



## Dinwiddie County Attorney's Office

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### **MEMORANDUM**

TO: Board of Supervisors

FROM: Tyler Southall, County Attorney

CC: W. Kevin Massengill, County Administrator

DATE: October 19, 2021

SUBJECT: Proposed Settlement of Opioid-Related Claims Against McKesson, Cardinal Health, Amerisourcebergen, Janssen, and Related Entities

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### **Background**

The Dinwiddie County Board of Supervisors authorized a lawsuit to be filed against a number of companies involved in the opioid supply chain. Suit was filed in the spring of 2019. Dinwiddie's case is now in federal court.

Before the board today is a resolution that would authorize a settlement of the opioid related claims with McKesson, Cardinal Health, AmerisourceBergen, Janssen, and Related Entities. The amount that Dinwiddie would receive in the settlement would be dependent on how many other cities, counties, and towns in Virginia participate in the settlement. If participation is insufficient, there will be an opportunity to back out. Nationwide the amount of these settlements could be up to \$26 billion. Under the settlement, these payments will be spread out over time.

Other defendants remain in litigation.

### **Recommendation**

The County Attorney concurs with outside counsel's recommendation to approve the resolution authorizing Dinwiddie County's participation in the settlement.

### **Action**

A RESOLUTION OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS  
APPROVING OF THE COUNTY'S PARTICIPATION IN THE PROPOSED SETTLEMENT  
OF OPIOID-RELATED CLAIMS AGAINST MCKESSON, CARDINAL HEALTH,

AMERISOURCEBERGEN, JANSSEN, AND THEIR RELATED CORPORATE ENTITIES,  
AND DIRECTING THE COUNTY ATTORNEY AND/OR THE COUNTY'S OUTSIDE  
COUNSEL TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE  
COUNTY'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts Dinwiddie County by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by Dinwiddie County's various departments and agencies; and

WHEREAS, Dinwiddie County has been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Dinwiddie County; and

WHEREAS, Dinwiddie County has filed suit against McKesson, Cardinal Health, AmerisourceBergen, and Janssen Pharmaceuticals, along with certain of their related corporate entities for their role in the distribution, manufacture, and sale of the pharmaceutical opioid products that have fueled the opioid epidemic that has harmed Dinwiddie County; and

WHEREAS, The County's suit seeks recovery of the public funds previously expended and to be expended in the future to abate the consequences and harms of the opioid epidemic; and

WHEREAS, settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them; and

WHEREAS, Dinwiddie County's outside opioid litigation counsel has recommended that the County participate in the settlements in order to recover its share of the funds that the settlement would provide; and

WHEREAS, the County Attorney has reviewed the available information about the proposed settlements and concurs with the recommendation of outside counsel;

NOW THEREFORE BE IT RESOLVED that the Dinwiddie County Board of Supervisors, this 19<sup>th</sup> day of October, 2021, approves of the County's participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, and directs the County Attorney and/or the County's outside counsel to execute the documents necessary to effectuate the County's participation in the settlements, including the required release of claims against settling entities.