

FILED  
TERRY ROSS  
COUNTY CLERK

2022 FEB 15 AM 11:52

UPSHUR COUNTY, TX.

BY  DEPUTY

THE STATE OF TEXAS §  
COUNTY OF UPSHUR §

**ORDER AUTHORIZING APPROVAL OF PROPOSED TEXAS STATEWIDE OPIOID SETTLEMENT AGREEMENTS**

BE IT REMEMBERED, at a regular meeting of the Commissioners Court of Upshur County, Texas, held on the, 15 th day of Feb, 2022, on motion made by Jay Miller Commissioner of Precinct 4 and seconded by Mike Ashley Commissioner of Precinct 3, the following Order (Resolution) was adopted:

The 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

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

The County brought or has investigated claims against (1) Endo Health Solutions, Inc., Endo Pharmaceuticals Inc., Endo International plc, Par Pharmaceutical Inc., or Par Pharmaceutical Companies, Inc. ("Endo Defendants"); (2) Teva Pharmaceutical Industries, Ltd., Teva Pharmaceuticals USA, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, and certain other defendants related to potentially released claims ("Actavis Defendants"; (3) McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation ("Distributor Defendants"), and (4) 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 152d District Court of Harris County, Texas and/or removed pending remand; and

On January 14, 2022, the Endo Defendants in the opioid litigation, the County, the State of Texas (via the Office of the Attorney General), and a negotiation group for Texas political subdivisions entered into an Agreement entitled Corrected Endo/Par Texas State-Wide Opioid Settlement Agreement and Settlement Term Sheet (hereafter, the Texas Endo Settlement); and

WHEREAS, on January 14, 2022, the Teva Defendants in the opioid litigation the County, the State of Texas (via the Office of the Attorney General), and a negotiation group for Texas political subdivisions entered into an Agreement in Principle to be entitled Teva Texas State-Wide Opioid Settlement and Consent Judgment (hereafter, the Texas Teva Agreed Judgment); and

On January 26, 2022, the Distributor Defendants in the opioid litigation the County, the State of Texas (via the Office of the Attorney General), and a negotiation group for Texas political subdivisions entered into an Agreement in Principle to be entitled Distributors Texas Settlement Agreement (hereafter, the Texas Distributor Settlement); and

Special Counsel and the State of Texas have recommended that this County's Commissioners support the adoption and approval the Texas Endo Settlement in its entirety, the Texas Teva Agreed Judgment as proposed, and the Texas Distributor Settlement as proposed; and

Although the anticipated payments from these settlements reflects only partial reimbursement to the County for past, ongoing, and future opioid-related harms, the County Commissioners have determined that these settlements are reasonable and desirable to resolve litigation against these three groups of settling entities.

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

1. Support the adoption and approval the Texas Endo Settlement in its entirety; and
2. Support the adoption and approval the Texas Teva Agreed Judgment in its entirety; and
3. Support the adoption and approval the Texas Distributor Settlement in its entirety; and
4. Authorize the County to execute the Texas Release for the Texas Endo Settlement; and
5. Authorize the County to execute the Texas Release for the Texas Teva Settlement, to be held by Counsel in escrow until the Effective Date of the Settlement; and
6. Authorize the County to execute the Texas Release for the Distributor Settlement, to be held by Counsel in escrow until the Effective Date of the Settlement; and
7. 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 Upshur County,

Texas; and

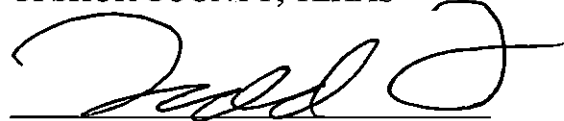
b. The County Commissioners Court supports in its entirety the Texas Endo Settlement, and the proposed Texas Teva Agreed Judgment and the proposed Texas Distributor Settlement. The County Commissioners Court understands that the purpose of each Settlement is to effectuate resolution of the Opioid Litigation against the Endo Defendants, the Teva Defendants, and the Distributor 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 Endo Settlement, the Texas Teva Agreed Judgment, and the Texas Distributor Settlement as set forth herein.

The County Judge 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 15 day of Feb, 2022.

UPSHUR COUNTY, TEXAS

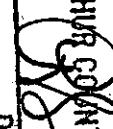


Hon. Todd Tefteller, County Judge

ATTEST:



