

## **RESOLUTION NO. 30-2021**

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**Emergency Resolution to accept the material terms of the Settlement Agreement dated July 21, 2021 with Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc.; and, authorize Township Administrator to execute the Participation Agreement for the Janssen settlement and consistent with the terms of the July 21, 2021 Janssen Settlement Agreement and declaring an emergency and dispensing with the second reading**

**WHEREAS**, West Chester Township, Butler County, Ohio (herein "Township") is a township formed and organized pursuant to the Constitution and laws of the State of Ohio; and

**WHEREAS**, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

**WHEREAS**, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

**WHEREAS**, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

**WHEREAS**, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and West Chester Township has adopted, and hereby reaffirms its adoption of, a Settlement Agreement dated July 21, 2021 ("Janssen Settlement") with Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil- Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (collectively "Janssen") relating to the allocation and the use of the proceeds of any potential settlements described; and

**WHEREAS**, the Janssen Settlement has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

**WHEREAS**, the Board understands that an additional purpose of the Janssen Settlement is to create an effective means of distributing any potential settlement funds obtained under the Janssen Settlement between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuating earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

**WHEREAS**, nothing in the Janssen Settlement binds any party to a specific outcome, but rather, any resolution under the Janssen Settlement requires acceptance by the State of Ohio and the Local Governments; and

**WHEREAS** a settlement proposal is being presented to the State of Ohio and Local Governments by Janssen to resolve governmental entity claims in the State of Ohio using the structure of the Janssen Settlement and consistent with the material terms of the July 21, 2021 proposed Janssen Settlement Agreement; and

**WHEREAS**, the Board wishes to agree to the material terms of the proposed Janssen Settlement Agreement:

**NOW THEREFORE, BE IT RESOLVED** by the West Chester Township Board of Trustees.

**Section 1.** That Board hereby accepts the Proposed Settlement on behalf of West Chester Township, pursuant to the terms of the Janssen Settlement Agreement.

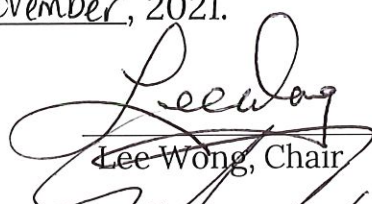
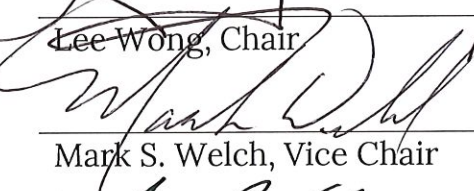
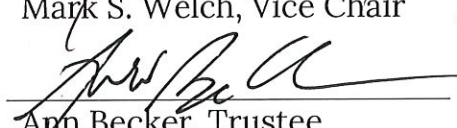
**Section 2.** That it is found and determined that all formal actions of the Board relating to the adoption of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

**This resolution shall be adopted as an emergency necessary for the immediate preservations of the public peace, health, safety, or welfare of the community and shall become effective at the earliest date permitted by law.**

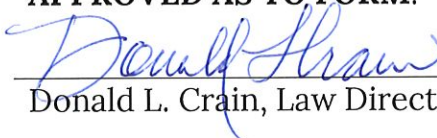
Adopted this 30<sup>th</sup> day of November, 2021.

**ATTEST:**

  
Bruce Jones, Fiscal Officer

 Lee Wong, Chair	<u>Yes</u>	Yes/No
 Mark S. Welch, Vice Chair	<u>Yes</u>	Yes/No
 Ann Becker, Trustee	<u>Yes</u>	Yes/No

**APPROVED AS TO FORM:**

  
Donald L. Crain, Law Director