


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 A NATIONAL SETTLEMENT AGREEMENT WITH SIX REMNANT OPIOID DEFENDANTS, 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, including Purdue Pharma L.P., 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 put the City of Oakland in its current position to authorize the City Attorney to fully participate in a nationwide settlement with six regional distributor/dispenser defendants ("Six Remnant Defendants Settlement"): American Associated Pharmacies; J M Smith Corporation; Louisiana Wholesale Drug Company, Inc.; Morris and Dickson Co. L.L.C.; North Carolina Mutual Wholesale Drug Company, Inc.; and United Natural Foods, Inc. (including all affiliated entities) (collectively, "Defendants"); and

WHEREAS, the settlement arose from the 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; and

WHEREAS, the Defendants are six regional distributors/dispensers that had a very minor market share across the country and the City may elect to participate in the settlement, in exchange for releasing the City of Oakland's unfiled claims against these Defendants; and

WHEREAS, the City will receive a small direct payment from the settlement, dependent on final participation, to be used on 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 Six Remnant Defendants Settlement; 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 agreement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –
ABSENT –
ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California