

CITY OF BRUNSWICK, GEORGIA

Resolution No. 2021-19

AN EMERGENCY RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE DISTRIBUTOR AND JANSSEN SETTLEMENTS PURSUANT TO THE GEORGIA MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENTS

AN EMERGENCY RESOLUTION AUTHORIZING the City Attorney to execute the Participation Agreement for Subdivision Settlement with McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (“Settling Distributors”) and Johnson & Johnson, Janssen Pharmaceuticals, Inc., OrthoMcNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (“Janssen”) pursuant to the Georgia Memorandum of Understanding regarding the pursuit and use of potential opioid litigation settlement funds and consistent with the material terms of the July 21, 2021 proposed National Opioid Settlement Agreements available at <https://nationalopioidsettlement.com/>.

WHEREAS, the City of Brunswick, Georgia (herein “Municipality”) is a municipal corporation formed and organized pursuant to the Constitution and laws of the State of Georgia; and

WHEREAS, the people of the State of Georgia and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Georgia, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Georgia, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Georgia; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the City of Brunswick has adopted, and hereby reaffirms its adoption of, a Georgia Memorandum of Understanding (“MOU”) relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Board of Commissioners of the City of Brunswick understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Georgia and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Georgia, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Georgia and the Local Governments; and

WHEREAS a settlement proposal is being presented to the State of Georgia and Local Governments by distributors AmerisourceBergen, Cardinal, and McKesson (collectively the “Settling Distributors”) and Johnson & Johnson, Janssen Pharmaceuticals, Inc., OrthoMcNeil-

Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (“Janssen”) to resolve governmental entity claims in the State of Georgia using the structure of the MOU and consistent with the material terms of the July 21, 2021 proposed National Opioid Settlement Agreements; and

WHEREAS, the Board of Commissioners of the City of Brunswick wishes to agree to the material terms of the proposed National Opioid Settlement Agreements with the Settling Distributors and Janssen (the “Proposed Settlements”):


NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BRUNSWICK, GEORGIA.

Section 1. That Brian Corry, as City Attorney of the City of Brunswick, hereby accepts or is authorized to accept the Proposed Settlements on behalf of The City of Brunswick, Georgia, pursuant to the terms of the Georgia MOU.

Section 2. That it is found and determined that all formal actions of the Commission relating to the adoption of this resolution were adopted in an open meeting of this Commission, and that all deliberations of this Commission and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 3. This Resolution is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, welfare and safety of The City of Brunswick, Georgia. The reason for the emergency is to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Georgia.

RESOLVED this 1st Day of December 2021.



Mayor Cornell L. Harvey





Naomi D. Atkinson, City Clerk