

Introduced by Presiding Officer on request of the County Executive and Legislators Krupski, Fleming, Anker, Calarco, Piccirillo and Hahn

RESOLUTION NO. 1209-2021, AUTHORIZING AND APPROVING A SETTLEMENT AGREEMENT TO AN ACTION RELATING TO THE OPIOID CRISIS (ALLERGAN)

WHEREAS, there is pending the matter of County of Suffolk v. Purdue Pharma L.P., et al., under Index No. 400001/2017 in the Supreme Court, Suffolk County, regarding the opioid addiction crisis, in which the County of Suffolk is the named plaintiff in the action (the "Action"); and

WHEREAS, the Action is against several defendants, including manufacturers of opioids and distributors of opioids; and

WHEREAS, the Action alleges several causes of action against defendants Allergan Finance, LLC (f/k/a Actavis, Inc., which, in turn, was f/k/a Watson Pharmaceuticals, Inc.) and Allergan Limited (f/k/a Allergan plc, which, in turn, was f/k/a Actavis plc ("Allergan")) based on claims that Allergan contributed to the opioid epidemic by falsely promoting prescription opioids it manufactured and sold and by falsely promoting the increased use of opioids directly and generally through various "front groups" and failing to implement measures to prevent diversion of prescription opioids in connection with distribution of its products, all of which contributed to a public health crisis in Suffolk County; and

WHEREAS, Allergan has offered to settle the County of Suffolk's claims against it by paying the sum of Thirty Million, Five Hundred and Sixty-Five Thousand Eight Hundred and Fifty-Seven (\$30,565,857.00) Dollars to be used for restitution and abatement and agreeing to not manufacture, sell or promote opioids; and

WHEREAS, the Department of Law has approved a settlement agreement and release ("Agreement") and the Agreement is attached hereto as Exhibit "A"; and

WHEREAS, it is in the best interest of the County of Suffolk to resolve this matter with respect to Allergan without further litigation and enter into the proposed Agreement as it shall settle all allegations against Allergan and avoid protracted litigation; now, therefore be it

1st **RESOLVED**, that the execution and delivery on behalf of and in the name of the County of Suffolk by the County Executive, or his designee, of the proposed Agreement attached hereto as Exhibit "A" is hereby authorized, and the County Executive, or his designee, is hereby authorized, subject to County Attorney approval, and directed to execute the proposed Agreement in a form substantially similar thereto and execute such other documents as may be necessary and appropriate to effectuate the settlement with Allergan; and be it further

2nd **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that the adoption of this resolution constitutes a Type II Action pursuant to Section 617.5(c)(26) and (33) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management, and information collections, and the Suffolk County

Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: December 21, 2021

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: December 22, 2021