

Introduced by Presiding Officer Lindsay

Laid on Table 8/21/2012

**PROCEDURAL RESOLUTION NO. 15-2012, APPROVING  
PARTIAL SETTLEMENT OF AWP LITIGATION (ACTAVIS,  
HOFFMAN LA ROCHE, MYLAN, TAP)**

**WHEREAS**, Procedural Motion No. 12-2002 authorized the retention of the law firm of Kirby, McInerney and Squire, 825 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 of \$171,275.33 by defendant Actavis; and

**WHEREAS**, under the terms of this settlement, the County of Suffolk shall be paid the gross amount of \$5,955.84 by defendant Hoffman LaRoche; and

**WHEREAS**, under the terms of this settlement, the County of Suffolk shall be paid the gross amount of \$419,644.26 by defendant Mylan; and

**WHEREAS**, under the terms of this settlement, the County of Suffolk shall be paid the gross amount of \$7,058.78 by defendant TAP; and

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

**1st RESOLVED**, that partial settlements of the County's claims *In Re Pharmaceutical Industry Average Wholesale Price Litigation* as described herein, are 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 settlements.

DATED: August 21, 2012

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