

GRAND FORKS COUNTY SPECIAL COMMISSION MEETING  
December 21, 2021 – 2:30pm

Action Items: Opioid Litigation Settlement

The Board met pursuant to adjournment with Commissioners Pic, Falck, Engen, Rost and Knauf present. Matthew McCarly, Nachawati Law Firm, attorney representing Grand Forks County, and Parrell Grossman and Elin Alm from the ND Attorney General Office Consumer Protection & Antitrust Division were also in attendance.

Haley Wamstad, State's Attorney, said the question for the board is whether or not Grand Forks County wishes to opt into the opioid settlement that is available at this time. The deadline to opt in is January 2, 2022.

Ms. Wamstad said if the meeting goes into executive session, Parrell Grossman and Elin Alm are representing the State of North Dakota and not Grand Forks County, so they cannot be part of the executive session. She said they are here today to answer any questions you may have.

Matthew McCarly, Nachawati Law Firm, attorney representing Grand Forks County in the Opioid Litigation explained the details of the settlement. He said a settlement has been reached with four of the defendants in the litigation, three distributors AmerisourceBergen, Cardinal Health, McKesson, which is all contained in one agreement with payoff terms over 18 years. The other settlement is with Janssen, a subsidiary of Johnson and Johnson and that settlement payoff is over 8 years. The combined settlement total for the Country is up to \$26 billion.

The default allocation for the settlement funds would be 15% or approximately \$360,000 for Grand Forks County, 70% for the abatement fund, which Grand Forks County could apply to the State for, and 15% for the State.

Parrell Grossman, ND Attorney General's Office, said the State will include their 15% allocation with the 70% abatement fund for remediation.

Commissioner Falck asked Mr. Grossman if the abatement fund would be controlled by the State. Mr. Grossman said the 70% would be controlled by the State, but it would likely be a committee would make recommendations on the use of abatement funds.

Moved by Rost, seconded by Falck, to recess for a closed executive session, pursuant to NDCC 44-04-19.1 and 44-04-19.2 for attorney consultation regarding the opioid litigation settlement. Motion carried unanimously. It was 2:44pm.

Moved by Rost, seconded by Falck, to adjourn the executive session and reconvene the regular meeting. Motion carried. It was 3:05pm.

Moved by Falck, seconded by Rost, to allow the Nachawati Law Firm to submit a participation agreement on behalf of Grand Forks County to participate in a settlement between AmerisourceBergen, Cardinal Health, McKesson and Janssen. Motion carried unanimously.

Moved by Falck, seconded by Knauf, to adjourn. Motion carried unanimously.

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Thomas H. Falck, Chair  
Grand Forks County Commission

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Debbie Nelson, County Auditor