

**RESOLUTION NO. 2022-R-136**

**A RESOLUTION AUTHORIZING THE CITY OF IRONDALE, ALABAMA TO JOIN AS PARTICIPANTS IN CERTAIN OPIOID LITIGATION SETTLEMENTS**

WHEREAS, the City of Irondale, Alabama filed an action in February 1, 2022 in the United States District Court – Northern District of Alabama (Southern Division) (Case 2:22-cv-00134-AMM) to recover damages from various Defendants who are manufacturers, distributors, and pharmacy dispensers of opioids, and to eliminate the hazard to public health and safety caused by the opioid epidemic, to abate the nuisance caused thereby, and recoup monies that have been spent, or will be spent because of unlawful diversion and distribution of prescription opioids; and

WHEREAS, the Court ordered transfer of the case to the Northern District of Ohio for inclusion in the multidistrict litigation (MDL 2804) under Case No. 1:22-op-45012-DAP with thousands of other state and local governmental entities who were harmed by the opioid epidemic, where said case has been delayed due to attempts to reach settlement and filing of bankruptcy by several Defendants; and

WHEREAS, the City of Irondale, Alabama along with the State of Alabama and other municipal and county entities herein have engaged in settlement negotiations with certain Defendants; and

WHEREAS, the State of Alabama has entered into a Settlement Agreement with McKesson Corporation (“McKesson”) and with Johnson & Johnson (“J&J”) along similar terms, which includes the claims for the State of Alabama’s local governments, and the City of Irondale, Alabama’s claims against those defendants; and

WHEREAS, the City Attorney April Danielson recommends that the City Council authorize settlement authority (including execution of settlement and sign-on agreements with the State of Alabama for McKesson, J&J, and any other defendant as named in the City’s complaint) at and under such terms of the Settlement Agreement that are acceptable to Mayor James D. Stewart Jr.; and

WHEREAS, the City Council recognizes that the details for allocation of Settlement Funds to local governments is not finalized at the time of this Resolution but finds acceptable and in the best interest of the community for the City of Irondale, Alabama to receive any and all such funds available to counteract the effects of the opioid epidemic within its corporate limits.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IRONDALE, ALABAMA, AS FOLLOWS:

1. That Mayor James D. Stewart Jr. is authorized and empowered to make settlement with McKesson, J&J, and any other defendant as listed in the February 1, 2022 Complaint (as amended), including entering into any sign-on agreement with the State of Alabama and/or/ executing any formal agreements necessary to implement each settlement and plan for the

allocation and use of the related opioid settlement funds and otherwise authorizes, ratifies and/or/ approves settlement of the same on the City's behalf.

2. That the City of Irondale, Alabama determines that settlement of its claims would ensure an effective structure for the commitment of opioid settlement funds to abate and seek to resolve the opioid epidemic and that Mayor James D. Stewart Jr. is authorized to take such other action as necessary and appropriate to effectuate the City of Irondale, Alabama's participation in settlement of the its opioid claims against McKesson, J&J, and all other named defendants in the current pending litigation.
3. That this Resolution shall become effective upon adoption.

**ADOPTED & APPROVED:** This 2<sup>nd</sup> day of August, 2022.

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David Spivey, City Council President

**APPROVED:**

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James D. Stewart, Jr., Mayor

**ATTESTED:**

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Leigh Ann Allison, City Clerk

**CERTIFICATION**

I, Leigh Ann Allison, the City Clerk of the City of Irondale, Alabama, hereby certify that the above to be a true and correct copy of a resolution adopted by the City Council of the City of Irondale at its regular meeting held on the 2<sup>nd</sup> day of August, 2022, as the same appears in the minutes of record of said meeting.

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Leigh Ann Allison, City Clerk