

File No. 211071

Committee Item No. _____

Board Item No. 25

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: November 2, 2021

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

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Prepared by: Lisa Lew

Date: October 29, 2021

Prepared by: _____

Date: _____

1 [Settlement of Lawsuit - AmerisourceBergen Corp., Cardinal Health, Inc., and McKesson
2 Corp. - City to Receive \$27 Million to \$50 Million Over 18 Years]

3 **Ordinance authorizing the partial settlement of the lawsuit filed on behalf of the City**
4 **and County of San Francisco and the People of the State of California against three**
5 **large distributors of prescription opioids (AmerisourceBergen Corporation, Cardinal**
6 **Health, Inc., and McKesson Corporation) for abatement funds in the range of**
7 **\$27 million to \$50 million to be paid over 18 years; the lawsuit was filed on**
8 **December 18, 2018, in the United States District Court for the Northern District of**
9 **California, Case No. 3:18-cv-7591-CRB-JSC; entitled The City and County of San**
10 **Francisco and the People of the State of California v. Purdue Pharma L.P., Richard S.**
11 **Sackler, Jonathan D. Sackler, Mortimer D.A. Sackler, Kathe A. Sackler, Ilene Sackler**
12 **Lefcourt, Beverly Sackler, Theresa Sackler, David A. Sackler, Trust for the Benefit of**
13 **Members of the Raymond Sackler Family, Rhodes Pharmaceuticals L.P., Cephalon,**
14 **Inc., Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals USA, Inc., Endo**
15 **International Plc, Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Janssen**
16 **Pharmaceuticals, Inc., Insys Therapeutics, Inc., Mallinckrodt Plc, Mallinckrodt LLC,**
17 **Allergan Plc F/K/A Actavis Plc, Watson Pharmaceuticals, Inc. N/K/A Actavis, Inc.,**
18 **Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. F/K/A/ Watson Pharma,**
19 **Inc., AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson**
20 **Corporation**; the lawsuit involves allegations that AmerisourceBergen Corporation,
21 Cardinal Health, Inc., and McKesson Corporation created a public nuisance and
22 violated the Unfair Competition Law and the False Advertising Laws by distributing
23 increasingly large volumes of opioids in and around San Francisco despite knowledge
24 of the growing epidemic caused by opioid misuse, and by failing to prevent and report
25 suspicious opioid orders as required by state and federal law.

1 Be it ordained by the People of the City and County of San Francisco:

2 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
3 authorizes the City Attorney to partially settle the action entitled The City and County of San
4 Francisco and the People of the State of California v. Purdue Pharma L.P. et al., Case
5 No. 3:18-cv-7591-CRB-JSC (U.S.D.C. N.D. Cal.), by the payment of abatement funds from
6 AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation
7 collectively to San Francisco, in an amount estimated to be between \$27 million and \$50
8 million over the next 18 years. The lawsuit involves allegations that AmerisourceBergen
9 Corporation, Cardinal Health, Inc., and McKesson Corporation created a public nuisance and
10 violated the Unfair Competition Law and the False Advertising Laws by distributing increasing
11 large volumes of opioids in and around San Francisco despite knowledge of the growing
12 epidemic caused by opioid misuse, and by failing to prevent and report suspicious opioid
13 orders as required by state and federal law.

14 Section 2. The above-named action was filed in the United States District Court for the
15 Northern District of California on December 18, 2018, and the following parties were named in
16 the lawsuit: The City and County of San Francisco and the People of the State of California,
17 as plaintiffs; Purdue Pharma L.P., Richard S. Sackler, Jonathan D. Sackler, Mortimer D.A.
18 Sackler, Kathe A. Sackler, Ilene Sackler Lefcourt, Beverly Sackler, Theresa Sackler, David A.
19 Sackler, Trust for the Benefit of Members of the Raymond Sackler Family, Rhodes
20 Pharmaceuticals L.P., Cephalon, Inc., Teva Pharmaceutical Industries Ltd., Teva
21 Pharmaceuticals USA, Inc., Endo International Plc, Endo Health Solutions Inc., Endo
22 Pharmaceuticals Inc., Janssen Pharmaceuticals, Inc., Insys Therapeutics, Inc., Mallinckrodt
23 Plc, Mallinckrodt LLC, Allergan Plc F/K/A Actavis Plc, Watson Pharmaceuticals, Inc. N/K/A
24 Actavis, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. F/K/A/ Watson
25

1 Pharma, Inc., AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson
2 Corporation as defendants.

3
4 APPROVED AS TO FORM AND
RECOMMENDED:

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6 /s/ Yvonne R. Meré
7 YVONNE R. MERÉ
Chief of Complex and Affirmative Litigation

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LEGISLATION RECEIVED CHECKLIST

Date 10/08/21 File Number (if applicable) _____

- Legislation for Introduction (**NEW**) ▶▶▶ **Legislative Clerk**
- Legislation Pending in Committee (**AMENDED**) ▶▶▶ **Committee Clerk**
- Legislation for Board Agenda (**AMENDED**) ▶▶▶ **Deputy Clerk**

Supervisor, Mayor, and Departmental Submittals

Grant Ordinance

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** Department Head, Mayor or the Mayor's designee, plus the Controller
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Grant budget/application
 - Grant information form, including signed disability checklist
 - Letter of Intent or grant award letter from funding agency
 - Contract, Leases/Agreements (if applicable)
 - Ethics Form 126 (*if applicable*) in **Word** format
 - Other support documents *as identified in the cover letter and legislation*
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Ordinance

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** City Attorney (For Settlement of Lawsuits - City Attorney, Department Head, Controller, Commission Secretary)
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Settlement Report/Agreement (for settlements)
 - Other support documents *as identified in the cover letter and legislation*
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Grant Resolution

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** Department Head, Mayor or the Mayor's designee, plus the Controller
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Grant budget/application
 - Grant information form, including signed disability checklist
 - Letter of Intent or grant award letter from funding agency
 - Contract, Leases/Agreements (if applicable)
 - Ethics Form 126 (*if applicable*) in **Word** format
 - Other support documents *as identified in the cover letter and legislation*
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Resolution

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** None (Note: Required for Settlement of Claims - City Attorney, Department Head, Controller, Commission Secretary)
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Settlement Report/Agreement (for settlements)
 - Other support documents *as identified in the cover letter and legislation*
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Joy Perez 415-554-3869
Name and Telephone Number

City Attorney
Department