

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: November 19, 2019

Consent

Regular

Ordinance

Public Hearing

Department: County Attorney's Office

Submitted By: County Attorney's Office

I. EXECUTIVE BRIEF

Motion and Title: Staff Recommends Motion to opt out as a Class Member of the Negotiation Class in the case of In re: National Prescription Opiate Litigation, case number MDL No. 2804 (N.D. Ohio) and Palm Beach County v. Purdue Pharma, et al., case number: 1:18-op-46121-DAP (N.D. Ohio).

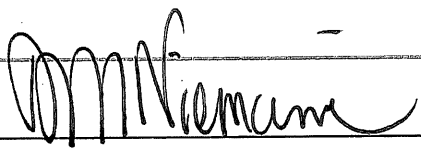
Summary: On April 5, 2018, outside counsel filed suit on behalf of Palm Beach County against opioid manufacturers, opioid distributors, pharmacies, and three private physicians that caused the opioid crisis in Palm Beach County, in the Fifteenth Judicial Circuit in Palm Beach County in Palm Beach County v. Purdue Pharma, L.P., et al.; case number 50-2018-CA-004109XXX-MB. The Defendants removed the case to federal court based on diversity jurisdiction. The case was then transferred to the Opioid Multidistrict Litigation (MDL); In re: National Prescription Opiate Litigation, case number MDL No. 2804 (N.D. Ohio) and the case was assigned to Judge Dan A. Polster. On June 14, 2019, the Plaintiffs in the MDL filed a Motion for Certification of Rule 23(b)(3) Cities/Counties Negotiation Class (Motion). On September 11, 2019, Judge Polster granted certification to a Negotiation Class against certain defendants and set a deadline of November 22, 2019 for the class members to opt out. On October 29, 2019, the Board of County Commissioners (BCC) granted the County Attorney's request to schedule a private meeting for an attorney-client session between the Board of County Commissioners, the County Administrator, the County Attorney, certain Assistant County Attorneys, and outside counsel pursuant to Section 286.011(8), Florida Statutes to discuss settlement negotiations of pending litigation in which Palm Beach County is presently a party: In re: National Prescription Opiate Litigation, case number: MDL 2804 (N.D. Ohio) and Palm Beach County v. Purdue Pharma, et al., case number: 1:18-op-46121-DAP (N.D. Ohio). On November 5, 2019, the private meeting for the attorney-client session was held. Based on the private attorney-client session, staff recommends the Board of County Commissioners opt out as a class member of the Negotiation Class in the case of In re: National Prescription Opiate Litigation, case number MDL No. 2804 (N.D. Ohio) and Palm Beach County v. Purdue Pharma, et al., case number: 1:18-op-46121-DAP (N.D. Ohio).

Pursuant to Section 286.011(8), Florida Statute, the entire attorney-client session was recorded by a certified court reporter. No portion of the session was off the record. The court reporter's notes were fully transcribed and will be filed with the clerk and shall be made part of the public record upon conclusion of the pending litigation. Countywide (KP)

Background and Policy Issues:

Attachments:

- 1. Exclusion Request Form

Recommended By:  _____
Department Director Date

Approved By: N/A _____
County/Deputy/Asst. County Administrator Date



**IF YOU WANT TO EXCLUDE YOUR COUNTY OR CITY
YOU MUST ACT BY NOVEMBER 22, 2019**

EXCLUSION REQUEST FORM

Read this page carefully then turn to Page 2 if you want to sign and send

Complete this form ONLY if your County or City does NOT want to remain a Class Member and does not want to share in any potential negotiated Class settlement. If your County or City does not complete and submit this form, it will be deemed to be a Class Member so long as it is a County or City in the United States as those terms are described in the Class Notice and is on the list of Class Members found at www.OpioidsNegotiationClass.info.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

_____	X	
	:	
In re NATIONAL PRESCRIPTION	:	1:17-md-2804 (DAP)
OPIATE LITIGATION	:	
_____	X	

Class Notice Administrator
NPO Litigation
P.O. Box 6727
Portland, OR 97228-6727

Dear Class Notice Administrator:

My County or City does **NOT** want to be a member of the Negotiation Class certified in the *In re National Prescription Opiate Litigation*. I understand that by completing the information requested on page 2, signing, and submitting a copy of this form by email (to the email address on page 2) sent on or before **November 22, 2019** OR by first-class U.S. mail (to the mailing address on page 2) post-marked on or before **November 22, 2019**, I am opting my County or City out of the Negotiation Class and it will **NOT** be a Class Member. I understand that by timely submitting this form, my County or City is foregoing the right to share in any Class settlement that may be obtained. I understand that my County or City is **NOT** guaranteed an opportunity to opt back in if there is a Class settlement, so this is our final decision. I also understand that by opting out, my County or City will not be bound by any judgment entered as part of any Class settlement.

I understand that if my jurisdiction is a Class Member and wants to remain a Class Member, it does not need to do anything now. I understand that I should **NOT** return this Exclusion Request Form if my jurisdiction wants to remain a Class Member.

I understand that, if I have any questions, I may contact Class Counsel at 1-877-221-7468, or visit www.OpioidsNegotiationClass.info **BEFORE** I mail this form to you and **BEFORE** November 22, 2019.

**TURN TO PAGE 2 IF YOU WANT TO SIGN EXCLUSION/OPT-OUT FORM
AND FOR EMAIL AND MAILING ADDRESSES**

Attachment 1 - Page 1 of 2





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**IF YOU WANT TO EXCLUDE YOUR COUNTY OR CITY
YOU MUST ACT BY NOVEMBER 22, 2019**

EXCLUSION REQUEST FORM
Read Information on Page 1 carefully before signing

Having read and understood the information on page 1, the County or City (**circle one**) entitled _____ in the State of _____ hereby excludes itself from the Negotiation Class certified by the United States District Court in the Northern District of Ohio in *In re National Prescription Opiate Litigation*, MDL 2804. Under penalty of perjury and in accordance with 28 U.S.C. § 1746, I declare that I am an official or employee authorized to take legal action on behalf of my County or City.

Signature: _____

Print name: _____

Title: _____

City or County Represented: _____ (Circle one): City / County

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Email: _____

Date: _____

BY NOVEMBER 22, 2019

EMAIL TO:

**OR SEND BY
FIRST CLASS MAIL TO:**

info@OpioidsNegotiationClass.info

NPO Litigation
P.O. Box 6727
Portland, OR 97228-6727

Attachment 1 - Page 2 of 2