

**AT A REGULAR MEETING OF THE GLOUCESTER COUNTY BOARD OF SUPERVISORS, HELD ON TUESDAY, JULY 16, 2024, AT 6:00 P.M., IN THE COLONIAL COURTHOUSE AT 6504 MAIN STREET, GLOUCESTER, VIRGINIA ON A MOTION MADE BY \_\_\_\_\_, AND SECONDED BY \_\_\_\_\_, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE:**

Phillip N. Bazzani, \_\_\_;  
Ashley C. Chriscoe, \_\_\_;  
Kenneth W. Gibson, \_\_\_;  
Christopher A. Hutson, \_\_\_;  
Michael A. Nicosia, \_\_\_;  
Robert J. Orth, \_\_\_;  
Kevin M. Smith, \_\_\_;

**A RESOLUTION OF THE GLOUCESTER COUNTY BOARD OF SUPERVISORS APPROVING OF THE COUNTY’S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST KROGER AND ITS RELATED CORPORATE ENTITIES, AND DIRECTING THE COUNTY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY’S PARTICIPATION IN THE SETTLEMENT**

**WHEREAS**, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties and cities, including the County of Gloucester, by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by Gloucester County’s various departments and agencies; and

**WHEREAS**, the Commonwealth of Virginia and its counties and cities, including Gloucester County, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and Gloucester County; and

**WHEREAS**, a settlement proposal has been negotiated that will cause Kroger to pay over a billion dollars nationwide to resolve opioid-related claims against it; and

**WHEREAS**, Gloucester County has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the “Virginia MOU”), and affirms that this pending settlement with Kroger shall be considered a “Settlement” that is subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, opioid manufacturers Janssen

Pharmaceuticals, Teva Pharmaceuticals, and Allergan, and retail pharmacy chains CVS, Walgreens, and Walmart; and

**WHEREAS**, the County Attorney has reviewed the available information about the proposed settlement and has recommended that the County participate in the settlement in order to recover its share of the funds that the settlement would provide;

**NOW THEREFORE BE IT RESOLVED** that the Gloucester County Board of Supervisors, this \_\_\_ day of \_\_\_\_\_, 2024, approves of the County's participation in the proposed settlement of opioid-related claims against Kroger and its related corporate entities, and directs the County Attorney to execute the documents necessary to effectuate the County's participation in the settlement, including the required release of claims against Kroger.

A Copy Teste:

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Carol E. Steele, County Administrator

**Bohannon, Cynthia P.**

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**From:** Beshere, Thomas M. <TBeshere@oag.state.va.us>  
**Sent:** Friday, June 14, 2024 3:40 PM  
**To:** Beshere, Thomas M.  
**Subject:** IMPORTANT -- PLEASE READ -- Multistate opioid settlement with Kroger -- Approval and sign-on process  
**Attachments:** DRAFT RESOLUTION (June 2024) for non-litigating cities and counties - Approval of Settlement with Kroger.docx

**CAUTION: This email originated from a source outside of Gloucester County. Avoid clicking on links or attachments unless you are sure of the sender and know that the content is safe.**

Counsel and Administrators:

On behalf of the Office of the Attorney General of Virginia, I am writing to provide information to you about the multistate opioid settlement that has been reached with the retail pharmacy chain Kroger. By now, you probably have received an initial notice about the settlements from Rubris, the implementation administrator for this settlements. (If you have not received this initial notice, please let me know and I will contact Rubris to make sure they have the correct contact information for your locality.)

You will soon be receiving (possibly as soon as early next week) another notification from Rubris, accompanied by a sign-on form that you will need to complete and submit in order to join and participate in this settlement. The notice from Rubris will include instructions on how to complete and submit the form.

In the meantime, I am attaching a draft resolution for your board or council to approve your locality's participation in the settlement, and authorize a responsible official to complete, sign, and submit the participation form.

Once again, the amount of funds that will flow to Virginia and its localities from the Kroger settlement depends on maximizing participation by as many local government subdivisions as possible. We achieved 100% participation in the previous multistate opioid settlements with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, opioid manufacturers Johnson & Johnson, Teva, and Allergan, and retail pharmacy chains CVS, Walgreens, and Walmart. We hope to achieve the same 100% participation rate for the Kroger settlement as well.

The deadline for submitting your participation forms is August 12, so please put the attached resolution on the agenda for your next board meeting, then complete and submit the participation forms as soon as possible.

As always, please feel free to contact me directly if you have any questions.

