



Broward County

Legislation Text

File #: 21-1485, Version: 1

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO ADOPT Resolution No. 2021-465 approving the nonbinding Memorandum of Understanding ("Florida Plan") sought by Florida's Attorney General in furtherance of settlement of the action against three opioid drug distributors (AmerisourceBergen, Cardinal Health, and McKesson) and one drug manufacturer (Johnson & Johnson) (collectively, "Defendants") in the National Multidistrict Opioid Litigation ("MDL"); and authorizing the Mayor to execute a subsequent formal agreement that is substantially on the same terms as the Florida Plan, subject to the Office of the County Attorney approving as to legal sufficiency.

Why Action is Necessary

Provides the Board's support for the Florida Plan as the framework to resolve the County's claims against the Defendants.

What Action Accomplishes

Provides the above-referenced adoption and allows for Board discussion.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

On December 12, 2017, the Board authorized the filing of litigation against manufacturers, distributors, and other potential parties in connection with the opioid epidemic. On January 23, 2018, the Board approved the selection of an outside counsel litigation team comprised of Lief Cabraser Heimann & Bernstein, Robbins Geller Rudman & Dowd LLP, Kopelowitz Ostrow Ferguson Weiselberg Gilbert, Morgan & Morgan, and Haliczzer Pettis & Schwamm to work with the Office of the County Attorney in representing the County in this litigation. On March 12, 2018, Broward County filed a multicount suit against multiple manufacturers, distributors, and marketers of opioid drugs. Broward County's case is included within the multidistrict litigation pending in the United States District Court for the Northern District of Ohio.

Following months of protracted negotiations between the various government plaintiffs, three large opioid drug distributors (AmerisourceBergen, Cardinal Health, and McKesson), and one large opioid drug manufacturer (Johnson & Johnson), the parties have agreed to a general outline of a settlement

agreement. Under the proposed settlement, each state would be eligible to receive a certain amount allocated to it for use in abating the effects of the opioid epidemic. However, to receive its full share (estimated to be approximately \$1.65 billion), the state of Florida must obtain support for the settlement from a substantial number of its counties and municipalities. The material provisions of the Florida Plan provide that settlement funds would be allocated into three funds (state, city/county, and regional), that the funds may be used only for abating the effects of the opioid epidemic, and that certain large counties (including Broward County) may be able to receive their regional shares directly if they are able to reach agreements with a significant number of their municipalities relating to the use of such abatement funds.

The Florida Plan is nonbinding and would only cover the potential settlement with these Defendants. After adoption of the Resolution to approve the nonbinding Florida Plan, it is expected that a formal agreement, containing substantially the same terms, will be presented for the Mayor's execution.

The County's outside counsels recommend that the County adopt this Resolution. The Office of the County Attorney concurs.

The County's outside counsels will be providing a presentation to the Board (not to exceed 15 minutes) and will be available to answer any questions the Board may have relating to the conceptual settlement.

Source of Additional Information

Danielle W. French, Deputy County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

Not applicable