



THE STATE OF TEXAS           §  
COUNTY OF HOPKINS         §

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

BE IT REMEMBERED, at a regular meeting of the Commissioners Court of Hopkins County, Texas, held on the \_\_\_\_\_ day of May, 2023, on motion made by \_\_\_\_\_ Commissioner of Precinct \_\_\_\_\_ and seconded by \_\_\_\_\_ Commissioner of Precinct \_\_, the following Order (Resolution) was adopted:

WHEREAS, Hopkins 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 Hopkins 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 Hopkins 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 Hopkins 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 Hopkins 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 30 day of May, 2023.

HOPKINS COUNTY, TEXAS

  
\_\_\_\_\_  
Hopkins, County Judge

ATTEST:

  
\_\_\_\_\_, County Clerk



**Exhibit B**

**TEXAS ADDENDUM SUBDIVISION PARTICIPATION FORM AND RELEASE**

Texas Political Subdivision: County of Hopkins	State: Texas
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“Texas Political Subdivision”), in order to obtain and in consideration for the benefits provided to the Texas Political Subdivision pursuant to the Allergan-Texas Statewide Opioid Settlement Addendum (“Allergan Texas Addendum”), and acting through the undersigned authorized official, hereby elects to participate in the Allergan Texas Addendum, release all Released Claims against all Released Entities, and agrees as follows.

1. The Texas Political Subdivision above is aware of and has reviewed the Allergan Texas Addendum, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Political Subdivision elects to participate in the Allergan Texas Addendum as provided therein.
2. The Texas Political Subdivision shall immediately cease any and all litigation activities as to the Released Entities and Released Claims and, within 14 days of executing this Participation Form, its counsel shall work with Allergan’s counsel to dismiss with prejudice any Released Claims that it has filed against Released Entities.
3. The Texas Political Subdivision agrees to the terms of the Allergan Texas Addendum pertaining to Political Subdivisions as provided therein.
4. By agreeing to the terms of the Allergan Texas Addendum and becoming a Releasor, the Texas Political Subdivision is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date of the Release.
5. The Texas Political Subdivision agrees to use any monies it receives through the Allergan Texas Addendum solely for the purposes provided therein.

6. The Texas Political Subdivision submits to the exclusive jurisdiction and authority of the Texas Consolidated Litigation Court as defined in the Allergan Texas Addendum. For the avoidance of doubt, nothing contained in this Participation Form, or the Allergan Texas Addendum constitutes consent to jurisdiction, express or implied, over the governmental entity or its selected counsel to the jurisdiction of any other court (including without limitation MDL 2804, the MDL 2804 Fee Panel, the MDL 2804 Enforcement Committee, or the Court in which any Texas Consent Judgment is filed) for any purpose whatsoever.
7. The Texas Political Subdivision has the right to enforce the Allergan Texas Addendum in the Texas Consolidated Litigation Court as provided therein.
8. The Texas Political Subdivision, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Allergan Texas Addendum and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Texas Political Subdivision hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist in bringing, or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Allergan Texas Addendum are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Texas Political Subdivision to release claims. The Allergan Texas Addendum shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Allergan Texas Addendum, each Texas Political Subdivision expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:


**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Texas Political Subdivision hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist,

whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Texas Political Subdivision's decision to participate in the Allergan Texas Addendum.

10. The Texas Political Subdivision acknowledges, agrees, and understands that the Settlement Amount in the Section of the Allergan Texas Addendum entitled Base and Incentive Payments for the benefit of the Participating Texas Political Subdivision, is less than or equal to the amount, in the aggregate, of the Alleged Harms allegedly suffered by the governmental entity, constitutes restitution and remediation for damage or harm allegedly caused by Allergan in order to restore, in whole or part, the governmental entity to the same position or condition that it would be in had it not suffered the Alleged Harms; and constitutes restitution and remediation for damage or harm allegedly caused by the potential violation of a law and/or is an amount paid to come into compliance with the law.
11. Nothing herein is intended to modify in any way the terms of the Allergan Texas Addendum Agreement, to which the Texas Political Subdivision hereby agrees. To the extent this Election and Release is interpreted differently from the Allergan Texas Addendum, the Allergan Texas Addendum controls.

I have all necessary power and authorization to execute this Election and Release on behalf of the Texas Political Subdivision.

