percentage of the State of California, as well as by the California Attorney General. Local governments have until December 8, 2022 to indicate their willingness to join the Agreement.

The City Council authorized this action in Closed Session on Thursday, December 8, 2022 (moved by Councilmember Loren Taylor and seconded by Councilmember Treva Reid – 5 Ayes and 3 absent - President Pro Tempore Sheng Thao, Council President Nikki Fortunato Bas and Councilmember Carroll Fife).

Respectfully submitted,



BARBARA J. PARKER
City Attorney

Assigned Attorney:
Zoe Savitsky

3228340v1