

File No. 211072

Committee Item No. _____

Board Item No. 26

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: November 2, 2021

Cmte Board

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

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Prepared by: Lisa Lew

Date: October 29, 2021

Prepared by: _____

Date: _____

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