



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 1856, Version: 1

Subject:

In re: National Prescription Opioid Litigation - Approval to file Individual Proof of Claim in Purdue Bankruptcy

Fiscal Impact:

None at this time

Dept/Office:

County Attorney's Office

Requested Action:

Approve Outside Counsel's recommendation to file an Individual Proof of Claim in the Purdue Bankruptcy.

Summary Explanation and Background:

Brevard County has filed a lawsuit In re: National Prescription Opiate Litigation, Case No. 17-md-2804, which is the multi-district litigation against the opioid manufacturers, distributors, and retailers in the District Court for the Northern District of Ohio. Recently, Purdue Pharma, L.P. and its affiliated debtors (collectively Purdue) filed a Chapter 11 Bankruptcy. The deadline to file a proof of claim in the Purdue Bankruptcy is July 30, 2020. The proof of claim may be filed on an individual basis, or it may be filed on a consolidated claims basis, which would authorize the Ad Hoc Committee to act as a facilitator for the claim. The Plaintiff's Executive Committee has recommended that the most effective and protective method is for governmental entities to file an individual proof of claim. Our outside counsel is recommending that filing an individual proof of claim is the best way to protect the County's rights. Request Board approval for outside counsel to file an individual proof of claim in the Purdue Bankruptcy.

Clerk to the Board Instructions:

Return memo to County Attorney's Office



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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Fax: (321) 264-6972

Kimberly.Powell@brevardclerk.us

July 22, 2020

M E M O R A N D U M

TO: Eden Bentley, County Attorney

RE: Item F.18. National Prescription Opioid Litigation (NPOL) Approval to File Individual Proof of Claim in Purdue Bankruptcy

The Board of County Commissioners, in regular session on July 21, 2020, approved the NPOL outside counsel's recommendation to file an Individual Proof of Claim in the Purdue Bankruptcy.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for: Donna Scott
Kimberly Powell, Deputy Clerk

/ds

From: do Amaral, Paulina
To: Schverak, Christine; "Matthew Mokwa"; "STEVE G. CHARPENITER (STEVE@BREVARDLAWYER.COM)"
Cc: Bentley, Eden; Gomez, Madeline M.; "Mark Dearman (Mdearman@rqrdlaw.com)"; Khan, Calvin; Bayne, Jessica
Subject: Opioids - Brevard - Purdue Proof of Claim
Date: Monday, July 13, 2020 12:57:02 PM
Attachments: image001.gif

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Eden and Christi,

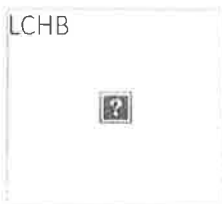
It was a pleasure speaking to you this morning, as always. As we indicated, counsel recommends that the County file an individual Proof of Claim in the Purdue Bankruptcy proceeding in advance of the filing deadline of July 30, 2020. As you know, the County sued Purdue Pharma, LP and associated entities in its original Opioid complaint and Purdue has since filed for Bankruptcy protection.

Per our discussion, because we contend that submitting an individual Proof of Claim is vital to protecting Brevard's rights, we do not believe that joining in the Consolidated Claim to be filed by the Ad Hoc Committee is an appropriate course of action for the County. As we have discussed, the individual Proof of Claim allows us to submit a specific claim amount for Brevard based on the expert analysis provided by the Plaintiffs Executive Committee.

Please let me know if you have any further questions or need any additional information. With your approval, we will proceed to file the individual Proof of Claim on behalf of Brevard.

Thank you,

Paulina do Amaral



Paulina do Amaral
Partner

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