

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY**

RESOLUTION NO. 2023-021

A RESOLUTION

**AUTHORIZING SANTA FE COUNTY TO ENTER INTO SETTLEMENT
AGREEMENTS WITH ALBERTSONS, CVS, KROGER, AND WALMART TO
RESOLVE THE COUNTY'S PENDING LITIGATION CONSOLIDATED AND
CURRENTLY PENDING IN THE NORTHERN DISTRICT OF OHIO, IN RE:
OPIOID LITIGATION, MDL 2804, AND AUTHORIZING THE COUNTY
MANAGER TO EXECUTE ON BEHALF OF THE COUNTY ALL DOCUMENTS
NECESSARY OR PROPER TO EFFECTUATE THE COUNTY'S PARTICIPATION
IN THE SETTLEMENT AGREEMENTS**

WHEREAS, in 2018, the Board of County Commissioners (Board) of the County of Santa Fe (County) authorized the County to enter into an engagement agreement with Crueger Dickinson LLC, Simmons Hanly Conroy LLC, von Briesen & Roper, s.c., and Kelly Durham and Pittard, LLP (the "Law Firms") to pursue litigation against certain manufacturers, distributors, and retailers of opioid pharmaceuticals (the "Opioid Defendants") in an effort to hold the Opioid Defendants financially responsible for the impact of the opioid epidemic on the County and for resources necessary to remediate the opioid epidemic;

WHEREAS, on behalf of the County, the Law Firms filed a lawsuit against the Opioid Defendants, consolidated and currently pending in the Northern District of Ohio, In Re: Opioid Litigation, MDL 2804 (the "Litigation"), and have been litigating against the Opioid Defendants since that time;

WHEREAS, the State of New Mexico (the "State"), through the New Mexico Attorney General, also filed a lawsuit against the Settling Defendants that was consolidated into the Litigation;

WHEREAS, negotiations between the State and several of the Opioid Defendants, specifically Albertsons, CVS, Kroger, and Walmart (the "Retail Pharmacies") (collectively referred to as the "Settling Defendants") have been ongoing to settle claims in the Litigation;

WHEREAS, the State and the Retail Pharmacies have reached settlement agreements (the "Retail Pharmacies Settlement Agreements" or "Settlement Agreements");

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WHEREAS, copies of the Settlement Agreements, the deadlines for submitting the Participation Agreements to the Settlement Agreements, and the timelines for settlement payments have been provided to the County;

WHEREAS, the Retail Pharmacies Settlement Agreements allow Local Governments to participate in these agreements;

WHEREAS, if the County elects to participate in the Settlement Agreements, it will receive the benefits associated with the Settlement Agreements, provided the County: (a) approves the Settlement Agreements; and (b) executes the Participation Agreements stating the Counties intention to be bound by the Settlement Agreements;

WHEREAS, the State has notified Local Governments of their proposed allocations of proceeds under the Settlement Agreements ("Local Government Allocations");

WHEREAS, the County desires to execute the Participation Agreements necessary to participate in the Settlement Agreements and receive the County's allocation as set forth in the Local Government Allocations;

WHEREAS, participation in the Settlement Agreements does not affect the County's claims against non-settling Defendants.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD AS FOLLOWS:

1. The Board hereby approves the Settlement Agreements.
2. The County Manager is authorized and directed to execute on behalf of the County all documents necessary or property to effectuate the County's participation in the Settlement Agreements. Without limiting the generality of the foregoing, the County Manager is authorized to negotiate and execute on behalf of the County Participation Agreements to the Retail Pharmacies Settlement Agreements.

BE IT FURTHER RESOLVED that all actions heretofore taken by the Board, other County elected officials, County staff, and the Law Firms with respect to the matters contemplated under this Resolution are hereby ratified, confirmed, and approved.

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