



**CITY OF GROSSE POINTE WOODS
DEPARTMENT OF PUBLIC SAFETY**

RECEIVED
DEC 10 2021
CITY OF GROSSE POINTE WOODS
CLERK'S DEPARTMENT

Date: December 10, 2021
To: Bruce Smith, City Administrator *Bruce Smith*
From: John G. Kosanke, Director of Public Safety *John G. Kosanke*
Subject: National Opioid Litigation Settlement

I am recommending that the City of Grosse Pointe Woods participates in proposed nationwide opioid litigation settlements by registering with the State of Michigan. The settlements have been reached over several years of negotiations. Involved are the three largest pharmaceutical distributors – McKesson, Cardinal Health and AmerisourceBergen, and one manufacturer – Janssen Pharmaceuticals, Inc. and its parent company, Johnson & Johnson. The settlements require the distributors to implement safeguards to prevent the over-prescription of opioids and place restrictions on the marketing, sale, and distribution of opioids. Specific details can be found at <https://nationalopioidsettlement.com/>

The settlements require the distributors to pay up to \$21 billion dollars over eighteen years and the manufacturer to pay up to \$5 billion dollars over nine years, for a total of \$26 billion dollars. The State of Michigan would receive an allocation of 15 percent, of which Grosse Pointe Woods would be eligible to receive .0338 percent. Per the Office of the Michigan Department of Attorney General, the more subdivisions of a participating state which choose to participate in the settlement, the greater the amount of funds will be which flow to that state and its participating subdivisions.

The City of Grosse Pointe Woods stands to gain an estimated amount of \$60,699.00 over the next eighteen years assuming 100% participation in the settlement. Two payments would be made in 2022 and one payment would be made over each of the seventeen years that follow.

The funds would be used for First Responder training in addition to the expansion of training for schools, community support programs, and families. The primary use of the training would be to educate law enforcement regarding the appropriate practices and precautions when dealing with fentanyl or other drugs. The funds would also be used to provide wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

The terms of the proposed settlement have been reviewed by City Attorney Lisa Anderson and a Resolution to approve the opting-in for the National Opioid Litigation Settlement has been created. A draft of the resolution is attached. I recommend that the Resolution be approved and signed by the City Administrator.

A copy of the settlement, the subdivision settlement participation form, and the exhibits are attached for your review. The deadline for participation to maximize settlement benefits is January 02, 2022.

CITY OF GROSSE POINTE WOODS

RESOLUTION APPROVING OPTING-IN TO THE NATIONAL OPIOID LITIGATION SETTLEMENT

RECITALS:

A. After several years of negotiation, two nationwide settlements have been reached against the three largest pharmaceutical distributors, McKesson, Cardinal Health and AmerisourceBergen and one manufacturer, Janssen Pharmaceuticals, Inc., and its parent company Johnson & Johnson. The settlements require the distributors to pay up to \$21 billion dollars over 18 years and for Janssen to pay up to \$5 billion over 9 years, for a total of \$26 billion. Of the settlement amount approximately \$22.7 billion is earmarked for participating states and state subdivisions to remediate and abate the impacts of the opioid crisis.

B. The settlements require the distributors to implement safeguards to prevent the over prescription of opioids and place restrictions on the marketing, sale and distribution of opioids. Michigan has chosen to participate in each settlement. The Distributors will be required to carefully review and report suspicious orders to the state. There will be a national Enforcement Committee to review compliance with the settlements and compliance committees established in the states. Janssen is banned from manufacturing, selling or promoting the sales of opioids in the United States.

C. The City of Grosse Pointe Woods is eligible to participate in the settlements. The settlement with the Distributors indicates that Grosse Pointe Woods is eligible to receive approximately .0338 percent of the 15% allocation the state will receive to distribute to participating subdivisions. The allocation percentage may be modified if the state of Michigan enters into a state specific agreement with the settling parties.

