

RESOLUTION NO. 182-21

The Board of County Commissioners of Clermont County, Ohio met in regular session on the 6th day of December, 2021, with the following members present:

Claire B. Corcoran, President

David L. Painter, Vice-President

Bonnie J. Batchler, Member

Mr(s) Batchler moved for the adoption of the following Resolution:

RESOLUTION TO ACCEPT THE MATERIAL TERMS OF A SETTLEMENT AGREEMENT BY AND BETWEEN THE STATE OF OHIO AND CLERMONT COUNTY AND JOHNSON & JOHNSON, JANSSEN PHARMACEUTICALS, INC., ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC., AND JANSSEN PHARMACEUTICA, INC. CONSISTENT WITH THE TERMS OF THE PREVIOUSLY EXECUTED ONEOHIO MEMORANDUM OF UNDERSTANDING

WHEREAS, Clermont County, Ohio (“the County”) is a county 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 have drafted and the Board of County Commissioners of Clermont County (“the Board”) has adopted, and hereby reaffirms its adoption

of, a OneOhio Memorandum of Understanding (“MOU”) relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU 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 MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU 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 effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

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

WHEREAS a settlement proposal (the “Janssen Settlement”) is being presented to the State of Ohio and Local Governments by Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (“Janssen”) to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement; and

WHEREAS, the Board wishes to agree to the terms of the proposed Janssen Settlement with Janssen.

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Clermont County, Ohio, with at least two-thirds of its members thereto concurring as follows:

Section 1.

That the Board hereby accepts the Proposed Settlement between and among the State of Ohio, its participating subdivisions, and Janssen on behalf of Clermont County, pursuant to the

terms of the Janssen Settlement and the previously executed OneOhio MOU. The President of the Board, or such other member in her absence, is hereby authorized to note the Board's acceptance of the Janssen Settlement by execution of a Settlement Participation Form, and to submit said executed form to the Board's counsel.

Section 2.

That the Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this resolution were taken in an open meeting of this Board, and that all deliberations of the Board and its Committees, if any, which resulted in formal action were taken in full compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Mr(s). Batchler seconded the motion and on roll call, the vote resulted as follows:

Mrs. Corcoran	<u>Yes</u>
Mr. Painter	<u>No</u>
Mrs. Batchler	<u>Yes</u>

This resolution was duly passed on the 6th day of Dec. 2021.

ATTEST:

Holly Crucey
Holly Crucey, Clerk
Board of County Commissioners

This Resolution was prepared and approved as to form by the Office of the Prosecuting Attorney of Clermont County, Ohio

By: Jason A. Fountain
Jason A. Fountain
Assistant Prosecuting Attorney