

Oneida Nation

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Oneida, WI 54155

BC Resolution # 01-25-23-A

Election to Participate in the Five Settlements with TEVA, Allergan, Walmart, Walgreens and CVS and Authorization of the Oneida Nation's Opioid Litigation Counsel to Submit Tribal Participation Forms and other Documents on the Oneida Nation's Behalf

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Native American population has suffered some of the worst consequences of the opioid epidemic of any population in the United States, and tribal governments have had to spend considerable tribal funds to address the costs of the opioid crisis, including increased costs for health care, social services, child welfare, law enforcement and other governmental services; and
- WHEREAS,** over 400 federally recognized Tribes filed litigation against the opioid manufacturers, distributors, pharmacies, all of which the Tribes maintain are responsible for the opioid crisis; and
- WHEREAS,** the court-appointed Tribal Leadership Committee ("TLC") announced five comprehensive settlements of opioid claims asserted in cases filed by the Tribes against Teva, Allergan, Walmart, Walgreens and CVS; and,
- WHEREAS,** Teva, an opioid manufacturer, will pay approximately \$119,000,000 over 13 years and will provide 200,000 kits of Naloxone Hydrochloride Nasal Spray (generic Narcan®); Allergan, a related opioid manufacturer, will pay nearly \$71,000,000 over 6 years; Walmart will pay approximately \$77,900,000 over one year; Walgreens will pay approximately \$148,000,000 over 15 years; and CVS will pay approximately \$130,000,000 over 10 years (the foregoing amounts do not include separate settlements reached by the Cherokee Nation); and,
- WHEREAS,** the settlements only go into effect if specified participation thresholds are reached; and,
- WHEREAS,** under the terms of the settlements, each tribal entity has the right to determine which approved opioid abatement uses are best for the tribal entity and each tribal entity has the right to meaningfully participate in the final allocation process and a right to be heard prior to entry of the final allocation order; and
- WHEREAS,** the Nation is aware of and has reviewed the terms of the five settlements and elects to participate in the settlements; and

NOW THEREFORE BE IT RESOLVED, that the Oneida Nation, in order to obtain and in consideration of the benefits provided to the Oneida Nation pursuant to the Settlement Agreements, and acting through the authorized law firm, LEVIN, PAPANTONIO, RAFFERTY, PROCTOR, BUCHANAN, O'BRIEN, BARR & MOUGEY, P.A., hereby elects to participate in the Settlements and become a Participating Tribe as defined therein and release all Released Claims against all Released Entities as defined therein.

BE IT FURTHER RESOLVED, that LEVIN, PAPANTONIO, RAFFERTY, PROCTOR, BUCHANAN, O'BRIEN, BARR & MOUGEY, P.A., is authorized to submit the Tribal Participation Forms attached to this Resolution on behalf of the Oneida Nation.

BE IT FINALLY RESOLVED, that LEVIN, PAPANTONIO, RAFFERTY, PROCTOR, BUCHANAN, O'BRIEN, BARR & MOUGEY, P.A., is authorized to submit such other documents on behalf of the Oneida Nation as may be necessary to enter into and finalize the Settlements.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 8 members were present at a meeting duly called, noticed and held on the 25th day of January, 2023; that the forgoing resolution was duly adopted at such meeting by a vote of 7 members for, 0 members against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way.



Lisa Liggins, Secretary
Oneida Business Committee

*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."