



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

F.13.

10/26/2021

### Subject:

National Opioid Settlement - County Approval and Authorization to Sign Two Nationwide Settlement Agreements Under Florida's Opioid Settlement Plan

### Fiscal Impact:

Final amount from the various settlements is unable to be determined at this time. The Florida Attorney General has estimated approximately \$2.2 million in potential settlement funds for opioid abatement in Brevard County.

### Dept/Office:

Housing and Human Services

### Requested Action:

It is requested that the Board of County Commissioners (1) provide approval to Register, Execute, and Submit Settlement Documentation required by the State of Florida to participate in the Florida's Opioid Settlement Plan; (2) authorize the Housing and Human Services Department Director as the individual designated to electronically sign (docu-sign) the formal and binding documents on behalf of Brevard County upon approval of Outside Counsel, the County Attorney's Office, and the County Manager; and, (3) authorize the Housing and Human Services Department Director to take all other actions necessary to ensure the successful distribution of settlement funds to Brevard County upon approval of Outside Counsel, the County Attorney's Office, and the County Manager.

### Summary Explanation and Background:

On May 18, 2021, the Board of County Commissioners authorized Resolution 21-071, which committed the County to participating in the State of Florida's Memorandum of Understanding regarding the use and distribution of opioid settlement funds (the Florida Plan).

The State of Florida has agreed to national level opioid settlements with McKesson, Cardinal Health and Amerisource Bergen and one manufacturer, Janssen Pharmaceuticals, Inc. and its parent company, Johnson & Johnson. The Settlement requires the subdivisions in the State of Florida to take affirmative steps to participate in the Settlements. The more subdivisions that sign the Settlements, the more funds will flow through the Florida Plan. Non-participating sub-divisions cannot receive settlement funds.

The State of Florida is recommending that its sub-divisions participate in the Settlements by registering and effectuating the Settlement Documentation. By participating, the County will be agreeing to release its claims, and by the terms of the Agreement, this will lead to dismissing with prejudice any claims the County has filed that are released under the settlement. As to the Distributor settlement, the County will also be agreeing to an arbitration provision.

Currently, to participate in the Settlements, Brevard County must complete three steps before January 2, 2022:

(a) the County must register on the settlement website to receive the information and documents required to participate; (b) the County must identify and provide the email address for the individual who will be authorized to sign formal and binding documents on behalf of the County; and, (c) the County must execute and submit all required documentation electronically.

**Clerk to the Board Instructions:**

Copy of the Clerk's Memorandum to CAO and Housing & Human Services





October 27, 2021

**M E M O R A N D U M**

**TO:** Ian Golden, Housing and Human Services Director

**RE:** Item F.13., National Opioid Settlement – County Approval and Authorization to Sign Two Nationwide Settlement Agreements Under Florida's Opioid Settlement Plan

The Board of County Commissioners, in regular session on October 26, 2021, approved to register, execute, and submit Settlement documentation required by the State of Florida to participate in Florida's Opioid Settlement Plan; authorized you, as the individual designated, to electronically sign the formal and binding documents on behalf of Brevard County, upon approval of outside Counsel, the County Attorney's Office, and the County Manager; and authorized you to take all other actions necessary to ensure the successful distribution of settlement funds to Brevard County, upon approval of outside Counsel, the County Attorney's Office, and the County Manager.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script that reads "Kimberly Powell".

Kimberly Powell, Clerk to the Board

/cld

cc: County Manager  
County Attorney



ASHLEY MOODY  
ATTORNEY GENERAL  
STATE OF FLORIDA

OFFICE OF THE ATTORNEY GENERAL

PL-01 The Capitol  
Tallahassee, FL 32399-1050  
Phone (850) 414-3300  
Fax (850) 487-0168  
<http://www.myfloridalegal.com>

September 30, 2021

**RE: Opioid Litigation**

Dear Sir or Madam:

My name is John Guard and I am the Chief Deputy Attorney General for the State of Florida (the "State"). Since she took office, Attorney General Moody has been heavily involved in leading both the State's ongoing opioid litigation and several different negotiations with defendants in that litigation. As you are likely aware, Florida, thirteen other states, and litigation counsel representing counties and cities nationwide were able to reach two, multi-billion-dollar settlements. Since the announcement of those settlements, Attorney General Moody and attorneys general for the other leadership states have led a sign-on effort that saw forty-two states and six territories join that settlement.<sup>1</sup> We are now at the stage of the sign-on process where we must sign-on cities and counties, litigating and non-litigating, to see if participation is sufficient for the settlement to close.

