

RESOLUTION NO. 12-21

RESOLUTION TO OPT OUT OF THE OPIOIDS SETTLEMENT PURSUANT TO INDIANA CODE § 4-6-15-2

WHEREAS, state and local governments across the country, including the City of West Lafayette (the “City”), have litigated against the manufacturers and distributors of prescription opioids, seeking to recover damages and other relief, to address the significant costs resulting from the decades-long opioid crisis;

WHEREAS, during this time, negotiations have occurred on potential global resolutions with the opioid manufacturers and distributors to resolve claims brought by state and local governments;

WHEREAS, the Indiana legislature recently enacted Ind. Code § 4-6-15-1 *et seq.* (the “Statute”) which provides that, in Indiana, all local governments are parties to all opioid settlements finalized after March 1, 2021 and will only receive settlement funds from parties sued by the state before July 1, 2021;

WHEREAS, to date the state has sued Purdue Pharma, McKesson, Cardinal Health, and AmerisourceBergen thus, barring any new lawsuit filed by the state before July 1, 2021, local governments would not receive any funds from settlements with other major opioid manufacturers such as Johnson and Johnson or pharmacy defendants like CVS and Walgreens;

WHEREAS, funds received under the Statute would be distributed as follows: 70% to be distributed throughout the state by the FSSA; 15% to be distributed to the state; and 15% to be distributed to local governments;

WHEREAS, the Statute, however, allows local governments, such as the City, who have filed opioid litigation before January 1, 2021, to opt out of the above-described settlement and choose to pursue its own claims by June 30, 2021;

WHEREAS, the Statute further allows local governments, such as the City, to opt back in 60 days after they have opted out; and

WHEREAS, upon opting out, the City may continue its litigation against any and all responsible parties as advised by counsel who has been retained by the City for that purpose and to otherwise proceed in this litigation under the same conditions as existed prior to the passage of the aforementioned statute.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Lafayette, Indiana, as follows:

The City of West Lafayette, County of Tippecanoe, State of Indiana, having considered whether to opt out of the Opioids Settlements under Indiana Code § 4-16-15-2, hereby resolves that the City of West Lafayette, County of Tippecanoe, State of Indiana now exercises its election

to opt out of the opioids settlement, and orders that its duly authorized agent, Eric H. Burns, Corporation Counsel, submit a certified copy of this resolution to the Indiana Attorney General by June 30, 2021.

INTRODUCED ON FIRST READING ON THE 7 DAY OF June, 2021.

MOTION TO ADOPT MADE BY COUNCILOR DeBoer, AND SECONDED BY COUNCILOR Thomas.

DULY RESOLVED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 7 DAY OF June, 2021, HAVING BEEN PASSED BY A VOTE OF 9 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Blanco	✓			
Brown	✓			
Bunder	✓			
DeBoer	✓			
Kang	✓			
Leverenz	✓			
Parker	✓			
Sanders	✓			
Thomas	✓			



Peter Bunder
Peter Bunder, Presiding Officer


Attest:

Sana G. Booker
Sana G. Booker, Clerk

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON THE 8 DAY OF June, 2021.

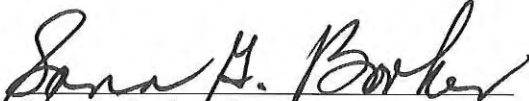
Sana G. Booker
Sana G. Booker, Clerk

THIS RESOLUTION APPROVED AND SIGNED BY ME ON THE 8 DAY OF June, 2021.



John R. Dennis, Mayor

Attest:



Sana G. Booker, Clerk

