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By Legislators Smith and Dondorfer

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2022

**AUTHORIZING SETTLEMENT AGREEMENT IN NEW YORK COORDINATED OPIOID LITIGATION (SUPREME COURT, SUFFOLK COUNTY INDEX NO. 400000/2017)**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The Legislature hereby authorizes the settlement and release of the County's claims in *In re Opioid Litigation* (Supreme Court, Suffolk County Index No. 400000/2017) against Allergan Finance LLC, Allergan Limited, and other affiliated Released Entities as defined in the Allergan New York State Opioid Settlement Agreement.

Section 2. The County Executive, or his designee, is hereby authorized to execute and deliver any and all documents necessary to effectuate such settlement.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Matter of Urgency  
File No. 22-0046

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

**ACTION BY THE COUNTY EXECUTIVE**

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

January 10, 2022

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| OFFICIAL FILE COPY                                                             |        |
| No.                                                                            | 220046 |
| Not to be removed from the<br>Office of the<br>Legislature Of<br>Monroe County |        |
| Committee Assignment                                                           |        |
| URGENT                                                                         | -L     |

To The Honorable  
Monroe County Legislature  
407 County Office Building  
Rochester, New York 14614

Subject: Authorization to Enter into a Settlement Agreement in the New York Coordinated Opioid Litigation (Supreme Court, Suffolk County Index No. 400000/2017)

Honorable Legislators:

I recommend that Your Honorable Body authorize a settlement agreement to recover funds from an opioid manufacturer in connection with the New York Coordinated Opioid Litigation, *In re Opioid Litigation* (Supreme Court, Suffolk County Index No. 400000/2017). Through this settlement, Monroe County will receive additional funds to address the opioid crisis in our community.

Last September, Your Honorable Body approved Resolution 283 of 2021, approving settlements with two sets of defendants in the New York Coordinated Opioid Litigation. Now, the New York Attorney General and the outside counsel representing municipalities throughout the State have entered into a settlement agreement with Allergan, an opioid manufacturer, that will pay a maximum of \$200 million to New York State and New York municipalities over a ten-year period as compensation for the role Allergan played in exacerbating the opioid crisis by promoting opioid consumption and failing to prevent the diversion of prescription opioids.

Under the terms of the settlement, Monroe County will receive a one-time payment of up to \$1,877,179. As with the prior opioid settlements, the total amount the defendants are obligated to pay to New York State and New York municipalities is dependent on the level of participation by municipalities in the settlement agreement. Monroe County, and other municipalities across the State, will receive the maximum settlement value if Monroe County and other counties across the State all adopt the proposed settlement.

The settlement agreement provides that half of the funds recovered by the County would be restricted to combatting the opioid epidemic, and half would be unrestricted. I am committed, however, to ensuring that the funds recovered pursuant to these settlements are utilized to combat the opioid epidemic, not diverted to other governmental purposes. All funds received pursuant to this settlement agreements, regardless of whether the funds are restricted or unrestricted pursuant to the terms of the settlement, will be placed in a trust fund dedicated to responding to the opioid epidemic and the ongoing harm it is causing our community.

Monroe County's outside counsel for the opioid litigation, Simmons Hanly Conroy, is strongly recommending that all of its clients join in this settlement. Likewise, the New York Attorney General has authorized this settlement on behalf of the State of New York. The settlement agreement is structured such that all Counties must promptly approve the agreement in order to receive the maximum amount. Monroe County's claims against other defendants in the New York Coordinated Opioid Litigation, including additional manufacturers and large pharmacy chains, remain pending, and it is possible that Monroe County will recover additional amounts from these defendants in the future.

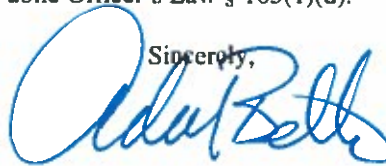
**The specific legislative actions required are:**

1. Authorize the settlement and release of the County's claims in *In re Opioid Litigation* (Supreme Court, Suffolk County Index No. 400000/2017) against Allergan Finance LLC, Allergan Limited, and other affiliated Released Entities as defined in the Allergan New York State Opioid Settlement Agreement.
2. Authorize the County Executive, or his designee, to execute and deliver any and all documents necessary to effectuate such settlement.

The legislative action requested in this referral is not an "Action," as that term is defined in 6 NYCRR § 617.2(b), and is not subject to review under the State Environmental Quality Review Act.

These contracts are revenue generating and no net County support is required in the current Monroe County budget.

I recommend that this matter receive favorable action by Your Honorable Body. I request that this referral be considered in Executive Session, pursuant to Public Officer's Law § 105(1)(d).

Sincerely,  


Adam J. Bello  
Monroe County Executive

By Legislators \_\_\_\_\_ and \_\_\_\_\_

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**ACTION BY THE COUNTY EXECUTIVE**

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