

THE STATE OF TEXAS §

COUNTY OF CLAY §

**ORDER AUTHORIZING APPROVAL OF PROPOSED TEXAS  
STATEWIDE OPIOID SETTLEMENT AGREEMENTS**

BE IT REMEMBERED, at a regular meeting of the Commissioners Court of Wichita County, Texas, held on the, 28<sup>th</sup> day of February, 2022, on motion made by Mrs. Collins, Commissioner of Precinct 3 and seconded by Mr. Lowery, Commissioner of Precinct 1, the following Order (Resolution) was adopted:

WHEREAS Clay County obtained information indicating that certain drug companies and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (collectively, "Defendants") have engaged in fraudulent and/or reckless marketing and/or distribution of opioids that have resulted in addictions and overdoses; and

WHEREAS, these actions, conduct and misconduct have resulted in significant financial costs in the past to the County and will undoubtedly result in significant financial costs in the future; and

WHEREAS, the County brought or has investigated claims against (1) Endo Health Solutions, Inc., Endo Pharmaceuticals Inc., Endo International plc, Par Pharmaceutical Inc., or Par Pharmaceutical Companies, Inc. ("Endo Defendants"); (2) Teva Pharmaceutical Industries, Ltd., Teva Pharmaceuticals USA, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, and certain other defendants related to potentially released claims ("Actavis Defendants"; (3) McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation ("Distributor Defendants"), and (4) other defendants in the opioid supply chain on behalf of the County in *In Re: Texas Opioid Litigation*, MDL No. 2018-63587, currently pending in the 152d District Court of Harris County, Texas and/or removed pending remand; and

WHEREAS, on January 14, 2022, the Endo Defendants in the opioid litigation brought by the County, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an Agreement entitled Corrected Endo/Par Texas State-Wide Opioid Settlement Agreement and Settlement Term Sheet (hereafter, the Texas Endo Settlement); and

WHEREAS, on January 14, 2022, the Teva Defendants in the opioid litigation brought by the

County, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an Agreement in Principle to be entitled Teva Texas State-Wide Opioid Settlement and Consent Judgment (hereafter, the Texas Teva Agreed Judgment); and

WHEREAS, on January 26, 2022, the Distributor Defendants in the opioid litigation brought by the County, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an Agreement in Principle to be entitled Distributors Texas Settlement Agreement (hereafter, the Texas Distributor Settlement); and

WHEREAS, Special Counsel and the State of Texas have recommended that the Clay County Commissioners Court support the adoption and approval the Texas Endo Settlement in its entirety, the Texas Teva Agreed Judgment as proposed, and the Texas Distributor Settlement as proposed; and

WHEREAS even though the payments from the settlements reflect partial compensation to Clay County for the past damages it has suffered or the future damages it is likely to incur, given the risks of litigation, the fact that this is a settlement with three groups of Defendants, the fact that it is to the benefit of Texas and the County and its residents, and that it reduces the risks associated with protracted litigation;

NOW, THEREFORE, BE IT RESOLVED that we, the Commissioners Court of Clay County:

1. Support the adoption and approval the Texas Endo Settlement in its entirety; and
2. Support the adoption and approval the Texas Teva Agreed Judgment in its entirety; and
3. Support the adoption and approval the Texas Distributor Settlement in its entirety; and
4. Authorize the County to execute the Texas Release for the Texas Endo Settlement; and
5. Authorize the County to execute the Texas Release for the Texas Teva Settlement, to be held by Counsel in escrow until the Effective Date of the Settlement; and
6. Authorize the County to execute the Texas Release for the Distributor Settlement, to be held by Counsel in escrow until the Effective Date of the Settlement; and
7. Finds as follows:
  - a. There is a substantial need for repayment of past opioid-related expenditures and payment to help abate current and future opioid-related harms in and about Clay County,

Texas; and

b. The County Commissioners Court supports in its entirety the Texas Endo Settlement, and the proposed Texas Teva Agreed Judgment and the proposed Texas Distributor Settlement. The County Commissioners Court understands that the purpose of each Settlement is to effectuate resolution of the Opioid Litigation against the Endo Defendants, the Teva Defendants, and the Distributor Defendants. We also understand that an additional purpose is to ensure the effective means of distributing any potential settlement funds obtained under settlements in Texas and under the jurisdiction of Texas Courts in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic in this County and throughout Texas.

The County is hereby authorized to approve and accept the Texas Endo Settlement, the Texas Teva Agreed Judgment, and the Texas Distributor Settlement as set forth herein.

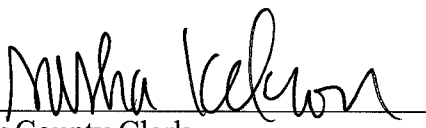
The County Judge is hereby authorized to execute and deliver the settlement documents recommended for approval by Special Counsel in the above referenced case and to approve such terms and provisions for the full and final settlement of all matters set forth therein.

DONE IN OPEN COURT on this the 28 day of February 2022.

CLAY COUNTY

  
County Judge

ATTEST:

  
Clay County Clerk

