



YATES COUNTY LEGISLATURE
417 Liberty Street
Penn Yan, New York 14527
Phone 315-536-5150
Fax 315-536-5166

Douglas Paddock
Chairman

Connie C. Hayes
Clerk

YATES COUNTY LEGISLATIVE AGENDA
September 7, 2021 at 10:30 am

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The Yates County Legislature will meet in special session Tuesday, September 7, 2021 at 10:30 a.m. in the Legislative Chambers located at 417 Liberty St., Penn Yan, NY 14527

The purpose of this meeting is to discuss requiring that masks be worn in County Buildings and the following proposed resolution.

- Annmarie Flanagan, Direct of Public Health
- Public Comment
- Executive Session

Resolution No. 312-21
Motioned By: Bronson

Date: September 7, 2021
Seconded by:

AUTHORIZE AND APPROVE AN OPIOID SETTLEMENT AGREEMENT (J & J)

WHEREAS, the County of Yates (hereinafter referred to as “County”) is a named plaintiff in a civil action regarding the opioid addiction crisis, against several defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies (said civil action hereinafter referred to as the “Action”); and

WHEREAS, the County’s attorney in the Action is the law firm of Napoli Shkolnik, PLLC (hereinafter referred to as “Napoli Shkolnik”); and

WHEREAS, the Action alleges several causes of action against defendants Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. and Janssen Pharmaceutica, Inc. (hereinafter collectively referred to as “J & J”) based on claims that J & J contributed to the opioid epidemic by falsely promoting prescription opioids it manufactured and sold and by falsely promoting the increased use of opioids directly and generally through various “front

groups” and failing to implement measures to prevent diversion of prescription opioids in connection with distribution of its products, all of which contributed to a public health crisis in the County; and

WHEREAS, J & J has offered to settle the County’s claims against it by paying the sum of between approximately \$61,776.44 and \$144,172.34 over ten (10) years to be used for restitution and abatement, and agreeing to not manufacture, sell or promote opioids; and

WHEREAS, the County wishes to resolve this matter with respect to J & J without further litigation and enter into such settlement with J & J, wherein it will settle all allegations against J & J and avoid protracted litigation; and

WHEREAS, in order to effectuate the County’s settlement with J & J, the County would need to execute two proposed documents, namely: a) New York Opioid Settlement Sharing Agreement and b) New York Subdivision Election and Release Form (hereinafter collectively referred to as the “Settlement Agreement”), and said Settlement Agreement having been submitted to members of the Yates County Legislature prior to its meeting held this 7th day of September, 2021, for its consideration;

NOW, THEREFORE, BE IT RESOLVED, that the form and substance of the aforementioned Settlement Agreement is hereby approved, and the County is authorized to enter into said Settlement Agreement; and be it further

RESOLVED, that in light of the foregoing, the Chairman of the Legislature is hereby authorized on behalf of the County, to execute and deliver the Settlement Agreement, in a form substantially similar thereto, and execute and deliver such other documents as may be necessary and appropriate to effectuate the settlement with J & J; and be it further

RESOLVED, that moreover, and in light of the foregoing, Napoli Shkolnik is also hereby authorized on behalf of the County, to execute and deliver the Settlement Agreement, in a form substantially similar thereto, and execute and deliver such other documents as may be necessary and appropriate to effectuate the settlement with J & J; and be it further

RESOLVED, that copies of this resolution be given to the County Administrator, County Attorney, Napoli Shkolnik PLLC and any other person/entity deemed necessary.