



Legislation Details (With Text)

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On agenda: 11/17/2021 **Final action:**

Title: Authorizing a settlement with Janssen/Johnson & Johnson; and authorizing the Mayor and Director of Law to execute any documents necessary to effectuate the settlement consistent with the One Ohio Subdivision Settlement and National Opioid Settlement Agreement; and declaring an emergency.

Sponsors:

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Code sections:

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Date	Ver.	Action By	Action	Result
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Dept. of Law

Authorizing a settlement with Janssen/Johnson & Johnson; and authorizing the Mayor and Director of Law to execute any documents necessary to effectuate the settlement consistent with the One Ohio Subdivision Settlement and National Opioid Settlement Agreement; 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.

Janssen/Johnson & Johnson was (“J&J”) was named as a defendant in the litigation. A proposed settlement has been reached with J&J consistent with the terms of the July 21, 2021, National Opioid Distributor Settlement Agreement.

The proposed settlement does not provide a set sum of money for the governmental entities. Rather, the proposed settlement pool is contingent upon the number of political subdivisions that elect to participate. With increased participation around the state, the available settlement funds will increase for all governmental entities.

Earlier this year, Council authorized by Ord. 406-21 the approval of a settlement with three distributors named as defendants in the litigation. Last year, as authorized by Ord. 123-20, the City of Toledo signed on to the One Ohio 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 that result in a settlement with the Settling Distributors would be distributed through that process over 18 years. 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 Janssen/Johnson & Johnson, City of Toledo v. Purdue Pharma LP, et al., Case No. 1:17-op-45005-DAP, MDL 2804, is approved pursuant to the One Ohio Subdivision Settlement and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement.

SECTION 2. That the City of Toledo’s share of settlement funds generated through the settlement with J&J may be distributed in accordance with the formula outlined in the One Ohio Memorandum of Understanding and any subsequent amendments.

SECTION 3. That the Mayor and Director of Law are authorized to execute documents necessary to effectuate the settlement with J&J, 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 _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council