



Order

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

No. 2020-19

AN ORDER OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AUTHORIZING AND DIRECTING THE ENTERING INTO THE “ONE ARIZONA OPIOID SETTLEMENT MEMORANDUM OF UNDERSTANDING” REGARDING A PLAN TO ALLOCATE POTENTIAL GLOBAL SETTLEMENT FUNDS IN THE CLASS ACTION TITLED “IN RE NATIONAL PRESCRIPTION OPIATE LITIGATION.”

WHEREAS, the class action case captioned, In Re National Prescription Opiate Litigation, Multi-District Litigation Case No. 2804 (United States District Court for the Northern District of Ohio, Eastern Division) (the “Class Action”), involves claims against thirteen (13) sets of companies in the pharmaceutical supply chain for misrepresentation about the addictive nature and the need to prescribe opioids (among other claims); which caused addiction, overdose death, and economic burdens on over 34,400 counties, cities and towns; and

WHEREAS, on September 10, 2019, the counsel for the counties, cities and towns devised a model allocation system for a *potential* global settlement based on the impact of the opioid crisis, not on population; and

WHEREAS, on September 11, 2019, the court certified a Negotiation Class which included the City of San Luis among the over 34,400 counties, cities and towns nationwide, appointed Negotiation Class Counsel, set November 22, 2019, as the deadline to opt-out and set September 11, 2024, as the end of the Negotiation Class; and

WHEREAS, on November 13, 2019, the City of San Luis adopted Order No. 2019-10 to authorize its participation in the Class Action; and

WHEREAS, on September 24, 2020, the United States Court of Appeals for the Sixth Circuit ruled in favor of the formation of Negotiation Class; and

WHEREAS, four (4) of the thirteen (13) pharmaceutical supply chain defendants have expressed an interest in a global settlement with all the counties, cities and towns in the Class Action plus their terms of settlement must include the 50 states and the District of Columbia; and

WHEREAS, since April of 2020, using the allocation model devised by the Negotiation

Class Counsel, the State of Arizona and all 15 of Arizona's Counties have been working on developing a plan to divide *potential* global settlement funds from a joint resolution of claims brought by the State of Arizona, its 15 Counties and all of Arizona's 91 cities and towns (including the Class Action and other separate lawsuits); and

WHEREAS, the plan would be called the "One Arizona Opioid Settlement Memorandum of Understanding" ("MOU"); and

WHEREAS, seven (7) Arizona counties negotiating the MOU had outside counsel representing them, and each of those seven (7) outside counsel also represented one or more Arizona cities; and

WHEREAS, the MOU requires the funds to be used to combat the impacts of the opioid crisis; and

WHEREAS, the MOU provides for a larger sum to be distributed among the counties, cities and towns if there is one-hundred percent (100%) participation of all the jurisdictions in Arizona; and

WHEREAS, the MOU does not bind those signing it to any particular Class Action outcome; and

WHEREAS, by the end of October 2020, all 15 Counties signed the MOU; and

WHEREAS, on November 10, 2020, the City of San Luis Received the MOU; and

WHEREAS, on November 12, 2020, Chief Civil Deputy Yuma County Attorney William J Kerekes coordinated a video conference for an orientation to the MOU for the cities of San Luis, Somerton and Yuma and the town of Wellton (attended by the San Luis City Attorney and the Vice Mayor); and

WHEREAS, on November 13, 2020, the Arizona League of Cities and Towns coordinated a state-wide video conference for all 91 cities and towns (attended by the San Luis City Attorney); and

WHEREAS, the San Luis Mayor and City Council have been fully advised of the nature of the MOU's plan to allocate *potential* global settlement funds.

NOW, THEREFORE BE IT SO ORDERED by the Mayor and City Council of the City of San Luis, Arizona:

Section 1. It is deemed in the City of San Luis and its residents' best interest that the city enter into the One Arizona Opioid Settlement Memorandum of Understanding ("MOU").

Section 2. A true copy of the MOU and its exhibits A, B, C and D are attached and are

incorporated into this Order No. 2020-19 ("Order") by this reference and made a part of this Order as if fully set forth here.

Section 3. The Mayor is authorized and directed to execute the MOU for and on behalf of the City of San Luis and the City Clerk to attest the same.

Section 4. City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Order, including, but not limited to, submitting the City of San Luis' executed MOU to the Arizona Attorney General's Office on or before the deadline of December 15, 2020.

Section 5. The San Luis City Clerk and the City Clerk's designee are authorized and directed to maintain a copy of the City of San Luis executed MOU in the City Clerk's official files.

PASSED, ADOPTED and APPROVED by the Mayor and City Council of the City of San Luis, Yuma County, Arizona this ____ day of December 2020

Gerardo Sanchez, Mayor

ATTEST:

APPROVED AS TO FORM:

Sonia Cornelio, City Clerk

Kay Marion Macuil, City Attorney