

Monica Walden

From: Matthew Melloy <mmelloy@sgptrial.com>
Sent: Monday, May 15, 2023 4:26 PM
To: mwalden@co.titus.tx.us
Subject: FW: ACTION REQUIRED / Allergan Settlement / Commissioners Meeting / Titus County
Attachments: 2023 05 11 Ltr to Client re Allergan Settlement.pdf; TITUS ALLERGAN SETTLEMENT SUBDIVISION PPT.pptx; Allergan Settlement County Executive Session and Action Item (Proposed).docx; Order (Resolution) authorizing Allergan Texas Settlement.docx; EX C Texas Settlement Allocation Term Sheet.pdf; RELEASE Allergan Texas Settlement Agreement.pdf

Importance: High

Matt Melloy • Litigation Paralegal
SIMON GREENSTONE PANATIER, PC
Dallas • Los Angeles • New York • Houston

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From: Matthew Melloy <mmelloy@sgptrial.com>
Sent: Thursday, May 11, 2023 10:09 PM
To: 'kcooper@co.titus.tx.us' <kcooper@co.titus.tx.us>
Cc: Opioid Litigation Group <olg@sgptrial.com>; Reid Martin <rmartin@martinwalkerlaw.com>; 'rsd@flowersdavis.com' <rsd@flowersdavis.com>
Subject: ACTION REQUIRED / Allergan Settlement / Commissioners Meeting / Titus County
Importance: High

Dear Judge Cooper,

Per Mr. Simon, please see the below mentioned attachments regarding the Allergan settlement.

1. Correspondence from Jeffrey Simon;
2. Settlement PowerPoint;
3. Executive Session and Action Item (proposed);
4. Order (Resolution) authorizing Allergan Texas Settlement;
5. Exhibit C – Texas Term Sheet; and
6. RELEASE.

Should you have any issues viewing the attachments, please do not hesitate to contact me.

Thank you,

Matt Melloy • Litigation Paralegal

SIMON GREENSTONE PANATIER

TRIAL LAWYERS

DALLAS

1201 ELM STREET
SUITE 3400
DALLAS, TEXAS 75270
214-276-7680 (V)
214-276-7699 (F)

LOS ANGELES

3760 KILROY AIRPORT WAY
SUITE 650
LONG BEACH, CALIFORNIA 90806
562-390-3400 (V)
562-390-3412 (F)

NEW YORK

420 LEXINGTON AVENUE
SUITE 2848
NEW YORK, NEW YORK 10170
212-634-1690 (V)
212-320-0526 (F)

HOUSTON

440 LOUISIANA STREET
SUITE 802
HOUSTON, TEXAS 77002
713-403-1201 (T)
214-276-7699 (F)

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DAVID C. GREENSTONE (CA, NY, TX)
CHRISTOPHER J. PANATIER (CA, PA, TX)
STUART J. PURDY (CA)
LISA M. BARLEY (CA)
LEAH C. KAGAN (CA, NJ, NY)
CHARLES E. SOECHTING, JR. (PA, TX)
BRENDAN J. TULLY (NY)
DEBBIE BRYANT (TX)
TIFFANY N. DICKENSON (LA, MS, PA, TX)
JACEY L. HORNECKER (TX)

ASSOCIATES:
GREYSON ACKERMAN (TX)
MICHAEL DERUVE (NY)
ROBERT I. ELLIS (NJ, NY)

SIMON GREENSTONE PANATIER

TRIAL LAWYERS

ATTORNEYS & COUNSELORS AT LAW
A Professional Corporation
www.SGPTRIAL.com

ERICA L. FALKNER (CA)
MATTHEW G. LA SORSA (NY)
CHRISTINA MANCUSO (TX)
JENNIFER MONTEMAYOR (TX)
JODEE NEIL (TX)
ALBERT OGANESYAN (CA)
SHREEDHAR R. PATEL (CA, NY, TX)
HOLLY C. PETERSON (MD, NJ, NY, TX)
MARY T. RAHMES (CA)
IYMAN STRAWDER (TX, CA)
FRANK J. WATHEN (TX)
SHAINA A. WEISSMAN (MA, NY)
MARC I. WILLYCK (CA)

OF COUNSEL:
ROBERT A. GREEN (CA)

PLEASE RESPOND TO THE DALLAS OFFICE

May 11, 2023

URGENT ATTORNEY-CLIENT COMMUNICATIONS

Hon. Kent Cooper, County Judge
County of Titus
100 West First Street, Suite 200
Mt. Pleasant, Texas 75455
kcooper@co.titus.tx.us

Re: *Texas Opioid Litigation*; in the 152nd District Court of Harris County,
Texas; MDL Master Cause No. 2018-63587

Allergan Proposed Settlement – Participation Agreement

Dear Judge Cooper,

We have negotiated a settlement in the Texas Statewide Opioid Litigation with a Defendant, Allergan, subject to approval of our litigation county clients. Please note that the deadline to join settlements with these Defendants is **June 1, 2023**. We are recommending you accept this settlement and will provide instructions on how to do so below.

