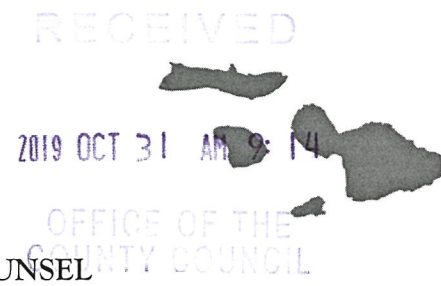
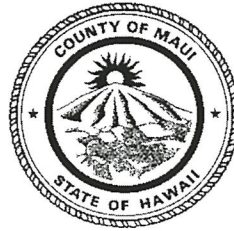


MICHAEL P. VICTORINO  
Mayor

MOANA M. LUTEY  
Corporation Counsel

EDWARD S. KUSHI, JR.  
First Deputy

LYDIA A. TODA  
Risk Management Officer



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October 31, 2019

To: Michael J. Molina, Chair  
Governance, Ethics, and Transparency Committee

From: Richelle M. Thomson, Deputy Corporation Counsel *RThom*

RE: Litigation Matters (Status and Special Counsel Authorization:  
Litigation Against Opioid Manufacturers and Distributors)  
(GET11(46))

In response to your request for legal services dated October 28, 2019, we respectfully request the opportunity to provide a status update on the above-identified matter at your earliest convenience.

For additional background, the Parks, Energy, and Legal Affairs Committee received a presentation from Corporation Counsel on the matter and considered authorization of the retention of special counsel on November 13, 2018 (PRL-1(46)). No action was taken. The Powerpoint presentation, available on Granicus, may provide additional context and background of assistance to the GET Committee members.

Since that time, the State of Hawaii has brought suit, and litigation against the opioid manufacturers and distributors also has continued nationally. The United States District Court for the Northern District of Ohio, in a case titled In re National Prescription Opiate Litigation, 1:17-md-2804 (DAP), has certified a Negotiating Class, involving cities and counties, which presently includes Maui County, to unify municipal entities into a single negotiating entity to "facilitate Class Members' approval or rejection of proposed settlements." No settlements are presently proposed. The County may opt out, or remain in the class, while retaining the right to bring suit until/unless a settlement has been reached and approved by the Class as well as the Court.

Chair Michael J. Molina  
Governance, Ethics, and Transparency Committee  
Opioid Litigation (GET 11(46))  
October 31, 2019  
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Separately, the County recently has received communication from the State Attorney General's office regarding its litigation.

Our department welcomes the opportunity to provide a status update to the Committee and to discuss the various options available at this time. Deputy Thomas Kolbe has been the primary deputy assigned to this matter.

CC: Mayor Michael P. Victorino  
Corporation Counsel Moana M. Lutey  
Deputy Corporation Counsel Thomas Kolbe

LIT-5832