

STATE OF LOUISIANA
CITY OF WEST MONROE

RESOLUTION NO. _____

MOTION BY: _____

SECONDED BY: _____

A RESOLUTION AUTHORIZING THE CITY OF WEST MONROE TO PARTICIPATE IN ADDITIONAL *NATIONAL SETTLEMENTS* AS EXPRESSED IN THE RECENT NATIONAL *PHARMACY DEFENDANTS' SETTLEMENT AGREEMENTS* (CVS, WALGREENS AND WALMART DEFENDANTS),¹ AND ANY *FUTURE SETTLEMENTS* WITH ANY ADDITIONAL DEFENDANTS OR OTHER PARTIES ARISING FROM THE CITY OF WEST MONROE'S CLAIMS IN THE NATIONAL OPIOID LITIGATION (THE "NATIONAL SETTLEMENTS"), IN CONJUNCTION WITH AND PURSUANT TO THE PREVIOUSLY AGREED TO LOUISIANA MEMORANDUM OF UNDERSTANDING WITH THE LOUISIANA ATTORNEY GENERAL'S OFFICE ("MOU"),² AS WELL AS ANY SUBSEQUENT FORMAL AGREEMENTS NECESSARY TO IMPLEMENT THE LOUISIANA MOU OR EFFECT PARTICIPATION IN THE NATIONAL SETTLEMENTS, INCLUDING BUT NOT LIMITED TO, ANY SUBDIVISION SETTLEMENT PARTICIPATION FORM(S)/AGREEMENT(S), RELEASE(S) OR OTHER DOCUMENTS REQUIRED BY ANY SETTLEMENT AGREEMENTS ARISING FROM OR RELATING TO RESOLUTION OF THE CITY OF WEST MONROE'S CLAIMS IN THE NATIONAL OPIOID LITIGATION.

WHEREAS, the City of West Monroe has suffered harm from the opioid epidemic;

WHEREAS, the City of West Monroe recognizes that the entire State of Louisiana has suffered harm as a result from the opioid epidemic;

WHEREAS, the State of Louisiana has a pending action in state court, and a number of Louisiana Parishes, Cities and Special Districts have also filed actions in state court or have been transferred to, or directly in, *In re: National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio) (the "Opioid Litigation");

WHEREAS, the City of West Monroe is a litigating public subdivision and has a pending action in the Opioid Litigation;³

WHEREAS, the National Settlements with the Pharmacy Defendants⁴ were publicly announced in or around December 2022 in the Opioid Litigation;

¹ Available at: <https://nationalopioidsettlement.com/>; <https://nationalopioidsettlement.com/faq-explanatory-charts/>; <https://nationalopioidsettlement.com/pharmacy-settlements/>; <https://nationalopioidsettlement.com/wp-content/uploads/2023/02/2022-National-Opioids-Settlements-FAQs-2-2-2023.pdf>.

² See <https://nationalopioidsettlement.com/states/louisiana/> and <https://nationalopioidsettlement.com/wp-content/uploads/2021/10/2021.10.21-MOU-Opioid-Litigation.pdf>.

³ *City of West Monroe, Louisiana v. Purdue Pharma L.P. et al*, Case No. 1:18-op-46133-DAP (N.D. Ohio).

⁴ The Pharmacy Defendants include all those listed in the relevant Settlement Agreements, including those listed in each Exhibit J appended to Settlement Agreements with CVS, Walgreens and Walmart and including all of their subsidiaries, predecessors, successors, joint venturers, current officers, directors, employees, representatives, agents, affiliates, parents, and assigns.

WHEREAS, the City of West Monroe recognizes, acknowledges and accepts that it is eligible to participate in the recently announced National Settlements with the Pharmacy Defendants;

WHEREAS, the City of West Monroe recognizes, acknowledges and accepts that it is not eligible to participate in the recently announced national/global Teva and Allergan Settlements⁵ by virtue of the State of Louisiana's separate, preceding Settlement Agreements with the Teva and Allergan Defendants pursuant to State Attorney General's authority in the Louisiana MOU, and further recognizes that its claims against the relevant Teva and Allergan Defendants will be dismissed pursuant to those Settlement Agreements;

WHEREAS, participation in the National Settlements by a large majority of Louisiana cities, parishes and special districts will maximize the amount of funds allocated for Louisiana under the National Settlements and should improve Louisiana's relative bargaining position during additional settlement negotiations;

WHEREAS, failure to participate in the National Settlements will reduce funds available to the State, the City of West Monroe, and every other Louisiana City, Parish and Special District;

