



BLASINGAME ▸ BURCH ▸ GARRARD & ASHLEY, P.C.

ATTORNEYS AT LAW

Andrew J. Hill III

Email address: ahill@bbga.com

March 2, 2023

Via Email

Re: *In Re: National Prescription Opiate Litigation*, MDL 2804

Dear Client:

We are writing to you regarding the five new national opioid settlements that have been reached with Defendants Teva, Allergan, CVS, Walgreens, and Wal-Mart (collectively the “New Opioid Settlements”). The settlement agreements for the New Opioid Settlements, which are attached to this letter for your review, total approximately \$20 billion.

On February 1, 2023, you should have received a DocuSign email titled “Action Required: Teva, Allergan, CVS, Walgreens, Walmart National Opioid Settlements” from Rubris, the Opioids Implementation Administrator, with Participation Forms to participate in the New Opioid Settlements. The DocuSign email was sent from dse_NA3@docusign.net. Rubris also sends emails directly from opioidsparticipation@rubris.com. Attached to this letter are examples of the Participation Forms that Rubris sent. The Participation Forms for the New Opioid Settlements are substantially similar to the Participation Forms your subdivision signed to participate in the National Distributor and Janssen Settlements (your subdivision recently received payments from the National Distributor and Janssen Settlements).

For the same reasons we recommended your subdivision participate in the National Distributor and Janssen Settlements, we recommend your subdivision participate in the New Opioid Settlements. The New Opioid Settlements have overwhelming support nationwide and within the State of Georgia, including from Attorney General Chris Carr and attorneys representing other Georgia subdivisions. Further, participating in the New Opioid Settlements is the best way to ensure your subdivision receives a recovery from the settling Defendants (there is the risk of state legislated litigation bars and/or defendant bankruptcies), maximizes its recovery from the settling Defendants, receives payments and resources sooner rather than later, and is not on the outside looking in.

ATHENS GREENSBORO ATLANTA BIRMINGHAM

PLEASE REPLY TO: Post Office Box 832 | Athens, GA 30603 | 440 College Avenue | Suite 320 | Athens, GA 30601
Phone 706.354.4000 | Fax 706.353.0673

We also recommend that you wait to sign the Participation Forms for the New Opioid Settlements. We (along with counsel for other Georgia subdivisions) are advising our clients to wait to sign the Participation Forms because we are still in the process of reaching a Memorandum of Understanding (“MOU”) with the State of Georgia regarding the New Opioid Settlements. As was the case with the National Distributor and Janssen Settlements, the purpose of having a MOU in place for the New Opioid Settlements is to maximize the funds available under the settlements and to control how funds from the settlements are allocated between the State of Georgia and Georgia’s subdivisions.

We anticipate that the terms of the MOU for the New Opioid Settlements will be identical in all material respects to the MOU the State of Georgia and Georgia’s subdivisions entered for the National Distributor and Janssen Settlements. Namely, we anticipate that the MOU for the New Opioid Settlements will contain the same allocation percentages:

- The State of Georgia receives 75% of the settlement funds
 - The State of Georgia must expend at least 40% of its share of the settlement funds on a regional basis, which inures to the benefit of all Georgians
- Participating Georgia subdivisions receive 25% of the settlement funds
 - If a participating county has a litigating sheriff, the county must allocate at least 9.45% of its settlement funds to the sheriff
 - If a participating county has a litigating hospital, the county must allocate at least 2% of its settlement funds to the hospital
 - If a participating county has a litigating school district, the county must allocate at least 1% of its settlement funds to the school district

A copy of the MOU for the National Distributor and Janssen Settlements is attached for your review. Your subdivision executed Exhibit 1 to the MOU, the Acknowledgement and Agreement To Be Bound By Memorandum of Understanding, alongside the National Distributor and Janssen Participation Forms, when it joined the National Distributor and Janssen Settlements in 2021.

Although the MOU for the New Opioid Settlements has not been finalized yet, the deadline to participate in the New Opioid Settlements – April 18, 2023 – is fast approaching. Accordingly, we strongly recommend that your subdivision approve the (anticipated) MOU and agree to participate in the New Opioid Settlements at your next Board of Commissioners or City Council Meeting. We also suggest that you appoint an individual – preferably the individual who received the DocuSign email from Rubris with the Participation Forms – as the individual authorized to execute the (anticipated) MOU acknowledgment and complete the Participation Forms for the New Opioid Settlements. This will ensure that the necessary documents can be executed quickly once the MOU is finalized.

By March 10, 2023, please send an email to Julie Boyer at jboyer@bbga.com with the date of the meeting where your subdivision plans to discuss approving the (anticipated) MOU and participating in the New Opioid Settlements. After that meeting, please email Ms. Boyer the name and contact information of the individual your subdivision has appointed to execute

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the (anticipated) MOU acknowledgment and complete the Participation Forms for the New Opioid Settlements.

If you have any questions, please do not hesitate to contact us.

Sincerely,

/s/ Andrew J. Hill III

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