Signature:   
Name: Robert Newsum  
Title: County Judge - Hopkins  
Date: 5-30-2023

JEFFREY B. SIMON (CA, NY, TX)  
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)

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# SIMON GREENSTONE PANATIER

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TRIAL LAWYERS

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FRANK J. WATHEN (TX)  
SHAINA A. WEISSMAN (MA, NY)  
MARC I. WILLICK (CA)

OF COUNSEL:  
ROBERT A. GREEN (CA)

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PLEASE RESPOND TO THE DALLAS OFFICE

May 11, 2023

## URGENT ATTORNEY-CLIENT COMMUNICATIONS

Dusty Rabe, County Attorney  
County of Hopkins  
128 Jefferson St., Suite B  
Sulphur Springs, Texas 75482  
[rabe@hopkinscountytexas.org](mailto:rabe@hopkinscountytexas.org)

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

### **Allergan Proposed Settlement – Participation Agreement**

Dear Ms. Rabe,

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.*

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**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)

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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: JoDee Neil *(via email)*  
Shreedhar R. Patel *(via email)*  
Matthew Melloy *(via email)*  
Marilyn Mildren *(via email)*  
Reid Martin *(via email)*  
Steve Walker *(via email)*

Executive under 551.071:

*County of Hopkins 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 Hopkins v. Purdue Pharma, L.P. et al.*



Exhibit C: TX Opioid Council & Health Care Region Allocations plus Administrative Costs  
70% of Total (\$700 million)

Health Care Region Allocation*: \$693 million; Administrative Costs: \$7 million		
Region	Counties in Health Care Region	Allocation
1	Anderson, Bowie, Camp, Cass, Cherokee, Delta, Fannin, Franklin, Freestone, Gregg, Harrison, Henderson, Hopkins, Houston, Hunt, Lamar, Marion, Morris, Panola, Rains, Red, River, Rusk, Smith, Titus, Trinity, Upshur, Van, Zandt, Wood	\$38,223,336
2	Angelina, Brazoria, Galveston, Hardin, Jasper, Jefferson, Liberty, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Tyler	\$54,149,215
3	Austin, Calhoun, Chambers, Colorado, Fort Bend, Harris, Matagorda, Waller, Wharton	\$120,965,680
4	Aransas, Bee, Brooks, De Witt, Duval, Goliad, Gonzales, Jackson, Jim Wells, Karnes, Kenedy, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio, Victoria	\$27,047,477
5	Cameron, Hidalgo, Starr, Willacy	\$17,619,875
6	Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Gillespie, Guadalupe, Kendall, Kerr, Kinney, La Salle, McMullen, Medina, Real, Uvalde, Val Verde, Wilson, Zavala	\$68,228,047
7	Bastrop, Caldwell, Fayette, Hays, Lee, Travis	\$50,489,691
8	Bell, Blanco, Burnet, Lampasas, Llano, Milam, Mills, San Saba, Williamson	\$24,220,521
9	Dallas, Kaufman	\$66,492,094
10	Ellis, Erath, Hood, Johnson, Navarro, Parker, Somervell, Tarrant, Wise	\$65,538,414
11	Brown, Callahan, Comanche, Eastland, Fisher, Haskell, Jones, Knox, Mitchell, Nolan, Palo Pinto, Shackelford, Stephens, Stonewall, Taylor	\$9,509,818
12	Armstrong, Bailey, Borden, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Floyd, Gaines, Garza, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Hutchinson, Kent, King, Lamb, Lipscomb, Lubbock, Lynn, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Scurry, Sherman, Swisher, Terry, Wheeler, Yoakum	\$23,498,027
13	Coke, Coleman, Concho, Crockett, Irion, Kimble, Mason, McCulloch, Menard, Pecos, Reagan, Runnels, Schleicher, Sterling, Sutton, Terrell, Tom Green	\$5,195,605
14	Andrews, Brewster, Crane, Culberson, Ector, Glasscock, Howard, Jeff Davis, Loving, Martin, Midland, Presidio, Reeves, Upton, Ward, Winkler	\$12,124,354
15	El Paso, Hudspeth	\$17,994,285
16	Bosque, Coryell, Falls, Hamilton, Hill, Limestone, McLennan	\$9,452,018
17	Brazos, Burleson, Grimes, Leon, Madison, Montgomery, Robertson, Walker, Washington	\$23,042,947
18	Collin, Denton, Grayson, Rockwall	\$39,787,684
19	Archer, Baylor, Clay, Cooke, Foard, Hardeman, Jack, Montague, Throckmorton, Wichita, Wilbarger, Young	\$12,665,268
20	Jim Hogg, Maverick, Webb, Zapata	\$6,755,656
	Administrative Costs	\$7,000,000

\* Each Region shall reserve 25% of its allocation for Targeted Funds under the guidelines of Exhibit A.

The background of the page is a dark gray color. A large, abstract graphic composed of many thin, light gray lines flows across the page. The lines start from the left side, curve upwards and then downwards, creating a sense of movement and depth. The lines are most dense in the center and become sparser towards the edges.

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

# HOPKINS 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:  $\$120,629,368.53 * 15\% = \mathbf{\$18,094,405.28}$

Hopkins County Share:  $\$18,094,405.28 * 0.099678\% = \$18,036.14$

Total Direct funds:  **$\$18,036.14$**

First payment to Statutory Trust Account approximately August 2023

# HOPKINS 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 PARTICIPATION  
AND RELEASE FORM TO COUNSEL

ATTORNEY CLIENT AND EXECUTIVE PRIVILEGE