Introduced by Presiding Officer Lindsay   Laid on Table 4/26/2011

PROCEDURAL RESOLUTION NO.   13 -2011, APPROVING PARTIAL SETTLEMENT OF AWP LITIGATION

WHEREAS, Procedural Motion No. 12-2002 authorized the retention of the law firm of Kirby, McInerney and Squire, 830 Third Avenue, New York, NY 10022, to bring legal actions on behalf of the County of Suffolk against pharmaceutical manufacturers, pharmaceutical wholesalers, and pharmaceutical retailers and/or other responsible parties to recover overpayment and costs incurred by the County of Suffolk as a result of improperly inflated Average Wholesale Pricing ("AWP") information for prescription drugs purchased through the Medicaid Program; and

WHEREAS, outside counsel initiated litigation in federal court on behalf of Suffolk County against numerous defendants; the County's case is part of a multi-district litigation, *In Re Pharmaceutical Industry Average Wholesale Price Litigation*: and

WHEREAS, outside counsel advises that a tentative settlement has been reached with additional defendants; and

WHEREAS, under the terms of this settlement, the County of Suffolk shall be paid the gross amount by the defendants as follows:

Aventis	$35,257.12
Biogen	324.10
Organon	398.44

and

WHEREAS, Kirby, McInerney and Squire recommends that the County accept the partial settlement described herein; now, therefore, be it

1st   **RESOLVED**, that a partial settlement of the County's claims *In Re Pharmaceutical Industry Average Wholesale Price Litigation* as described herein, is approved; and be it further

2nd   **RESOLVED**, that the County's claims against the non-settling defendants shall remain in full force and effect; and be it further

3rd   **RESOLVED**, that the Presiding Officer of the Suffolk County Legislature and Counsel to the Suffolk County Legislature are hereby authorized to execute such documents as necessary to effectuate such settlement.

DATED: April 26, 2011

EFFECTIVE IMMEDIATELY PURSUANT TO SECTION 2-15(A) OF THE SUFFOLK COUNTY CHARTER