

A RESOLUTION

A RESOLUTION TO OPT OUT OF THE NATIONWIDE CLASS CERTIFIED FOR NEGOTIATION PURPOSES IN *IN RE NATIONAL PRESCRIPTION OPIATE LITIGATION*, MDL 2804.

WHEREAS, the County of Greenville (“County”) is a plaintiff in the consolidated South Carolina state court action *In re: South Carolina Opioid Litigation* and is represented in that action by attorney John B. White, Jr. (“South Carolina Opioid Counsel”); and

WHEREAS, a class has been certified under Rule 23 of the Federal Rules of Civil Procedure (“the Class”) in the multidistrict litigation *In Re: National Prescription Opiate Litigation* that is intended to encourage and facilitate negotiations between opioid defendants and Class members; and

WHEREAS, the Class encompasses all cities and counties in the United States, including the County; and

WHEREAS, membership in the Class allows the County to share in any approved nationwide settlement reached with the Class (“Approved Settlement”) and binds the County to any such settlement; and

WHEREAS, opting out of the Class foregoes the County's right to share in any Approved Settlement but it also prevents the County from being bound by any such settlement; and

WHEREAS, the Court imposed deadline for opting out of the Class is November 22, 2019 (“Opt-Out Deadline”), after which there is no guarantee that the County will be permitted to change its position relative to the class; and

WHEREAS, the failure to affirmatively opt out of the class by the Opt-Out Deadline will result in the County remaining a member of the Class; and

WHEREAS, the County recognizes that it could choose to be a member of the Class; however, based on current information available, the County wishes to continue forward with its litigation in the South Carolina courts and not be bound by any potential negotiation class settlement.

NOW, THEREFORE, BE IT RESOLVED by Greenville County Council (the Council) that the County will opt out of membership in the Class.

BE IT FURTHER RESOLVED THAT the Council hereby authorizes the execution and delivery of the appropriate exclusion request form to South Carolina Opioid Counsel.

BE IT FURTHER RESOLVED THAT this Resolution shall take effect upon its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF NOVEMBER, 2019.

Herman G. Kirven, Jr., Chair
Greenville County Council

Joseph Kernell
County Administrator

ATTEST:

Regina McCaskill
Clerk to Council