



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - County Attorney

J.1.

2/24/2026

Subject:

Partial Settlement of National Prescription Opiate Litigation

Fiscal Impact:

\$300,000 in settlement proceeds (\$345,000 lump sum settlement less \$45,000 attorney's fees)

Dept/Office:

County Attorney's Office

Requested Action:

Approve Brevard County's outside counsel's recommendation to settle with Publix in the pending multi-district opioid litigation; authorize the Chair and County Attorney to sign a settlement agreement, release, and related documents as necessary.

Summary Explanation and Background:

Brevard County is a plaintiff in 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. Brevard has thus far resolved claims against a wide array of opioid defendants and secured significant funds as a result. As part of the ongoing litigation, another defendant now seeks to resolve the County's potential claims against it.

On July 7, 2024, the Board authorized adding three categories of additional defendants in the opioid distribution supply chain to our case: pharmacy benefit managers (including Express Scripts and Optum); retail pharmacies (including Publix); and several small opioid manufacturers. In August 2024, Brevard County, along with a number of other plaintiffs, asserted motions for leave to amend its existing complaint filed in federal court and coordinated as part of the multidistrict litigation pending in Ohio federal court, to add Publix and two prescription benefit managers.

While those motions are still pending, the Court has recently indicated that, because only a handful of cases remain pending against Publix, it plans to remand any remaining claims against that defendant to a Florida court for trial if the claims are not resolved in the next 60 days. Publix has offered to resolve the County's potential claims against it for \$345,000, inclusive of attorneys' fees (\$45,000). Unlike the global settlements reached with other defendants, this amount would be paid in one lump sum and would not be restricted. Given the potential that the motion to amend to add Publix may not be granted and that trial of the claims against this defendant would require a significant expenditure of time and resources, Brevard County's outside counsel for the national opiate litigation advise that the County accept Publix's offer of resolution.

Clerk to the Board Instructions:

J.1.

2/24/2026

Please return a memo reflecting the Board's action to the County Attorney's Office.



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

February 25, 2026

M E M O R A N D U M

TO: Morris Richardson, County Attorney

RE: Item J.1., Partial Settlement of National Prescription Opiate Litigation

The Board of County Commissioners, in regular session on February 24, 2026, approved Brevard County's outside Counsel's recommendation to settle with Publix in the pending multi-district opioid litigation; authorized the Chair and County Attorney to sign a settlement agreement, release, and related documents as necessary, subject to approval by the County Attorney and Risk Management; approved that settlement proceeds be placed in the Affordable Housing Trust Fund, established by Brevard County voters and created by Charter and Amendment; and authorized the County Manager to execute any necessary budget changes (BCR) to implement this action.

Upon execution, please provide a fully-executed Settlement Agreement to this office for inclusion of the minutes.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

cc: County Manager
Finance
Budget