D. Any funds received from the settlements must be spent on opioid remediation, which is defined in the settlement agreements. However, if a majority of governments that sued the companies do not accept the settlement, the proposed deal will fail, and litigation will continue.

D. The two proposed settlements require the participating subdivisions to agree to the settlement terms. The settlements require: i) an agreement to the terms of the settlements; ii) a release of claims; iii) an agreement that monies received can only be spent on opioid remediation and iv) a consent to the jurisdiction of the court where the settlement judgment is filed. The Distributor Release is a release of claims against Distributors and J&J Release is a release of claims against Janssen and Johnson & Johnson.

IT IS THEREFORE RESOLVED:

The City of Grosse Pointe Woods elects to participate in the proposed settlements with pharmaceutical distributors, McKesson, Cardinal Health and AmerisourceBergen and the proposed settlement with one manufacturer, Janssen Pharmaceuticals, Inc., and its parent company Johnson & Johnson.

The City of Grosse Pointe Woods agrees to the terms of the settlements, a release of claims against the companies named in the litigation, the funds received from the settlements to be spent on opioid remediation, as defined in the settlements, and consents to the jurisdiction of the court where the settlement judgments are filed.

City Council authorizes the City Administrator to register the City on the National Opioid Settlement website, opt-in to the settlements, consent to the terms of the settlement and take such further action as is necessary to receive the settlement funds.

The election, agreement, and authorization in this Resolution are subject to completion of all other necessary actions by the Court and the other parties required to finalize the settlements as described herein.

CERTIFICATION

I hereby certify that this Resolution was adopted by the City Council for the City of Grosse Pointe Woods at a regular meeting on December 20, 2021.

City of Grosse Pointe Woods

Date

Lisa Hathaway, City Clerk

John Kosanke

From: Lisa A. Anderson <landerson@rsjalaw.com>
Sent: Thursday, December 2, 2021 11:11 AM
To: Bruce Smith
Cc: Shawn Murphy; John Kosanke; Frank Schulte; Susan Como
Subject: RE: Opioid Settlement
Attachments: Resolution Approving Participation in Opioid Litigation Settlement.docx;
Subdivision_Participation_Form_Distributors_736729_7.pdf;
Subdivision_Participation_Form_Janssen Settlement (003).pdf

CAUTION: This email originated from outside of the organization. DO NOT click links, open attachments or reply to this message unless you recognize the sender and know the content is safe:

Bruce,

If you do decide to opt into the opioid settlement, Council will need to approve participation in the settlement this month. Joellen Shortley, one of my partners at the firm, prepared the attached resolution to authorize the City's participation in the settlement if you choose to proceed. To participate, the resolution will need to go before Council at its December 6 or December 20th meeting.

Lisa Anderson

From: Bruce Smith <bsmith@gpwmi.us>
Sent: Monday, November 29, 2021 12:45 PM
To: Lisa A. Anderson <landerson@rsjalaw.com>
Cc: Shawn Murphy <smurphy@gpwmi.us>; John Kosanke <JKosanke@gpwmi.us>; Frank Schulte <fschulte@gpwmi.us>; Susan Como <SComo@gpwmi.us>
Subject: RE: Opioid Settlement

All,

Please read over the Approved Uses of this grant settlement and respond back to me by Dec. 8, if you think there is any value to us applying for this funding source. John, you have a more direct contact with some of these funding areas such as Narcan use, education for first responders and drug take back program. These programs usually have hoops to jump through and reporting requirements that must be considered before making application.

