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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

November 1, 2019

Director of Council Services
Traci N. T. Fujita, Esq.

RECEIVED

2019 NOV -1 AM 10:44

OFFICE OF THE
COUNTY CLERK

The Honorable Kelly T. King
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair King:

**SUBJECT: LITIGATION AGAINST OPIOID MANUFACTURERS
AND DISTRIBUTORS (GET-11(46))**

May I request the attached proposed resolution, entitled "OPTING OUT OF THE NEGOTIATION CLASS IN THE NATIONAL PRESCRIPTION OPIATE LITIGATION," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Molina".

MICHAEL J. MOLINA, Chair
Governance, Ethics, and Transparency
Committee

get:ltr:011(46)amc01:dr

Enclosure

COUNTY COMMUNICATION NO. 19-448

Resolution

No. _____

OPTING OUT OF THE NEGOTIATION CLASS IN THE NATIONAL PRESCRIPTION OPIATE LITIGATION

WHEREAS, the United States District Court for the Northern District of Ohio is overseeing the class-action case called In re National Prescription Opiate Litigation, as seen on the court's website: <https://www.ohnd.uscourts.gov/mdl-2804>; and

WHEREAS, the County of Maui is currently a member of the negotiation class and will be awarded damages under a court-approved order unless the County opts out of the class by submitting a completed Exclusion Request Form by November 22, 2019; and

WHEREAS, if the County opts out, it could bring its own case against opioid manufacturers and distributors and potentially recover more damages than it would be awarded as a member of the class; and

WHEREAS, the 2019-2021 Council has not yet met on the opioid litigation, including the possible employment of special counsel with specialized expertise; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it requests the Department of the Corporation Counsel submit a completed Exclusion Request Form by November 22, 2019, to have the County of Maui opt out of In re National Prescription Opiate Litigation;
2. That the Council intends to evaluate the possible employment of special counsel with specialized expertise to represent the County in the case, which would require the adoption of another resolution by a two-thirds vote; and

Resolution No. _____

3. That certified copies of this resolution be transmitted to the Mayor and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY

Department of the Corporation Counsel
County of Maui

get:misc:011(46)areso01:dr