

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Electing to Participate in the J&J Settlement and the Big 3 Distributors' Settlement and
Authorizing the Nation's Opioid Litigation Counsel to Submit the Tribal Participation Forms)

RESOLUTION NO. 22-110

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation ("Nation") vests the Legislative
2 Council with the power "to consult, negotiate and conclude agreements and
3 contracts on behalf of the Tohono O'odham Nation with Federal, State and local
4 governments and other Indian tribes or their departments, agencies, or political
5 subdivisions, or with private persons or organizations on all matters within the
6 authority of the Tohono O'odham Council" (Constitution Article VI, Section 1(f));
7 and

8 **WHEREAS,** the Native American population has suffered some of the worst consequences of
9 the opioid epidemic of any population in the United States with tribal
10 governments spending considerable tribal funds to cover the costs of the opioid
11 crisis, including increased costs for health care, social services, child welfare, law
12 enforcement and other government services; and

13 **WHEREAS,** over 400 federally recognized tribes filed litigation against the opioid
14 manufacturers, distributors, pharmacies, all of which these tribal plaintiffs
15 maintain are responsible for the opioid crisis; and

16 **WHEREAS,** on February 1, 2022, the court-appointed Tribal Leadership Committee ("TLC")
17 announced comprehensive settlements of opioid claims asserted in cases filed by
18 the tribes against Janssen/Johnson & Johnson ("J&J") and against the three major
19 distributors of opioid pharmaceuticals - McKesson, Amerisource Bergen and
20 Cardinal Health ("Big 3 Distributors"); and

21 **WHEREAS,** J&J has agreed to resolve the Tribal claims for \$150,000,000, payable over two
22 years and the Big 3 Distributors have agreed to resolve the tribal claims for
23 \$439,964,500 payable over six and a half years; and

24 **WHEREAS,** the Settlements only go into effect if certain participation thresholds are reached;
25 and

26 **WHEREAS,** under the terms of the Settlements, each tribal entity has the right to determine
27 which approved opioid abatement uses are best for the tribal entity and each
28 tribal entity has the right to meaningfully participate in the final allocation
29 process and a right to be heard prior to entry of the final allocation order; and
30

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1 **WHEREAS, the Tohono O'odham Nation is aware of and has reviewed the terms of the J&J**
2 **Settlement and the Big 3 Distributors' Settlement and elects to participate in the**
3 **Settlements; and**

4 **WHEREAS, the Health and Human Services Committee and the Domestic Affairs Committee**
5 **have reviewed this Resolution and recommend its approval.**

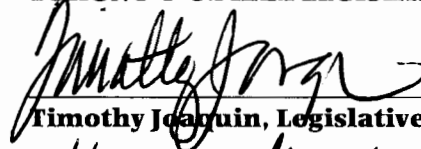
6 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council, in order to**
7 **obtain and in consideration for the benefits provided to the Nation pursuant to**
8 **the Settlement Term Sheets, and acting through the authorized law firm, SKIKOS**
9 **CRAWFORD SKIKOS & JOSEPH, LLP, hereby elects to participate in the J&J**
10 **Settlement and the Big 3 Distributors' Settlement, and any subsequent**
11 **settlements with opioid manufacturers or distributors, and become a**
12 **Participating Tribe as defined therein, and release all Released Claims against all**
13 **Released Entities as defined therein.**

14 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council authorizes SKIKOS**
15 **CRAWFORD SKIKOS & JOSEPH, LLP to submit the Tribal Participation Forms**
16 **attached to this Resolution as Exhibit C and Exhibit D on behalf of the Nation and**
17 **with the Chairman or his designee's approval, to submit required documentation**
18 **for any subsequent opioid settlements.**

19 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council authorizes the Nation's**
20 **Chairman, Ned Norris, Jr., or his official designee to undertake all actions**
21 **necessary to carry out the purposes of this resolution.**

22 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11TH**
23 **day of MARCH, 2022 at a meeting at which a quorum was present with a vote of 3,218.0 FOR; -0-**
24 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by,**
25 **Article VI, Section 1(f) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono**
26 **O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
27 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934**
28 **(48 Stat.984).**

30 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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35 **Timothy Joaquin, Legislative Chairman**

36 14 day of March, 2022

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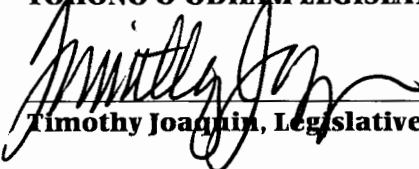
ATTEST:


Evonne Wilson, Legislative Secretary

14 day of March, 2022

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 14 day of March, 2022 at 4:50 o'clock, p.m., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Timothy Joaquin, Legislative Chairman

APPROVED

on the 15 day of March, 2022

DISAPPROVED

at 4:27 o'clock, p.m.


NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 15 day of

March, 2022, at 4:58 o'clock, p.m.


Evonne Wilson, Legislative Secretary

ACTION: ELECTING TO PARTICIPATE IN THE J&J SETTLEMENT AND THE BIG 3 DISTRIBUTORS' SETTLEMENT AND AUTHORIZING THE NATION'S OPIOID LITIGATION COUNSEL TO SUBMIT THE TRIBAL PARTICIPATION FORMS

Moved: COUNCILWOMAN JANICE FELIX

SECOND: COUNCILWOMAN GRACE MANUEL

DATE: MARCH 11, 2022

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ (Ann M. Garcia) 2. LUCINDA ALLEN (Francis Homewytewa)	122.8 122.8	X X			X
SELLS 556.5	1. ARTHUR WILSON () 2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25 278.25	X X			
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza) 2. DELISA M. RAMON (Sharon A. Francisco)	95.25 95.25	X X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner) 2. JANICE FELIX (Adam P. Andrews)	121.3 121.3	X X			X
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler) 2. ROGER MANUEL (Christina Andrews)	121.9 121.9	X X			X
PISINEMO 232.7	1. MARIETTA MARTIN () 2. EDWARD D. MANUEL (Monica Morgan)	116.35 116.35	X X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ () 2. SANDRA D. ORTEGA (Absent) (Delma M. Garcia) (Present)	108.3 108.3	X X			
GU VO 270.7	1. GRACE MANUEL () 2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35 135.35	X X			
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN () 2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25 139.25	X X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez) 2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8 175.8	X X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone) 2. LEANDER MASE (Francine Schooling)	194.45 194.45	X X			
	TOTAL	3,218.0	3,218.0	-0-	-0-	[03]