

By Legislators Smith and Delehanty

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

RESOLUTION NO. \_\_\_\_\_ OF 2023

**AUTHORIZING TO ENTER INTO THREE SETTLEMENT AGREEMENTS 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 settlement and release of the County's claims in *In re Opioid Litigation* (Supreme Court, Suffolk County Index No. 400000/2017) against Walgreen Co., CVS Health Corporation, CVS Pharmacy, Inc., Walmart, Inc., and other affiliated entities as defined in the applicable nation-wide settlement agreements, is hereby authorized.

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.

Ways and Means Committee; March 28, 2023 - CV: 11-0  
File No. 23-0095

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*

March 10, 2023

<b>OFFICIAL FILE COPY</b>	
No.	<b>230095</b>
Not to be removed from the Office of the Legislature Of Monroe County	
Committee Assignment	
<b>WAYS &amp; MEANS</b>	<b>-L</b>

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

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

Honorable Legislators:

I recommend that Your Honorable Body authorize settlement agreements to recover funds from three national retail chain pharmacies, Walgreens, CVS, and Walmart, in connection with the New York Coordinated Opioid Litigation, *In re Opioid Litigation* (Supreme Court, Suffolk County Index No. 400000/2017) and the national settlement agreements reached with these pharmacies. Through these settlements, Monroe County will receive additional funds to address the opioid crisis in our community.

Your Honorable Body has previously authorized settlements with several opioid manufacturers and distributors. This round of settlements addresses the responsibility of several major national retail pharmacy chains. Pursuant to these nation-wide settlement agreements, Walgreens will pay approximately \$5.7 billion over 15 years, CVS will pay approximately \$5 billion over ten years, and Walmart will pay approximately \$3 billion over 6 years.

Under the terms of the settlement, Monroe County will receive up to \$2,382,816.76 from Walgreens, \$2,219,665.82 from CVS, and \$1,403,151.82 from Walmart, each paid over the term of the settlement agreements. As with the prior opioid settlements, the total amount the defendants are obligated to pay to participating municipalities is dependent on the level of participation by municipalities in the settlement agreement. Monroe County will receive the maximum settlement value if the maximum participation threshold is met. Like prior settlements, these settlements technically consist of both funds restricted to use in combating the opioid epidemic and unrestricted funds, but Monroe County will place all settlement proceeds in a trust fund dedicated to responding to the opioid epidemic and the ongoing harm it is causing our community.

Both Monroe County's outside counsel for the opioid litigation, Simmons Hanly Conroy, and the New York Attorney General on behalf of the State of New York have approved this settlement.

**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 Walgreen Co., CVS Health Corporation, CVS Pharmacy, Inc., Walmart, Inc., and other affiliated entities as defined in the applicable nation-wide settlement agreements.
2. Authorize the County Executive, or his designee, to execute and deliver any and all documents necessary to effectuate such settlements.

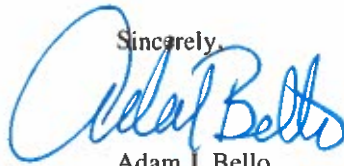
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The legislative action requested in this referral is not an "Action," as that term is defined in 6 NYCRR § 617.2(b), and is not subject to review under the State Environmental Quality Review Act.

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

I recommend that this matter be referred to the appropriate committee(s) for 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