



City of Coral Gables
CITY COMMISSION MEETING
May 11, 2021

ITEM TITLE:

Resolution. A Resolution of the City Commission authorizing the City of Coral Gables to join the State of Florida and other local governmental units as a participant in the Florida Memorandum of Understanding and Formal Agreements implementing a Unified Plan for the settlement of the opioid litigation.

BRIEF HISTORY:

As a result of the opioid epidemic that ravaged the country and the State of Florida, the City of Coral Gables, in accordance with Resolution No. 2018-154, filed a complaint against numerous defendants involved in the manufacture, distribution and sale of opioids. The complaint was for (1) violation of the Florida Deceptive and Unfair Trade Practices Act, (2) public nuisance (3) negligence, and (4) unjust enrichment, and was filed on June 26, 2018 in the United States District Court for the Southern District of Florida.

On July 20, 2018, the Court entered an order transferring the City's case to a multi-district litigation, In re: National Prescription Opiate Litigation, MDL No. 2804 (N.D. Ohio), and the City's case was assigned case number 1:18-op-45852. A number of other lawsuits filed by Florida cities and counties were also transferred to In re: National Prescription Opiate Litigation, MDL No. 2804 (N.D. Ohio) (the "Opioid Litigation").

The State of Florida and lawyers representing various local governments involved in the Opioid Litigation have proposed a unified plan for the allocation and use of prospective settlement dollars from opioid related litigation. The Florida Memorandum of Understanding attached hereto as Exhibit A (the "Florida Plan") sets forth a framework of a unified plan for the proposed allocation and use of opioid settlement proceeds and it is anticipated that formal agreements implementing the Florida Plan will be entered into in the near future. Participation in the Florida Plan by a large majority of Florida cities and counties will materially increase the amount of funds to Florida and should improve Florida's relative bargaining position during additional settlement negotiations. However, failure to participate in the Florida Plan will reduce funds available to the State, the City of Coral Gables, and every other Florida city and county.

For the aforementioned reasons, it is recommended that the City join the State of Florida and other local governmental units as a participant in the Florida Memorandum of Understanding and Formal Agreements implementing a Unified Plan for the settlement. The Florida Memorandum of Understanding is intended to govern the distribution of settlement proceeds between the State of Florida and its subdivisions that are obtained through the Purdue Pharma L.P. bankruptcy, the Mallinckrodt PLC bankruptcy, and any additional settlements obtained

related to the opioid litigation. It but will not affect the City's lawsuit against non-settling defendants.

ATTACHMENT(S):

- 1. Draft Resolution**
- 2. Exhibit A**