

## **MUNICIPAL ORDER 02-2022**

**A MUNICIPAL ORDER APPROVING THE EXECUTION OF SETTLEMENT PARTICIPATION FORMS ELECTING PARTICIPATION IN SETTLEMENT AGREEMENTS WITH JANSSEN AND VARIOUS OPIOID DISTRIBUTORS FOR AMOUNTS TO BE DETERMINED, AGREEING TO USE SETTLEMENT PROCEEDS FOR OPIOID REMEDIATION AND RELEASING ANY EXISTING AND POTENTIAL CLAIMS FOR ALLEGED HARMS CAUSED BY OPIOID MISUSE AND ABUSE.**

**WHEREAS**, on or about July 21, 2021, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho McNeill-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (hereafter collectively referred to as “Janssen”) reached an agreement (“Janssen Settlement Agreement”) with certain states and other governmental subdivisions settling claims against them related to alleged harms caused by opioid misuse and abuse; and

**WHEREAS**, on or about July 21, 2021, McKesson Corporation, Cardinal Health, Inc. and AmerisourceBergen Corporation (hereafter collectively referred to as the “Distributors”) also reached an agreement (“Distributor Settlement Agreement”) with certain states and other governmental subdivisions settling claims against them related to alleged harms caused by opioid misuse and abuse; and

**WHEREAS**, the Janssen Settlement Agreement and the Distributor Settlement Agreement will provide funding to participating local governments for opioid remediation, but the exact amount of funding to be received by the City of Owensboro depends on the participation rate of cities and counties and also upon an agreement to be reached with Daviess County, Kentucky, concerning the allocation of funds received; and

**WHEREAS**, in order to participate in the Janssen Settlement Agreement and the Distributor Settlement Agreement, the City of Owensboro must execute and submit the Settlement Participation Forms attached as Exhibit A on or before January 2, 2022, which Settlement Participation Forms require the City to release any existing and potential claims related to opioid misuse and abuse against Janssen and the Distributors; and

**WHEREAS**, the Mayor has executed the Settlement Participation Forms prior to the next scheduled meeting of the Board of Commissioners in order to meet the participation deadline; and

**WHEREAS**, this Municipal Order is being presented to the Owensboro Board of Commissioners for its review, approval, and/or disapproval of the previously executed and submitted Settlement Participation Forms.

**NOW, THEREFORE, BE IT ORDERED BY THE CITY OF OWENSBORO, KENTUCKY, AS FOLLOWS:**

**Section 1.** That the previous execution and submission of the Settlement Participation Forms, including the release of any existing and potential claims related to opioid misuse and abuse against Janssen and the Distributors is hereby approved.

**Section 2.** That the Mayor, City Manager and appropriate staff members are hereby authorized and directed to execute any additional agreements, instruments or other documents necessary and appropriate to effectuate and implement the provisions of the Janssen Settlement Agreement and the Distributor Settlement Agreement and to use any settlement proceeds in accordance with the terms of the Janssen Settlement Agreement and the Distributor Settlement Agreement.

**INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE  
READING,** this the 4th day of January, 2022.

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Thomas H. Watson, Mayor

ATTEST:

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Beth Davis, City Clerk