

MEMORANDUM

DATE: February 25, 2022
TO: Mayor & City Council
VIA: Mercy Rushing, City Manager

GAJ

SUBJECT: Texas Subdivision/State Wide Opioid Settlement Agreement
Teva & Endo/Par Release forms, **Items 6 & 7 for the February 28th**
agenda

Background Information:

On October 25th, 2021, the council adopted Resolution #21-10-25-2 Opioid Settlement to join with the State and other political subdivisions in the Texas Opioid Settlement. Mineola is projected to receive \$48,719 from the settlement, if successful. There are two release forms that must be signed in addition to this resolution. The Office of the Attorney General indicated it wasn't necessary for council to approve each release form, but since one names a different defendant in the case, legal counsel advised that we bring it to the council for approval just to make sure we have done all that we can to participate in this settlement. I have attached an email from the OAG outlining instructions to participate.

Recommendation:

Staff recommends approval

Final Disposition:

Cindy Karch

From: Caroline Griggs <Caroline.Griggs@oag.texas.gov>
Sent: Thursday, February 17, 2022 3:19 PM
Subject: REMINDER: Deadline Approaching
Attachments: TEVA TX Subdivision Release Form.pdf

Importance: High

Good afternoon,

The deadline to sign on to the Endo and Teva opioid settlements, **March 10, 2022**, is fast approaching. If your subdivision would like to participate in the Endo and Teva settlements and has not yet submitted the necessary documents, please do so as soon as possible to ensure your participation is confirmed.

To participate in these two settlements, your subdivision must submit:

1. Endo Subdivision Release Form
2. Teva Subdivision Release Form
3. Resolution adopting the Texas Term Sheet **** (Only if you have NOT already submitted a resolution) ****

FREQUENTLY ASKED QUESTIONS

1. My subdivision already signed up for opioid settlements, is that good enough for this settlement?

No, you will need to submit the Teva Subdivision Release Form and Endo Subdivision Release Form specifically for this settlement; opting in to the other settlements do not sign you up for this one.

2. Does my subdivision need to pass a resolution to sign up for this settlement?

This depends on the specifics of what your county or city is required to do to release legal claims. You may need to set the settlement(s) on your consent agenda. On the other hand, if your city manager, for example, is authorized to generally enter into opioid settlements, you may not need a resolution. Consult your legal counsel for advice.

If your subdivision has already adopted the Texas Term Sheet to sign on to a previous opioid settlement, you do NOT need to adopt an additional resolution.

3. When will my subdivision receive funds from this settlement and/or the other settlements?

Funds for the Distributors, J&J/Janssen, Endo, and now Teva settlements are still on track to being paid out in March or April of this year. We will provide updates when we have more information.

4. How much will my subdivision receive from the Teva Settlement?

If you have questions about your subdivision's individual allocation amount, please contact Stephanie Eberhardt (stephanie.eberhardt@oag.texas.gov), Caroline Griggs (caroline.griggs@oag.texas.gov), or opioids@oag.texas.gov.

More information can also be found on our website: <https://www.texasattorneygeneral.gov/globalopioidsettlement>

If you have any additional questions, please contact myself (caroline.griggs@oag.texas.gov), Stephanie Eberhardt (stephanie.eberhardt@oag.texas.gov), or opioids@oag.texas.gov

Caroline Griggs

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Exhibit A

**TEXAS SUBDIVISION AND SPECIAL DISTRICT
ELECTION AND RELEASE FORM**

This Election and Release Form for Texas Participating Subdivisions¹ resolves opioid-related Claims against Endo/Par under the terms and conditions set forth in the Endo/Par Texas State-Wide Opioid Settlement Agreement between Endo/Par, the State of Texas, and the Counties of Dallas, Bexar, Harris and Tarrant (the “Agreement”), the provisions of which are here incorporated by reference in their entirety. Upon executing this Election and Release Form, a Participating Subdivision agrees that, in exchange for the consideration described in the Agreement, the Participating Subdivision is bound by all the terms and conditions of the Agreement, including but not limited to the Release found in Section VII of the Agreement and the provisions concerning participation by Subdivisions or Special Districts in Section VIII, and the Participating Subdivision and its signatories expressly represent and warrant on behalf of themselves that they have, or will have obtained on or before the Effective Date or on or before the execution of this Election and Release Form if executed after the Effective Date, the authority to settle and release, to the maximum extent of the Subdivision’s and Special District’s power, all Released Claims related to Covered Conduct. If this Election and Release Form is executed on or before the Initial Participation Date, the Participating Subdivision shall dismiss Endo/Par and all other Released Entities with prejudice from all pending cases in which the Participating Subdivision has asserted Covered Claims against Endo/Par or a Released Entity no later than the Initial Participation Date. If this Election and Release Form is executed after the Initial Participation Date, the Participating Subdivision shall dismiss Endo/Par and all other Released

¹ The Agreement defines a “Participating Subdivision” as a Subdivision or Special District that signs this Election and Release Form and meets the requirements for becoming a Participating Subdivision under subsection VIII.A. of the Agreement.

Entities with prejudice from all pending cases in which the Participating Subdivision has asserted Covered Claims against Endo/Par or a Released Entity concurrently with the execution of this form. By executing this Election and Release Form, the Participating Subdivision submits to the jurisdiction of the Honorable Robert Schaffer, *In Re: Texas Opioid Litigation*, MDL No. 18-0358, Master File No. 2018-63587, in the 152nd Judicial District Court, Harris County, Texas.

Dated: 02/23/2022

Texas Subdivision Name: Mineola, TX

By: _____
Jayne Lankford
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