

**RESOLUTION 32-2022
BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH**

**AUTHORIZING THE BOROUGH OF EATONTOWN TO PARTICIPATE IN THE NATIONWIDE SETTLEMENT AGREEMENTS
WITH JOHNSON & JOHNSON, MCKESSON, CARDINAL HEALTH, AND AMERISOURCEBERGEN
TO RESOLVE CLAIMS INVOLVING THEIR ROLES IN THE UNITED STATES OPIOID CRISIS**

WHEREAS, the ongoing opioid crisis in America has had a devastating effect on individuals and communities, including many residents of the Borough of Eatontown; and

WHEREAS, the State of New Jersey is a party to a class action lawsuit filed by state, local, and tribal governments, hospitals, individuals, and insurers, seeking damages against opioid manufacturers, distributors, and retailers in In re National Prescription Opiate Litigation, Case No. 17-md-02804, MDL No. 2804, in the District Court for the Northern District of Ohio (the “Opioid Litigation”); and

WHEREAS, on August 20, 2021, Acting Attorney General Andrew J. Bruck announced that New Jersey intends to join nationwide settlement agreements with the New Jersey based pharmaceutical company Johnson & Johnson and the United States’ three largest pharmaceutical distributors, McKesson, Cardinal Health and AmerisourceBergen, to resolve claims involving their roles in fomenting the country’s opioid crisis; and

WHEREAS, participation in the nationwide settlements will not only hold the companies financially accountable by requiring payments of as much as \$26 billion, the settlements will provide funding to support programs that address the opioid epidemic in New Jersey and across the country, and will require significant changes in the pharmaceutical industry aimed at preventing similar crises in the future; and

WHEREAS, the proposed settlements require the Defendants in the Opioid Litigation to pay up to \$26 billion over 18 years (the “Settlement Amount”); the Settlement Amount is earmarked for use by participating states and subdivisions to remediate and abate the impacts of the opioid crisis; and the Settlements also contain injunctive relief provisions governing the opioid marketing, sale and distribution practices at the heart of the states’ and subdivisions’ lawsuits and further require the Distributors to implement additional safeguards to prevent diversion of prescription opioids;” and

WHEREAS, a significant number of states, county, and municipal governments nationwide must agree to the proposed terms which includes the payment of approximately \$22.7 billion, for the settlements to take effect; and


WHEREAS, the State of New Jersey has opted in to the settlement and it advises that if enough political subdivisions, i.e. municipalities and counties participate in the settlement, it could be paid as much as \$628 million; and

WHEREAS, the Borough, as a municipality with a population more than 10,000 residents can join in the settlement by registering as directed by the State of New Jersey and the Borough’s share in the settlement funds will ultimately depend on the number of counties and municipalities that opt-in, population of each participating county and municipality, and effects of the opioid epidemic on each participating community; and

WHEREAS, the Borough believes it is in the best interests of its residents to participate and join in the settlement agreements in the Opioid Litigation to hold these companies financially accountable for the ongoing opioid crisis and to implement the necessary changes to prevent such a crisis from happening again.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown that it hereby opts in to the Opioid Litigation settlement agreements and it hereby authorizes the Business Administrator to register and sign on to both the settlement agreements with Johnson & Johnson and with McKesson, Cardinal Health and AmerisourceBergen.

IT IS FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Office of the New Jersey Attorney General.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	CERTIFICATION I, Julie Martin, Borough Clerk of the Borough of Eatontown do hereby certify this to be a true and exact copy of a resolution adopted by the Governing Body of the Borough of Eatontown, County of Monmouth, State of New Jersey at the regular meeting held on January 12, 2022.  Julie Martin, RMC, Borough Clerk
Council President Gonzalez			X				
Councilmember Regan, Jr.			X				
Councilmember Escalante			X				
Councilmember Jones		X	X				
Councilmember Gindi	X		X				
Councilmember Lucas			X				
Mayor Talerico							