THIS IS A FAST TRACK SETTLEMENT – please include an action item on your Commissioner’s Court Agenda for the Commissioner’s Court to approve the Allergan Texas Settlement, as well as authorizing the County’s signature on the Participation Form and Release. The signed Participation Form and Release must be scanned and returned to my office as soon as possible, but no later than noon on June 1, 2023.

We can attend via zoom or in person; however, this settlement is straightforwardly described in the documents, and your County Attorney or County Judge can efficiently present them to the Commissioners if they wish. Please let us know what, if anything, you need from us in these respects, and we will accommodate.

DALLAS (Primary Office):
1201 Elm St., Suite 3400
Dallas, Texas 75270
214-276-7680 (T)
214-276-7699 (F)

HOUSTON:
440 Louisiana St., Suite 802
Houston, Texas 77002
713-405-1201 (T)
214-276-7699 (F)

LOS ANGELES:
3760 Kilroy Airport Way, Suite 680
Long Beach, California 90806
562-590-3400 (T)
562-590-3412 (F)

NEW YORK:
420 Lexington Avenue, Suite 2848
New York, New York 10170
212-634-1690 (T)
214-320-0526 (F)

If not already executed, please ensure that you have this settlement on your agenda for discussion and approval at your next Commissioner's Court meeting.

Congratulations on this favorable outcome and thank you for allowing us to continue serving the County. Please don't hesitate to call my legal assistant, Matt Melloy, with any questions or concerns.

Thank you for your attention to this matter.

Thank you,

/s/ Jeffrey Simon

Jeffrey Simon
Founding Shareholder

JBS/mm

cc: JoDec Neil *(via email)*
Shreedhar R. Patel *(via email)*
Matthew Melloy *(via email)*
Marilyn Mildren *(via email)*
Reid Martin *(via email)*

Executive under 551.071:

County of Titus v. Purdue Pharma, Inc., et al., MDL PRETRIAL CAUSE NO. 2018-63587, in the 152d District Court of Harris County, Texas.

Action item:

Consideration of authorizing the County Judge or other authorized officials to execute the Settlement participation and release forms regarding settlement offers in the matter of Texas opioid multi-district litigation for the County in the matter of *County of Titus v. Purdue Pharma, L.P. et al.*

The image features a dark blue background with a green horizontal bar at the top. Below the bar, there are several thin, light-colored lines that flow and curve across the page, creating a sense of movement and depth. The text is positioned in the lower-left area of the page.

TEXAS OPIOID SETTLEMENT OVERVIEW
ALLERGAN FINANCE LLC & ALLERGAN LIMITED

SETTLEMENT HIGHLIGHTS

- \$120,629,368.53 over 7 years as a Texas Statewide Opioid Settlement Agreement (SOSA)
- Plus Fees and Costs paid by Allergan (\$13,608,270.22)
- Same SOSA amount as the Global
- Allergan Pays entire settlement *directly* into the Texas MDL Qualified Settlement Fund
- Provides for a Texas Release and Texas Jurisdiction with no federal enforcement or oversight
- Interest stays with the money instead of being used to pay a Global Administrator's costs and expenses

TITUS COUNTY'S DIRECT ALLOCATION

(EST. PER TEXAS TERM SHEET USED BY OPIOID STATUTE TRUSTEE)

- Direct from the Subdivision Fund and in recognition of past opioid expenditures:

Total Subdivision Fund: $\$120,629,368.53 * 15\% = \mathbf{\$18,094,405.28}$

Titus County Share: $\$18,094,405.28 * 0.047074\% = \mathbf{\$8,517.76}$

Total Direct funds: **$\$8,517.76$**

First payment to Statutory Trust Account approximately August 2023

TITUS COUNTY'S REGIONAL ALLOCATION

(EST. TO OPIOID COUNCIL)

Abatement Fund to Opioid Council for grant application and abatement use restrictions: \$84,440,557.97 minus \$18,510,489.27*
= \$65,930,068.70