WHEREAS, the City of West Monroe's private attorneys from Neblett, Beard & Arsenault (and other co-counsel firms) have sufficiently explained the details of the current National Settlements to the City of West Monroe (through its City Attorney), the City of West Monroe has had an opportunity to ask questions concerning same, and the City of West Monroe's private attorneys have satisfactorily answered those questions to the best of their ability and based on currently available information;

WHEREAS, the City of West Monroe's private attorneys from Neblett, Beard & Arsenault (and other co-counsel firms) will explain the details of any future National Settlements to the City of West Monroe (through its City Attorney), the City of West Monroe will have an opportunity to ask questions concerning same, and the City of West Monroe's private attorneys will answer those questions to the best of their ability and based on then-available information;

WHEREAS, the City of West Monroe's private attorneys from Neblett, Beard & Arsenault (and other co-counsel firms) firmly believe that the City of West Monroe's participation in the current and future National Settlements is in the City of West Monroe's best interest;

⁵ See <https://nationalopioidsettlement.com/teva-allergan-settlements/>; <https://nationalopioidsettlement.com/state-participation-status/>; <https://nationalopioidsettlement.com/teva-allergan-settlement-documents/>.

WHEREAS, the City of West Monroe's private attorneys from Neblett, Beard & Arsenault (and other co-counsel firms) strongly recommend that the City of West Monroe participate in the current and future National Settlements, and agree to be bound by the terms thereof; and

WHEREAS, the City of West Monroe finds it prudent, appropriate and necessary to: (1) authorize the Mayor to agree to any and all future National Settlements arising from or relating to resolution of the City of West Monroe's claims in the National Opioid Litigation; and (2) authorize the Mayor to execute any formal agreements required by the Louisiana MOU or required to effect the City of West Monroe's participation in all National Settlements, including but not limited to, any Subdivision Settlement Participation Form(s)/Agreement(s), Release(s) or other documents required by any Settlement Agreements arising from or relating to resolution of the City of West Monroe's claims in the National Opioid Litigation.

NOW, THEREFORE,

SECTION 1. BE IT RESOLVED by the Mayor and the Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that the City of West Monroe finds that participation in the National Settlements is in the best interest of the City of West Monroe, its citizens, and its community(ies).

SECTION 2. BE IT FURTHER RESOLVED by the Mayor and the Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that the City of West Monroe hereby re-affirms its support of a unified plan for the allocation of any funds and use of opioid settlement proceeds as generally described in the previously agreed-to and executed Louisiana MOU.

SECTION 3. BE IT FURTHER RESOLVED by the Mayor and the Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that Staci Albritton Mitchell, as Mayor of the City of West Monroe, is hereby authorized to: (1) to agree to any and all current and future National Settlements arising from or relating to resolution of the City of West Monroe's claims in the National Opioid Litigation; (2) execute any and all formal agreements required by the Louisiana MOU or required to effect the City of West Monroe's participation in any and all current and future National Settlements, including but not limited to, any Subdivision Settlement Participation Form(s)/Agreement(s), Release(s) or other necessary documents required by any Settlement Agreements arising from or relating to resolution of the City of West Monroe's claims in the National Opioid Litigation; and (3) authorize the City of West Monroe's private

attorneys from Neblett, Beard & Arsenault (and other co-counsel firms) to perform any and all work necessary to accomplish resolution of the City of West Monroe’s claims in the National Opioid Litigation.

SECTION 4. BE IT FURTHER RESOLVED by the Mayor and the Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that the City Clerk be and hereby is instructed to record this Resolution in the appropriate record book upon its adoption.

SECTION 5. The Clerk is hereby directed to furnish a certified copy of this Resolution to Neblett, Beard & Arsenault:

Neblett, Beard & Arsenault
c/o Dustin C. Carter
P.O. Box 12120
Alexandria, LA 71315

SECTION 6. BE IT FURTHER RESOLVED by the Mayor and the Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that for good cause and in the best interest of the City and its residents, this Resolution shall take effect immediately upon its adoption.

The above resolution was read and considered by sections at a public meeting of the Mayor and Board of Aldermen, in regular and legal session convened on the 7th day of March, 2023, voted on by yea and nay vote, passed and adopted, the final vote being as follows:

YEA:_____

NAY:_____

NOT VOTING: _____

ABSENT: _____

ATTEST:

APPROVED THIS 7TH DAY OF
MARCH, 2023

CHRISTEN HEATH, CITY CLERK
CITY OF WEST MONROE
STATE OF LOUISIANA

STACI ALBRITTON MITCHELL, MAYOR
CITY OF WEST MONROE
STATE OF LOUISIANA