From now until **January 2, 2022**, the State, litigation counsel, and others will likely be reaching out to you about this settlement. To make sure you, your administrator, your mayor or chair, and your commissioners have enough information about the settlement, the State has designed a webpage that has Florida specific information relating to the settlement. It can be found at <https://www.myfloridalegal.com/opioidsettlement>. The State website has state specific information including the amounts of money that your subdivision will receive under the settlement, the State MOU, the State Agreement, and other documents. In addition, litigation counsel for cities and counties has also created a website that has additional information on it as well. It can be found at <https://nationalopioidsettlement.com/>. In the next few days, you will receive by mail and e-mail a notice from the notice administrator if you are a county, a city with a population greater than 10,000 people, or a city with a population less than 10,000 people that is litigating against one or more of the settling defendants. That notice will have a unique identifier. For **subdivisions who receive a formal notice** (counties, cities more than 10,000 people, cities less than 10,000 people

<sup>1</sup> West Virginia previously settled its claims with the distributors. Oklahoma previously litigated to judgment its claims against Janssen and Johnson & Johnson.

who are litigating against these defendants) in order to participate in the settlement, you **must**:

**First**, go to the national settlement website, <https://nationalopioidsettlement.com/>, to register your county or city to receive in the coming weeks and months the documentation your subdivision will need to participate in the settlements.

**Second**, you must execute and submit all required documentation.

For **subdivisions who receive a formal notice** (counties, cities more than 10,000 people, cities less than 10,000 people who are litigating against these defendants) the required documentation will be submitted electronically utilizing the "DocuSign" service. In addition, we would ask you to print out your "DocuSign" participation documentation and upload it on Florida's website. <https://www.myfloridalegal.com/opioidsettlement> . Once you reach the State's webpage, click on the "learn more" button and follow the directions from there. As part of the registration process, your subdivision will need to identify, and provide the email address for, the individual who will be authorized to sign formal and binding documents on behalf of your subdivision.

For **subdivisions who do NOT receive a formal notice** (cities less than 10,000 people who are not litigating against these defendants), assuming the MOU is approved and the State Agreement is accepted, you may also join, but the process is slightly different. You **must**:

**First**, send an e-mail to [fl.opioidlitigation@myfloridalegal.com](mailto:fl.opioidlitigation@myfloridalegal.com) and indicate that your city is interested in participating in the settlement. Please provide contact information where further information can be sent.

**Second**, you must execute and submit all required documentation, which will include Exhibit K from both settlement agreements, which is separately posted on the State's webpage, <https://www.myfloridalegal.com/opioidsettlement>.

**IF YOUR SUBDIVISION DOES NOT JOIN A SETTLEMENT BY JANUARY 2, 2022, IT WILL NOT RECEIVE ANY DIRECT BENEFIT FROM THAT SETTLEMENT UNLESS AND UNTIL IT JOINS AND SUBSEQUENTLY JOINING CITIES AND COUNTIES WILL LOSE OUT ON AMOUNTS PAID IN THE INTERIM.**

### NEXT STEPS

These settlements require that you take affirmative steps to 'opt in' to the settlements. If you do not act, you will not receive any settlement funds and you will not contribute to reaching the participation thresholds that will deliver maximum amount of abatement funds to your State.

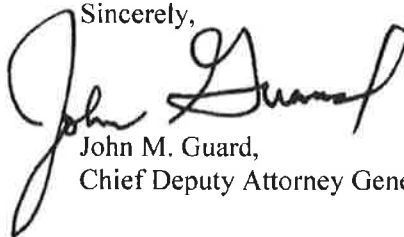
First, register your subdivision on either the national settlement website, if you receive formal notice, or by e-mail to the address above, if your city has less than 10,000 people. Registration will ensure that information and documents required to participate can be sent to you. You will need the email address of the person who will be authorized to sign on behalf of your subdivision. This is the only action item needed at this time.

