

1 [Calling from Committee - Committee of the Whole and Closed Session - Settlement of
2 Lawsuit - Johnson & Johnson - City to Receive \$6 Million to \$11 Million - November 2, 2021,
3 at 3:00 p.m.]

4 **Motion calling from the Government Audit and Oversight Committee, pursuant to**
5 **Board Rule 3.37, the proposed Ordinance (File No. 211072) endorsing settlement of the**
6 **lawsuit filed on behalf of the City and County of San Francisco and the People of the**
7 **State of California against large distributors of prescription opioids, entitled The City**
8 **and County of San Francisco and the People of the State of California v. Purdue**
9 **Pharma L.P., Richard S. Sackler, Jonathan D. Sackler, Mortimer D.A. Sackler, Kathe A.**
10 **Sackler, Ilene Sackler Lefcourt, Beverly Sackler, Theresa Sackler, David A. Sackler,**
11 **Trust for the Benefit of Members of the Raymond Sackler Family, Rhodes**
12 **Pharmaceuticals L.P., Cephalon, Inc., Teva Pharmaceutical Industries Ltd., Teva**
13 **Pharmaceuticals USA, Inc., Endo International Plc, Endo Health Solutions Inc., Endo**
14 **Pharmaceuticals Inc., Janssen Pharmaceuticals, Inc., Insys Therapeutics, Inc.,**
15 **Mallinckrodt Plc, Mallinckrodt LLC, Allergan Plc F/K/A Actavis Plc, Watson**
16 **Pharmaceuticals, Inc. N/K/A Actavis, Inc., Watson Laboratories, Inc., Actavis LLC,**
17 **Actavis Pharma, Inc. F/K/A/ Watson Pharma, Inc., AmerisourceBergen Corporation,**
18 **Cardinal Health, Inc., and McKesson Corporation; scheduling the Board of Supervisors
19 to sit as a Committee of the Whole at the meeting on November 2, 2021, at 3:00 p.m. to
20 hold a public hearing to consider the proposed Ordinance; and scheduling a closed
21 session of the Board of Supervisors at the same meeting for the purpose of conferring
22 with, or receiving advice from, the City Attorney regarding that existing litigation in
23 which the City is a plaintiff, pursuant to California Government Code, Section
24 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1).**

1 MOVED, That under Rule 3.37 of the Board’s Rules of Order, the Board hereby orders
2 that the proposed Ordinance (File No. 211072) endorsing settlement of the lawsuit filed on
3 behalf of the City and County of San Francisco and the People of the State of California
4 against large distributors of prescription opioids, entitled The City and County of San
5 Francisco and the People of the State of California v. Purdue Pharma L.P., Richard S.
6 Sackler, Jonathan D. Sackler, Mortimer D.A. Sackler, Kathe A. Sackler, Ilene Sackler
7 Lefcourt, Beverly Sackler, Theresa Sackler, David A. Sackler, Trust for the Benefit of
8 Members of the Raymond Sackler Family, Rhodes Pharmaceuticals L.P., Cephalon, Inc.,
9 Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals USA, Inc., Endo International Plc,
10 Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Janssen Pharmaceuticals, Inc., Insys
11 Therapeutics, Inc., Mallinckrodt Plc, Mallinckrodt LLC, Allergan Plc F/K/A Actavis Plc, Watson
12 Pharmaceuticals, Inc. N/K/A Actavis, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis
13 Pharma, Inc. F/K/A/ Watson Pharma, Inc., AmerisourceBergen Corporation, Cardinal Health,
14 Inc., and McKesson Corporation, be called from the Government Audit and Oversight
15 Committee and be returned to the Board of Supervisors at the regular Board of Supervisors
16 meeting on November 2, 2021; and, be it

17 FURTHER MOVED, That the Board of Supervisors convene as a Committee of the
18 Whole on November 2, 2021, at 3:00 p.m., to hold a public hearing on the proposed
19 ordinance; and, be it

20 FURTHER MOVED, That the Board of Supervisors convene in closed session on
21 November 2, 2021, for the purpose of conferring with, or receiving advice from, the City
22 Attorney regarding the existing litigation filed on December 18, 2018, in the United States
23 District Court for the Northern District of California, Case No. 3:18-cv-7591-CRB-JSC, alleging
24 that Johnson and Johnson’s subsidiary, Janssen Pharmaceuticals, Inc., created a public
25 nuisance and violated the Unfair Competition Law and the False Advertising Laws through

1 deceptive marketing of opioids, manufacturing and distributing increasingly large volumes of
2 opioids in and around San Francisco despite knowledge of the growing epidemic caused by
3 opioid misuse, and by failing to prevent and to report suspicious opioid orders as required by
4 state and federal law; California Government Code, Section 54956.9(a), and San Francisco
5 Administrative Code, Section 67.10(d)(1), permit this closed session because discussion in
6 open session concerning this matter would likely and unavoidably prejudice the position of the
7 City in the existing litigation.

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