Bruce J. Smith
City Administrator
Police Commissioner
20025 Mack Plaza Drive
Grosse Pointe Woods, MI 48236
Phone: #313.343.2450
Cell: #313.319.8493
Email: bsmith@gpwmi.us
Website: www.gpwmi.us

From: Lisa A. Anderson <landerson@rsjalaw.com>
Sent: Monday, November 29, 2021 12:15 PM
To: Bruce Smith <bsmith@gpwmi.us>

Cc: Shawn Murphy <smurphy@gpwmi.us>; John Kosanke <JKosanke@gpwmi.us>; Frank Schulte <fschulte@gpwmi.us>; Susan Como <SComo@gpwmi.us>
Subject: Opioid Settlement

CAUTION: This email originated from outside of the organization. DO NOT click links, open attachments or reply to this message unless you recognize the sender and know the content is safe:

Bruce, as you may know, the City is entitled to a portion of the proceeds equal to .0337630289 percent from two nationwide settlements in the opioid litigation. As I understand it, the State of Michigan will receive roughly \$800 million from the opioid settlement, of which 15% will be available for distribution. The City is entitled to .0337630289 percent of the distribution award, spread over a number of years.

In order to participate in the settlement, the City must take affirmative steps to opt in by January 2, 2022. The process for opting in is described in the attached settlement notice. Any money received from the settlement must be spent on approved activities, as described in the attached List of Opioid Remediation Uses.

I would be happy to provide additional information on this issue if needed.

Lisa Anderson



ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

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Property of the City of Grosse Pointe Woods. If you have received this transmission in error, please delete immediately.

National Opioids Settlement
P.O. Box 43196
Providence, RI 02940-3196



NPD

257



122810024998

Postal Service: Please do not mark barcode

NPD CR-806-858



TO LOCAL POLITICAL SUBDIVISIONS: IMPORTANT INFORMATION ABOUT THE NATIONAL OPIOID SETTLEMENT. SUBDIVISIONS MUST SUBMIT SIGNED DOCUMENTATION TO PARTICIPATE. THE DEADLINE FOR PARTICIPATION TO MAXIMIZE SETTLEMENT BENEFITS IS JANUARY 2, 2022.

If your subdivision is represented by an attorney with respect to opioid claims, please immediately contact them.

SETTLEMENT OVERVIEW

After years of negotiations, two proposed nationwide settlement agreements (“Settlements”) have been reached that would resolve all opioid litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors, McKesson, Cardinal Health and AmerisourceBergen (“Distributors”), and one manufacturer, Janssen Pharmaceuticals, Inc., and its parent company Johnson & Johnson (collectively, “Janssen”).

The proposed Settlements require the Distributors and Janssen to pay billions of dollars to abate the opioid epidemic. Specifically, the Settlements require the Distributors to pay up to \$21 billion over 18 years and Janssen to pay up to \$5 billion over no more than 9 years, for a total of \$26 billion (the “Settlement Amount”). Of the Settlement Amount, approximately \$22.7 billion is earmarked for use by participating states and subdivisions to remediate and abate the impacts of the opioid crisis.

The Settlements also contain injunctive relief provisions governing the opioid marketing, sale and distribution practices at the heart of the states’ and subdivisions’ lawsuits and further require the Distributors to implement additional safeguards to prevent diversion of prescription opioids.

Each of the proposed Settlements has two key participation steps. First, each state decides whether to participate in the Settlements. Michigan has joined both settlements. Second, the subdivisions within each participating state must then decide whether to participate in the Settlements. Generally, the more subdivisions that participate, the greater the amount of funds that flow to that state and its participating subdivisions. Any subdivision that does not participate cannot directly share in any of the settlement funds, even if the subdivision’s state is settling and other participating subdivisions are sharing in settlement funds.

This letter is part of the formal notice required by the Settlements.

WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?

You are receiving this letter because Michigan has elected to participate in both of the two national Settlements against (1) the Distributors, and (2) Janssen, and your subdivision may participate in the Settlements. This notice is being sent directly to subdivisions and also to attorneys for subdivisions that we understand are litigating against these companies. If you are represented by an attorney with respect to opioid claims, please immediately contact them. Please note that there is no need for subdivisions to be represented by an attorney or to have filed a lawsuit to participate in the Settlements.

