

THE STATE OF TEXAS §

COUNTY OF CLAY §

**ORDER (RESOLUTION) AUTHORIZING APPROVAL OF PROPOSED TEXAS STATEWIDE OPIOID SETTLEMENT AGREEMENTS**

BE IT REMEMBERED, at a regular meeting of the Commissioners Court of CLAY County, Texas, held on the 22<sup>nd</sup> day of May, 2023, on motion made by Ben Pharrises Commissioner of Precinct 1 and seconded by Retta Collins Commissioner of Precinct 3, 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) Allergan Finance LLC and Allergan Limited ("Allergan Defendants"), and certain other defendants related to potentially released claims; and (2) other defendants in the opioid supply chain on behalf of the County in United States District Court of the Northern District of Texas-Wichita Falls Division, 7:18-cv-00017-O, removed to MDL No. 2804, N.D. OH; and

WHEREAS, on May 10, 2023, the Allergan 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 Allergan Texas Statewide Opioid Settlement Agreement (the "Texas Addendum"); and

WHEREAS, Special Counsel and the State of Texas have recommended that the Clay County Commissioners Court support the adoption and approval of the Texas Addendum in its entirety; 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 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 Addendum;

2. Authorizes the County to execute the Texas Release for the Texas Addendum Subdivision Participation Form and Release; and
3. 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 Addendum. The County Commissioners Court understands that the purpose of each Settlement is to effectuate resolution of the Opioid Litigation against the Allergan 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 Addendum as set forth herein.

The County Judge or designated official 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 22<sup>nd</sup> day of May, 2023.

CLAY COUNTY, TEXAS

  
Mike Campbell, County Judge

ATTEST:

  
Sasha Kelton, County Clerk