Terri Ross, County Clerk

FILED  
TERRI ROSS  
COUNTY CLERK  
2022 FEB 15 AM 11:52  
UPSHUR COUNTY, TX.  
BY  DEPUTY

**Exhibit A**

**TEXAS SUBDIVISION AND SPECIAL DISTRICT  
ELECTION AND RELEASE FORM**

FILED  
TERRI ROSS  
COUNTY CLERK  
2022 FEB 15 PM 1:17  
UPSHUR COUNTY, TX.  
BY \_\_\_\_\_  
DEPUTY

This Election and Release Form for Texas Participating Subdivisions resolves opioid-related Claims against Endo/Par under the terms and conditions set forth in the Corrected Endo/Par Texas State-Wide Opioid Settlement Agreement between Endo/Par, the State of Texas, and the Counties of Dallas, Bexar, Harris and Tarrant (the “Agreement”), the provisions of which are here incorporated by reference in their entirety. Upon executing this Election and Release Form, a Participating Subdivision agrees that, in exchange for the consideration described in the Agreement, the Participating Subdivision is bound by all the terms and conditions of the Agreement, including but not limited to the Release found in Section VII of the Agreement and the provisions concerning participation by Subdivisions or Special Districts in Section VIII, and the Participating Subdivision and its signatories expressly represent and warrant on behalf of themselves that they have, or will have obtained on or before the Effective Date or on or before the execution of this Election and Release Form if executed after the Effective Date, the authority to settle and release, to the maximum extent of the Subdivision’s and Special District’s power, all Released Claims related to Covered Conduct. If this Election and Release Form is executed on or before the Initial Participation Date, the Participating Subdivision shall dismiss Endo/Par and all other Released Entities with prejudice from all pending cases in which the Participating Subdivision has asserted Covered Claims against Endo/Par or a Released Entity no later than the Initial Participation Date. If this Election and Release Form is executed after the Initial Participation Date, the Participating Subdivision shall dismiss Endo/Par and all other Released

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<sup>1</sup> The Agreement defines a “Participating Subdivision” as a Subdivision or Special District that signs this Election and Release Form and meets the requirements for becoming a Participating Subdivision under subsection VIII.A. of the Agreement.

Entities with prejudice from all pending cases in which the Participating Subdivision has asserted Covered Claims against Endo/Par or a Released Entity concurrently with the execution of this form. By executing this Election and Release Form, the Participating Subdivision submits to the jurisdiction of the Honorable Robert Schaffer, *In Re: Texas Opioid Litigation*, MDL No. 18-0358, Master File No. 2018-63587, in the 152nd Judicial District Court, Harris County, Texas.

Dated: Feb 15, 2022

COUNTY OF UPSHUR, TEXAS

By: 

Honorable Todd Tefteller

County Judge

P.O. Box 730

Gilmer, Texas 75644

Phone: (903) 843-4003

Email: [todd.tefteller@countyofupshur.com](mailto:todd.tefteller@countyofupshur.com)

*County Judge for the County of Upshur, Texas*

**Exhibit B**

**TEXAS SUBDIVISION AND SPECIAL DISTRICT  
ELECTION AND RELEASE FORM**

This Election and Release Form for Texas Participating Subdivisions<sup>1</sup> resolves opioid-related Claims against Teva under the terms and conditions set forth in the Teva Texas State-Wide Opioid Settlement Agreement between Teva, the State of Texas, and the Counties of Dallas, Bexar, Harris and Tarrant (the “Agreement”), the provisions of which are here incorporated by reference in their entirety. Upon executing this Election and Release Form, a Participating Subdivision agrees that, in exchange for the consideration described in the Agreement, the Participating Subdivision is bound by all the terms and conditions of the Agreement, including but not limited to the Release found in Section VII of the Agreement and the provisions concerning participation by Subdivisions or Special Districts in Section VIII, and the Participating Subdivision and its signatories expressly represent and warrant on behalf of themselves that they have, or will have obtained on or before the Effective Date or on or before the execution of this Election and Release Form if executed after the Effective Date, the authority to settle and release, to the maximum extent of the Subdivision’s and Special District’s power, all Released Claims related to Covered Conduct. If this Election and Release Form is executed on or before the Initial Participation Date, the Participating Subdivision shall dismiss the Released Claims with prejudice and sever Teva and all other Released Entities with prejudice from all pending cases in which the Participating Subdivision has asserted Covered Claims against Teva or a Released Entity no later than the Initial Participation Date. If this Election and Release Form is executed after the Initial Participation Date, the Participating Subdivision shall dismiss the Released Claims with prejudice and sever Teva and

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<sup>1</sup> The Agreement defines a “Participating Subdivision” as a Subdivision or Special District that signs this Election and Release Form and meets the requirements for becoming a Participating Subdivision under subsection VIII.A. of the Agreement.

all other Released Entities with prejudice from all pending cases in which the Participating Subdivision has asserted Covered Claims against Teva or a Released Entity concurrently with the execution of this form. By executing this Election and Release Form, the Participating Subdivision submits to the jurisdiction of the Honorable Robert Schaffer, *In Re: Texas Opioid Litigation*, MDL No. 18-0358, Master File No. 2018-63587, in the 152nd Judicial District Court, Harris County, Texas.

Dated: Feb 15, 2022

COUNTY OF UPSHUR, TEXAS

By: 

Honorable Todd Tefteller

County Judge

P.O. Box 730

Gilmer, Texas 75644

Phone: (903) 843-4003

Email: [todd.tefteller@countyofupshur.com](mailto:todd.tefteller@countyofupshur.com)

*County Judge for the County of Upshur, Texas*

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2022 FEB 15 PM 1:18  
UPSHUR COUNTY, TX  
BY \_\_\_\_\_  
DEPUTY