



## Legislation Text

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File #: O-204-23, Version: 1

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Dept. of Law

**Approving a settlement with some manufacturers and pharmacies consistent with the terms of the National Opioid Settlement Agreement; and authorizing the Mayor and Director of Law to execute any documents necessary to effectuate the settlement according to the terms of the OneOhio Memorandum of Understanding; and declaring an emergency.**

### SUMMARY & BACKGROUND:

The City of Toledo has a lawsuit pending in U.S. District Court for the Northern District of Ohio against various defendants in the pharmaceutical supply chain related to the devastating impact the opioid epidemic has had on the Toledo community.

Teva and Allergan (“Manufacturers”), and CVS, Walgreens, and Walmart (“Pharmacies”) are companies that were among the defendants named in the litigation. Council has approved prior settlements with other defendants consistent with the terms of the OneOhio Memorandum of Understanding.

The proposed settlement with these Manufacturers and Pharmacies does not provide a specific sum of money for the City of Toledo. Rather, the proposed settlement pool is based on the number of political subdivisions that elect to participate. With increased participation around the state and country, the available settlement funds will increase for all governmental entities.

The City of Toledo is a participant in the OneOhio Memorandum of Understanding that provides for a statewide distribution formula designed to address the opioid crisis and its impact on our community and communities throughout the state. Settlement funds with the above-referenced defendants would be distributed through that process between six and 13 years, depending on the individual defendant. The One Ohio plan calls for a direct allocation of 30 percent to local governments such as the City of Toledo, 55 percent to a statewide One Ohio Foundation through which local governments may apply to seek funds to address issues related to the opioid crisis, and 15 percent to the State of Ohio. The foundation funds will be allocated by region. The settlement funds will be restricted for use to address the opioid epidemic and related costs.

As authorized by Ord. 439-17, the City of Toledo is represented in this litigation by the firms of Napoli Shkolnik, PLLC, and Climaco, Wilcox, Peca & Garofolico, LPA.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the proposed settlement with defendants Teva, Allergan, CVS, Walgreens, and Walmart, in *City of Toledo v. Purdue Pharma LP, et al.*, Case No. 1:17-op-45005-DAP, MDL 2804, is approved pursuant the terms of the National Opioid Settlement Agreement and the OneOhio Memorandum of Understanding.

SECTION 2. That the City of Toledo’s share of settlement funds generated through the settlement with

above-referenced defendants may be distributed in accordance with the formula outlined in the One Ohio Memorandum of Understanding and any subsequent amendments; and further that the City of Toledo can accept those funds.

SECTION 3. That the Mayor and Director of Law are authorized to execute documents necessary to effectuate the settlement with the above-referenced defendants, and further are authorized to execute any documents necessary for the City of Toledo to participate in One Ohio Memorandum of Understanding and any subsequent amendments thereto.

SECTION 4. That this ordinance, being an emergency measure, shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that this ordinance is necessary for the immediate preservation of public peace, health, safety, and property and for further reason that this ordinance must immediately be effective so that the City can immediately execute documents related to the settlement.

Vote on emergency clause: yeas 11, nays 0.

Passed: April 18, 2023, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

April 18, 2023  
Wade Kapszukiewicz  
Mayor