Region 1 (5.5156%): \$3,636,438.87*

* Amount is after Abatement Fund reduction of (1) \$5 million Access to Justice Foundation Statutory allocation, (2) 15% Hospital District Statutory Share, and (3) 1% statutory oversight expenses to state

TX OPIOID SETTLEMENTS ACHIEVED
THROUGH DALLAS AND BEXAR COUNTY TRIAL SETTINGS

DEFENDANT	AMOUNT
Janssen	\$296,841,002.36
Endo	\$63,000,000
Teva	\$225,000,000
Big 3 Distributors	\$1,271,427,627.66
Allergan	\$134,237,638.75
Total to Date	\$1,990,506,268.77

ATTORNEY CLIENT AND EXECUTIVE PRIVILEGE

COUNSEL'S RECOMMENDATION

ACCEPT THE ALLERGAN SETTLEMENT

AUTHORIZE COUNTY OFFICIAL'S SIGNATURE ON
THE ORDER/RESOLUTION AND THE TEXAS RELEASE
AND PARTICIPATION FORM

SCAN AND EMAIL THE SIGNED TEXAS PARTICIPTION
AND RELEASE FORM TO COUNSEL

THE STATE OF TEXAS §

COUNTY OF TITUS § #2023-01

ORDER (RESOLUTION) AUTHORIZING APPROVAL OF PROPOSED TEXAS STATEWIDE OPIOID SETTLEMENT AGREEMENTS

BE IT REMEMBERED, at a regular meeting of the Commissioners Court of Titus County, Texas, held on the 22 day of May, 2023, on motion made by Jimmy Parker Commissioner of Precinct 4 and seconded by Dana Applewhite Commissioner of Precinct 3, the following Order (Resolution) was adopted:

WHEREAS, Titus County obtained information indicating that certain drug companies and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (collectively, "Defendants") have engaged in fraudulent and/or reckless marketing and/or distribution of opioids that have resulted in addictions and overdoses; and

WHEREAS, these actions, conduct and misconduct have resulted in significant financial costs in the past to the County and will undoubtedly result in significant financial costs in the future; and

WHEREAS, the County brought or has investigated claims against (1) Allergan Finance LLC and Allergan Limited ("Allergan Defendants"), and certain other defendants related to potentially released claims; and (2) other defendants in the opioid supply chain on behalf of the County in *In Re: Texas Opioid Litigation*, MDL No. 2018-63587, currently pending in the 152nd District Court of Harris County, Texas and/or removed pending remand; and

WHEREAS, on May 10, 2023, the Allergan Defendants in the opioid litigation brought by the County, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an Agreement entitled Allergan Texas Statewide Opioid Settlement Agreement (the "Texas Addendum"); and

WHEREAS, Special Counsel and the State of Texas have recommended that the Titus County Commissioners Court support the adoption and approval of the Texas Addendum in its entirety; and

WHEREAS, even though the payments from the settlements reflect partial compensation to Titus County for the past damages it has suffered or the future damages it is likely to incur, given the risks of litigation, the fact that it is to the benefit of Texas and the County and its residents, and that it reduces the risks associated with protracted litigation;

NOW, THEREFORE, BE IT RESOLVED that we, the Commissioners Court of Titus County:

1. Support the adoption and approval the Texas Addendum;
2. Authorizes the County to execute the Texas Release for the Texas Addendum Subdivision Participation Form and Release; and
3. Finds as follows:
 - a. There is a substantial need for repayment of past opioid-related expenditures and payment to help abate current and future opioid-related harms in and about Titus County, Texas; and
 - b. The County Commissioners Court supports in its entirety the Texas Addendum. The County Commissioners Court understands that the purpose of each Settlement is to effectuate resolution of the Opioid Litigation against the Allergan Defendants. We also understand that an additional purpose is to ensure the effective means of distributing any potential settlement funds obtained under settlements in Texas and under the jurisdiction of Texas Courts in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic in this County and throughout Texas.

The County is hereby authorized to approve and accept the Texas Addendum as set forth herein.

The County Judge or designated official is hereby authorized to execute and deliver the settlement documents recommended for approval by Special Counsel in the above referenced case and to approve such terms and provisions for the full and final settlement of all matters set forth therein.

DONE IN OPEN COURT on this the 22nd day of May, 2023.

TITUS COUNTY, TEXAS

Karl Lopez
Titus, County Judge

ATTEST:

Debra Brasher
Titus, County Clerk

