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MEMORANDUM

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Jeffrey J. Newton, County Attorney 
Elaine M. Asad, Senior Assistant County Attorney 
Contact: (407) 836-7320

DATE: April 15, 2022

SUBJECT: Consent Agenda Item for April 26, 2022
Resolution authorizing the County to join with the State and other local governmental units to participate in the State of Florida settlement with TEVA Pharmaceutical Industries Ltd. concerning the opioid litigation.

This item requests approval by the Board of a Resolution which approves the Resolution authorizing the County to join in the Florida settlement with TEVA Pharmaceutical Industries Ltd. (collectively "TEVA") and authorizing the Orange County Administrator, to execute the formal agreements implementing the settlement.

In August 2019, Orange County filed suit in federal court against the manufacturers, distributors, and sellers of opioids, including TEVA and is part of the Federal Multidistrict National Prescription Opiate Litigation based in the Northern District of Ohio. The State of Florida through the Florida Attorney General's Office also filed suit against the same defendants, including TEVA, which has resulted in a settlement agreement. In order to participate in the settlement agreement, the Board must authorize the County to participate and to authorize the County Administrator to sign the necessary documents effectuating that settlement.

Mayor Jerry L. Demings
-AND-
County Commissioners
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The Florida Attorney General's Office has advised the overall settlement with CVS and Teva/Allergan is approximately \$813,026,499 with \$484 million from CVS to be paid over 18 years and \$329,026,499 from Teva (to be paid over 15 years) and Allergan (to be paid over 11 years). The proposed settlements will also include approximately \$84 million worth of product to combat the opioid crisis (Narcan). These settlement funds will be allocated between the States and local subdivisions pursuant to the existing statewide allocation agreement (a/k/a the MOU), using the same allocation model applied to prior settlements.

The \$194,826,499 settlement with TEVA will result in \$177,114,999 going to the state and litigating subdivisions for opioid remediation, and \$17,711,500 going to compensate the attorneys representing the state and local governments and costs. Through the Regional Fund, Orange County will receive \$3,044,497.65 as a qualified county to be used in accordance with the terms of the Interlocal Agreement. Orange County will also receive, through the City/County fund, \$831,752.49 to be used in accordance with the approved uses as set forth in the Memorandum of Understanding.

Our outside counsel, Romano Law Firm, et al., has recommended the County join with the State and other local governmental units and participate in the TEVA settlement as it represents a fair and equitable resolution of opioid-related claims against the settling defendants and the funds will be exclusively dedicated to programs designed to abate the opioid crisis (other than to fund administration of the programs themselves and to pay fees and costs).

ACTION REQUESTED: Approval and execution of Resolution of the Orange County Board of County Commissioners Regarding Settlement with TEVA Pharmaceutical Industries Ltd. And authorizing Orange County (herein referred to as this "Governmental Unit") to join with the State of Florida and other Local Governmental Units in the State-Wide Settlement with TEVA Pharmaceutical Industries Ltd. and delegation of authority to Orange County Administrator to execute the required documentation to enter into the settlement with TEVA Pharmaceutical Industries Ltd.

c: Byron W. Brooks, AICP, Orange County Administrator