WHERE CAN YOU FIND MORE INFORMATION?

This letter is intended to provide a brief overview of the Settlements. Detailed information about the Settlements may be found at: <https://nationalopioidsettlement.com/>. This national settlement website also includes links to information about how the Settlements are being implemented in your state and how settlement funds will be allocated within your state. This website will be supplemented as additional documents are created. The Michigan Attorney General's office has also set up a website with resources that may be found at www.mi.gov/agopioids.

HOW DO YOU PARTICIPATE IN THE SETTLEMENTS?

You must go to the national settlement website to register to receive in the coming weeks and months the documentation your subdivision will need to participate in the Settlements (if your subdivision is eligible). All required documentation must be executed and submitted electronically through the website and must be executed using the "DocuSign" service. As part of the registration process, your subdivision will need to identify, and provide the email address for, the individual who will be authorized to sign formal and binding documents on behalf of your subdivision.

Your unique Subdivision Identification Number to use to register is: VJU3AS

HOW WILL SETTLEMENT FUNDS BE ALLOCATED IN EACH STATE?

The settlement funds are first divided among the participating states according to a formula developed by the Attorneys General that considers population and the severity of harm caused by the opioid epidemic in each participating state. Each state's share of the abatement funds is then further allocated within each state according to agreement between the state and its subdivisions, applicable state allocation legislation, or, in the absence of these, the default provisions in the agreements.

Many states have or are in the process of reaching an agreement on how to allocate abatement funds within the states. Allocation agreements/legislation and other information about Michigan's allocation agreement or legislation can be found on the national settlement website. The allocation section of the website will be supplemented as more intra-state allocation arrangements are finalized. You may also visit Michigan's state-specific website at www.mi.gov/agopioids.

In reviewing allocation information, please note that while all subdivisions may participate in the Settlements, not all subdivisions are eligible to receive direct payments. To promote efficiency in the use of abatement funds and avoid administratively burdensome disbursements that would be too small to add a meaningful abatement response, certain smaller subdivisions do not automatically receive a direct allocation. However, participation by such subdivisions will help maximize the amount of abatement funds being paid in the Settlements, including those going to counties, cities, parishes, and other larger subdivisions in their communities.

To determine your eligibility to receive, directly or indirectly, any of the funds allocated to your state should you elect to participate in the Settlements in which your state participates, you should first visit <https://nationalopioidsettlement.com/> to determine if your state has entered into a state-subdivision agreement or has an allocation statute and/or a statutory trust. If so, then the terms of the state-subdivision agreement, allocation statute, and/or statutory trust (as applicable) will govern your eligibility to receive funds directly or indirectly from the share that is allocated to your state under the national settlement agreements. In some states there will be a proposed state-subdivision agreement that is in the process of being adopted by subdivisions. Any questions concerning the status or terms of the state-subdivision agreement, allocation statute, and/or statutory trust in your state, if applicable, can be directed to the Attorney General's Office.

You may be contacted by the Attorney General's Office with additional information regarding the allocation of settlement funds in Michigan. Subdivisions with representation can expect information from their attorneys as well. We encourage you to review all materials and to follow up with any questions. The terms of these Settlements are complex, and we want to be sure you have all the information you need to make your participation decision.

WHY YOU SHOULD PARTICIPATE

A vast majority of states have joined the Settlements, and attorneys for many subdivisions have already announced support for them. For example, the Plaintiffs' Executive Committee, charged with leading the litigation on behalf of more than 3,000 cities, counties and others against the opioid industry, and consolidated in the national multi-district litigation ("MDL") pending before Judge Dan Aaron Polster in the Northern District of Ohio, recommends participation in these Settlements.

