

TITLE

AN ORDINANCE FOR THE PURPOSE OF AUTHORIZING THE CITY DIRECTOR OF LAW, ON BEHALF OF THE CITY OF WARREN, OHIO, TO EXECUTE THE OPIOID LITIGATION SETTLEMENT AGREEMENT BETWEEN THE OHIO SETTLING LOCAL GOVERNMENTS AND GIANT EAGLE, INC. HBC SERVICE, CO., AND GIANT EAGLE RX DISTRIBUTION (HEREINAFTERN KNOWN AS "GIANT EAGLE"), AND DECLARING AN EMERGENCY.

ORDINANCE NO. 13104/2022

WHEREAS, the City of Warren, Ohio is a municipality formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance, and malfeasance committed by certain entities within the Opioid Pharmaceutical Distributors; and

WHEREAS, these Local Governments in the State of Ohio share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance, and malfeasance throughout the State of Ohio; and

WHEREAS, numerous Local Governments consolidated litigation in the United States District Court for the Northern District of Ohio the State of Ohio, to engage in litigation seeking to hold Giant Eagle accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance; and

WHEREAS, Giant Eagle has denied and continues to deny any liability for the claims asserted in this consolidated litigation, and without any admission of wrongdoing, fault, culpability, or liability of any kind, and without any concession as to the strength or weakness of any actual or potential claims or defenses, desires to (a) avoid the delay, uncertainty, inconvenience, and expense of protracted litigation of Actions, and (b) finally resolve settle, and release all claims that have been, or could in the future, be asserted against Giant Eagle; and

WHEREAS, a settlement proposal is being offered to the Local Governments by Giant Eagle to resolve claims; and

WHEREAS, the Local Governments have determined that the Settlement Agreement is in the public interest; and

WHEREAS, Warren City Council wishes to agree to the material terms of the proposed Settlement Agreement with Giant Eagle; NOW THEREFORE

BE IT ORDAINED by the Council of the City of Warren, State of Ohio:

Section 1: That the Director of Law be, and hereby is, authorized to accept the Proposed Settlement on behalf of the City of Warren, Ohio according to the terms of the Ohio Settling Local Governments and Giant Eagle.

Section 2: That it is found and determined that all formal actions of the Council relating to the authorization of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 3: That if any section, sentence, clause, phrase, or portion of this Ordinance is held to be invalid by a court of competent jurisdiction, the remainder of the Ordinance shall continue in full force and effect, to the extent the remainder can be given effect without the invalid portion.

Section 4: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare, and safety of the City of Warren, Ohio. The reason for the emergency is to ensure the prompt pursuit of funds to assist in abating the opioid epidemic throughout the State of Ohio. WHEREFORE, this Ordinance shall take effect and be in force from and after the date of its passage.

Passed in Council this 9TH day of MARCH, 2022.

SIGNED: [Signature] ATTEST: [Signature]
PRESIDENT OF COUNCIL CLERK

FILED WITH THE MAYOR: 3-9-2022

DATE APPROVED: 3-9-2022

[Signature]
MAYOR, CITY OF WARREN, OHIO