Second, have whatever process that your county or city utilizes begin to review the materials on the websites concerning the settlement agreement terms, allocation and other matters. Develop a list of questions for your counsel or the Attorney General's Office. In the very near future, your subdivision will need to begin the process of deciding whether to participate in the proposed settlements and subdivisions are encouraged to work through this process well before the deadline to be an initial participating subdivision. Again, the Attorney General's Office, your counsel, and other contacts within the state are available to discuss the specifics of the settlements within your state and we encourage you to discuss the terms and benefits of the settlements with them.

Third, monitor your email for further communications, which will include a Participation Agreement, Release, (where applicable) a model Resolution, and instructions on executing using DocuSign, if applicable.

We urge you to view the national settlement website and the Florida website at your earliest convenience. If you have questions for Florida Office of Attorney General please send an e-mail to [fl.opioidlitigation@myfloridalegal.com](mailto:fl.opioidlitigation@myfloridalegal.com). Like we have done at every stage of this process, we will be scheduling calls to answer your and your commissioners' and administrators' questions. We will have multiple calls and ask your help in ensuring that the Sunshine Law is complied with.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Guard". The signature is fluid and cursive, with the first name "John" being more prominent.

John M. Guard,  
Chief Deputy Attorney General

RECEIVED

OCT 06 2021

Bravard County Attorney



ASHLEY MOODY  
ATTORNEY GENERAL  
STATE OF FLORIDA

OFFICE OF THE ATTORNEY GENERAL

PL-01 The Capitol  
Tallahassee, FL 32399-1050  
Phone (850) 414-3300  
Fax (850) 487-0168  
<http://www.myfloridalegal.com>

**TO LOCAL POLITICAL SUBDIVISIONS:**  
**IMPORTANT INFORMATION ABOUT THE NATIONAL OPIOID SETTLEMENT.**  
**SUBDIVISIONS MUST SUBMIT SIGNED DOCUMENTATION TO PARTICIPATE.**  
**THE DEADLINE FOR PARTICIPATION TO MAXIMIZE SETTLEMENT BENEFITS IS JANUARY 2, 2022.**

**If your subdivision is represented by an attorney with respect to opioid claims, please immediately contact them.**

After years of negotiations, two proposed nationwide settlement agreements ("Settlements") have been reached that would resolve all opioid litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors, McKesson, Cardinal Health and AmerisourceBergen ("Distributors"), and one manufacturer, Janssen Pharmaceuticals, Inc., and its parent company Johnson & Johnson (collectively, "Janssen").

The proposed Settlements require the Distributors and Janssen to pay billions of dollars to abate the opioid epidemic. Specifically, the Settlements require the Distributors to pay up to \$21 billion over 18 years and Janssen to pay up to \$5 billion over no more than 9 years, for a total of \$26 billion (the "Settlement Amount"). Of the Settlement Amount, approximately \$22.7 billion is earmarked for use by participating states and subdivisions to remediate and abate the impacts of the opioid crisis.

The Settlements also contain injunctive relief provisions governing the opioid marketing, sale and distribution practices at the heart of the states' and subdivisions' lawsuits and further require the Distributors to implement additional safeguards to prevent diversion of prescription opioids.

Each of the proposed Settlements has two key participation steps. First, each state decides whether to participate in the Settlements. The State of Florida has joined both Settlements. Second, the subdivisions within each participating state must then decide whether to participate in the Settlements. Generally, the more subdivisions that participate, the greater the amount of funds that flow to that state and its participating subdivisions. Any subdivision that does not participate cannot directly share in any of the settlement funds, even if the subdivision's state is settling and other participating subdivisions are sharing in settlement funds.

This letter is part of the formal notice required by the Settlements.

### **WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?**

You are receiving this letter because the State of Florida has elected to participate in both of the two national Settlements against (1) the Distributors, and (2) Janssen, and your subdivision may participate in the Settlements to which your state has agreed. This notice is being sent directly to subdivisions and also to attorneys for subdivisions that we understand are litigating against these companies. If you are represented by an attorney with respect to opioid claims, please immediately contact them. Please note that there is no need for subdivisions to be represented by an attorney or to have filed a lawsuit to participate in the Settlements.