Subdivision participation is strongly encouraged, for the following reasons:

First, the amounts to be paid under the Settlements, while insufficient to abate the epidemic fully, will allow state and local governments to commence with meaningful change designed to curb opioid addiction, overdose and death;

Second, time is of the essence. The opioid epidemic continues to devastate communities around the country and it is critical that the funds begin to flow to allow governments to address the epidemic in their communities *as soon as possible*;

Third, if there is not sufficient subdivision participation in these proposed Settlements, the Settlements will not be finalized, the important business practice changes will not be implemented, the billions of dollars in abatement funds will not flow to communities, and more than 3,000 cases may be sent back to their home courts for trial, which will take many years;

Fourth, the extent of participation also will determine how much money each state and its local subdivisions will receive because approximately half of the abatement funds are in the form of "incentive payments," *i.e.*, the higher the participation of subdivisions in a state, the greater the amount of settlement funds that flow into that state;

Fifth, you know first-hand the effects of the opioid epidemic on your community. Funds from these Settlements will be used to commence abatement of the crisis and provide relief to your citizens while litigation and settlement discussions proceed against numerous other defendants in the opioid industry;

Sixth, because pills do not respect boundaries, the opioid epidemic is a national crisis that needs a national solution.

NEXT STEPS

These Settlements require that you take affirmative steps to “opt in” to the Settlements. If you do not act, you will not receive any settlement funds and you will not contribute to reaching the participation thresholds that will deliver the maximum amount of abatement funds to your state.

First, register your subdivision on the national settlement website so that information and documents required to participate can be sent to you. You will need the email address of the person who will be authorized to sign on behalf of your subdivision. This is the only action item needed at this time.

Second, have your authorizing person(s) or body begin to review the materials on the websites concerning the settlement agreement terms, allocation and other matters. Develop a list of questions for your counsel or the Attorney General’s Office. In the very near future, your subdivision will need to begin the process of deciding whether to participate in the proposed Settlements, and subdivisions are encouraged to work through this process well before the January 2, 2022 deadline to be an initial participating subdivision. Again, the Attorney General’s Office, your counsel, and other contacts within the state are available to discuss the specifics of the Settlements within your state, and we encourage you to discuss the terms and benefits of the Settlements with them.

Third, monitor your email for further communications, which will include a Participation Agreement, Release, (where applicable) a model Resolution, and instructions on executing and submitting electronically using DocuSign.

We urge you to view the national settlement website and the Michigan Attorney General’s website at your earliest convenience. Information and documents regarding the national Settlements and your state allocation can be found on the settlement website at <https://nationalopioidsettlement.com/>.

The contact person at the Michigan Department of Attorney General is Assistant Attorney General, Matthew Walker. Questions may be directed to AG-OpioidLitigation@michigan.gov.

EXHIBIT K

Subdivision Settlement Participation Form

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“*Distributor Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributor Settlement, understands that all terms in this Participation Form have the meanings defined therein, and agrees that by signing this Participation Form, the Governmental Entity elects to participate in the Distributor Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, secure the dismissal with prejudice of any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Distributor Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Distributor Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Distributor Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Distributor Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Distributor Settlement.

7. The Governmental Entity has the right to enforce the Distributor Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributor Settlement, including, but not limited to, all provisions of Part XI, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Distributor Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Distributor Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Distributor Settlement.
10. In connection with the releases provided for in the Distributor Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and that if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Distributor Settlement.

11. Nothing herein is intended to modify in any way the terms of the Distributor Settlement, to which Governmental Entity hereby agrees. To the extent this Participation Form is interpreted differently from the Distributor Settlement in any respect, the Distributor Settlement controls.

I have all necessary power and authorization to execute this Participation Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

SPECIMEN

EXHIBIT K

Settlement Participation Form

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“Janssen Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.
7. The Governmental Entity has the right to enforce the Janssen Settlement as provided therein.

8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Janssen Settlement, including but not limited to all provisions of Section IV (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Janssen Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Janssen Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Janssen Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Janssen Settlement.

10. Nothing herein is intended to modify in any way the terms of the Janssen Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Janssen Settlement in any respect, the Janssen Settlement controls.

I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

SPECIMEN