### **WHERE CAN YOU FIND MORE INFORMATION?**

This letter is intended to provide a brief overview of the Settlements. Detailed information about the Settlements may be found at: <https://nationalopioidsettlement.com/>. This national settlement website also includes links to information about how the Settlements are being implemented in your state and how settlement funds will be allocated within your state. This website will be supplemented as additional documents are created. In addition, the Florida's Office of Attorney General has also set up a state-specific website, which contains additional state specific information. It may be found at: <http://www.myfloridalegal.com/opioidsettlement>.

### **HOW DO YOU PARTICIPATE IN THE SETTLEMENTS?**

First, you must go to the national settlement website to register to receive in the coming weeks and months the documentation your subdivision will need to participate in the Settlements (if your subdivision is eligible).

Second, you must execute and submit all required documentation. Documentation will be submitted electronically utilizing the "DocuSign" service. In addition, we would ask you to print out your "DocuSign" participation documentation and upload it on Florida's website: <http://www.myfloridalegal.com/opioidsettlement>. Once you reach the State's webpage, click on the "learn more" button and follow the directions from there. As part of the registration process, your subdivision will need to identify, and provide the email address for, the individual who will be authorized to sign formal and binding documents on behalf of your subdivision.

**Your unique Subdivision Identification Number to use to register is:** [REDACTED]

### **HOW WILL SETTLEMENT FUNDS BE ALLOCATED IN EACH STATE?**

The settlement funds are first divided among the participating states according to a formula developed by the Attorneys General that considers population and the severity of harm caused by the opioid epidemic in each participating state. Each state's share of the abatement funds is then further allocated within each state according to agreement between the state and its subdivisions, applicable state allocation legislation, or, in the absence of these, the default provisions in the agreements.

Many states have or are in the process of reaching an agreement on how to allocate abatement funds within the states. Allocation agreements/legislation and other information about Florida's allocation agreement can be found on both the national settlement website and Florida's webpage. The allocation section of the website will be supplemented as more intra-state allocation arrangements are finalized: <http://www.myfloridalegal.com/opioidsettlement>.

To determine your eligibility to receive, directly or indirectly, any of the funds allocated to your state should you elect to participate in the Settlements in which your state participates, you should first visit <https://nationalopioidsettlement.com/> or <http://www.myfloridalegal.com/opioidsettlement> to review the proposed state-subdivision agreement. The terms of the state-subdivision agreement will govern your eligibility to receive funds directly or indirectly from the share that is allocated to your state under the national settlement agreements. The proposed state-subdivision agreement that is in the process of being adopted by subdivisions. Any questions concerning the status or terms of the state-subdivision agreement can be directed to the Attorney General's Office by e-mail sent to [fl.opioidlitigation@myfloridalegal.com](mailto:fl.opioidlitigation@myfloridalegal.com).



You may be contacted by the Attorney General's Office with additional information regarding the allocation of settlement funds in Florida. Subdivisions with representation can expect information from their attorneys as well. We encourage you to review all materials and to follow up with any questions. The terms of these Settlements are complex and we want to be sure you have all the information you need to make your participation decision.

### **WHY YOU SHOULD PARTICIPATE**

A vast majority of states have joined the Settlements, and attorneys for many subdivisions have already announced support for them. For example, the Plaintiffs' Executive Committee, charged with leading the litigation on behalf of more than 3,000 cities, counties and others against the opioid industry, and consolidated in the national multi-district litigation ("MDL") pending before Judge Dan Aaron Polster in the Northern District of Ohio, recommends participation in these Settlements.

Subdivision participation is strongly encouraged, for the following reasons:

First, the amounts to be paid under the Settlements, while insufficient to abate the epidemic fully, will allow state and local governments to commence with meaningful change designed to curb opioid addiction, overdose and death;

Second, time is of the essence. The opioid epidemic continues to devastate communities around the country and it is critical that the funds begin to flow to allow governments to address the epidemic in their communities *as soon as possible*;

Third, if there is not sufficient subdivision participation in these proposed Settlements, the Settlements will not be finalized, the important business practice changes will not be implemented, the billions of dollars in abatement funds will not flow to communities, and more than 3,000 cases may be sent back to their home courts for trial, which will take many years;

Fourth, the extent of participation also will determine how much money each state and its local subdivisions will receive because approximately half of the abatement funds are in the form of "incentive payments," *i.e.*, the higher the participation of subdivisions in a state, the greater the amount of settlement funds that flow into that state;

Fifth, you know first-hand the effects of the opioid epidemic on your community. Funds from these Settlements will be used to commence abatement of the crisis and provide relief to your citizens while litigation and settlement discussions proceed against numerous other defendants in the opioid industry;

Sixth, because pills do not respect boundaries, the opioid epidemic is a national crisis that needs a national solution.

### **NEXT STEPS**

These Settlements require that you take affirmative steps to "opt in" to the Settlements. If you do not act, you will not receive any settlement funds and you will not contribute to reaching the participation thresholds that will deliver the maximum amount of abatement funds to your state.

First, register your subdivision on the national settlement website so that information and documents required to participate can be sent to you. You will need the email address of the person who will be authorized to sign on behalf of your subdivision. This is the only action item needed at this time.

Second, have your authorizing person(s) or body begin to review the materials on the websites concerning the settlement agreement terms, allocation and other matters. Develop a list of questions for your counsel or the Attorney General's Office. In the very near future, your subdivision will need to begin the process of deciding whether to participate in the proposed Settlements, and subdivisions are encouraged to work through this process well before the January 2, 2022 deadline to be an initial participating subdivision. Again, the Attorney General's Office, your counsel, and other contacts within the state are available to discuss the specifics of the Settlements within your state, and we encourage you to discuss the terms and benefits of the Settlements with them.

Third, monitor your email for further communications, which will include a Participation Agreement, Release, (where applicable) a model Resolution, and instructions on executing and submitting electronically using DocuSign.

We urge you to view the national settlement website and the Florida website at your earliest convenience. If you have questions for Florida Office of Attorney General, please send an e-mail to [fl.opioidlitigation@myfloridalegal.com](mailto:fl.opioidlitigation@myfloridalegal.com).

National Opioids Settlements  
P.O. Box 43196  
Providence, RI 02940-3196

NPD

367



122810018189

Postal Service: Please do not mark barcode

NPD CL-352-833

Eden Bently

2725 Judge Fran Jamieson Way

Viera, FL 32940

**EXHIBIT K**

**Subdivision Settlement Participation Form**

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 ("*Distributor Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributor Settlement, understands that all terms in this Participation Form have the meanings defined therein, and agrees that by signing this Participation Form, the Governmental Entity elects to participate in the Distributor Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, secure the dismissal with prejudice of any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Distributor Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Distributor Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Distributor Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Distributor Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Distributor Settlement.

7. The Governmental Entity has the right to enforce the Distributor Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributor Settlement, including, but not limited to, all provisions of Part XI, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity 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 Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist 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 Distributor Settlement 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 Governmental Entity to release claims. The Distributor Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Distributor Settlement.
10. In connection with the releases provided for in the Distributor Settlement, each Governmental Entity 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, and 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 Governmental Entity 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 Governmental Entities' decision to participate in the Distributor Settlement.

11. Nothing herein is intended to modify in any way the terms of the Distributor Settlement, to which Governmental Entity hereby agrees. To the extent this Participation Form is interpreted differently from the Distributor Settlement in any respect, the Distributor Settlement controls.

I have all necessary power and authorization to execute this Participation Form on behalf of the Governmental Entity.

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_



## **EXHIBIT K**

### **Settlement Participation Form**

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 ("Janssen Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.
7. The Governmental Entity has the right to enforce the Janssen Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Janssen Settlement, including but not limited to all provisions of

Section IV (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity 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 Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist 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 Janssen Settlement 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 Governmental Entity to release claims. The Janssen Settlement shall be a complete bar to any Released Claim.

9. In connection with the releases provided for in the Janssen Settlement, each Governmental Entity 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 Governmental Entity 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 Governmental Entities' decision to participate in the Janssen Settlement.

10. Nothing herein is intended to modify in any way the terms of the Janssen Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Janssen Settlement in any respect, the Janssen Settlement controls.



I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