Thank you,  
Tom Beshere

**Thomas M. Beshere**  
**Assistant Attorney General**  
**Office of the Attorney General**  
202 North 9th Street  
Richmond, Virginia 23219  
(804) 823-6335 Office

**Bohannon, Cynthia P.**

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**From:** National Opioid Settlements Implementation Administrator  
<opioidsparticipation@rubris.com>  
**Sent:** Thursday, May 30, 2024 3:43 PM  
**To:** Wilmot, Edwin (Ted)  
**Cc:** Bohannon, Cynthia P.  
**Subject:** NEW NATIONAL OPIOID SETTLEMENT NOTICE - Kroger Co. - RefNum CL-798695  
**Attachments:** national\_opioid\_settlement\_notice\_settlement\_overview.pdf

**CAUTION:** This email originated from a source outside of Gloucester County. Avoid clicking on links or attachments unless you are sure of the sender and know that the content is safe.

To: Gloucester County, VA  
Rubris Reference Number: CL-798695

**NOTICE OF NEW NATIONAL OPIOID SETTLEMENT  
AND UPCOMING ACTION NEEDED TO PARTICIPATE**

A new national opioid settlement has been reached with **Kroger Co.** This is the formal notice required by the settlement and authorized by the parties.

Please read this email and the attached document carefully.

You are receiving this notice because your state has elected to participate in the national opioid settlement with **Kroger Co.** The list of states participating in the settlement can be found at <https://nationalopioidsettlement.com>.

Your subdivision might have participated in the national opioid settlements with Johnson & Johnson/Janssen, the three Distributors (Cardinal, AmerisourceBergen (Cencora), and McKesson), Teva, Allergan, CVS, Walgreens, and Walmart.

This notice concerns the opportunity to participate in the **new** settlement with the **new** Settling Defendant (**Kroger Co.**). Your subdivision or special district may participate in the new settlement whether or not it sued Kroger Co.

In the next few weeks, you will receive additional information and documentation to sign and return if you wish to join the new national opioid settlement with **Kroger Co.** Please review the list of individuals on this email and contact the Implementation Administrator at [opioidsparticipation@rubris.com](mailto:opioidsparticipation@rubris.com) if someone else at your subdivision or special district should receive communications about this settlement.

**Your subdivision or special district must “opt in” to participate in the new settlements.** To do so, you must sign and return the documentation that you will be receiving in the next few weeks.

**The deadline to return the required documentation is August 12, 2024.**

*Documentation submitted for prior national settlements is not applicable to the new settlement.*

The attached document provides additional information concerning the new national opioid settlement involving **Kroger Co.**

Questions about this notice or the process for receiving and submitting the required Settlement Participation Forms may be directed to your attorney, the Implementation Administrator at [opioidsparticipation@rubris.com](mailto:opioidsparticipation@rubris.com), or your Attorney General's Office

**If your subdivision or special district is represented by an attorney with respect to opioid claims and they are not copied on this message, please immediately contact them concerning this notice.**

Thank you,

National Opioid Settlements Implementation Administrator  
*National Kroger Settlement*

*The Implementation Administrator is retained to provide the settlement notice required by the respective settlement agreements referenced above and to manage the collection of settlement participation forms for each settlement.*



National Opioid Settlement: Kroger Co.

Gloucester County, VA  
Rubris Reference Number: CL-798695

***TO LOCAL POLITICAL SUBDIVISIONS:  
THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT A NEW  
NATIONAL OPIOID SETTLEMENT.***

**KROGER CO. SETTLEMENT OVERVIEW**

A proposed nationwide settlement agreement (“Settlement”) has been reached that would resolve the legal claims of states and local political subdivisions against regional supermarket pharmacy Kroger Co. related to alleged misconduct related to opioids.

The Settlement requires Kroger Co. to pay over a billion dollars to abate the opioid epidemic. Of this amount, approximately \$1.2 billion will be used by participating states and subdivisions to remediate and abate the impacts of the opioid crisis. Depending on participation by states and subdivisions, the Settlement requires payments over eleven years after its effective date.

The Settlement also contains injunctive relief governing opioid dispensing practices and requires Kroger Co. to implement safeguards to prevent diversion of prescription opioids.

The proposed settlement has two key participation steps.

**First**, each eligible state decides whether to participate in each Settlement. A list of participating states for each settlement can be found at <https://nationalopioidsettlement.com>.

**Second**, eligible subdivisions within each participating state decide whether to participate in the Settlement. The more subdivisions that participate, the more funds flow to that state and its subdivisions. Any subdivision that does not participate cannot directly share in any of the settlement funds, even if the subdivision’s state is settling and other participating subdivisions are sharing in settlement funds. If the state does not participate, the subdivisions in that state are not eligible to participate in the Settlement.

**WHO IS RUBRIS INC. AND WHAT IS THE IMPLEMENTATION ADMINISTRATOR?**

The Settlement provides that an Implementation Administrator will provide notice and manage the collection of participation forms. Rubris Inc. is the Implementation Administrator for this new Settlement and was also retained for the prior national opioid settlements.

**WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?**

Your state has elected to participate in the Settlement, and therefore your subdivision may participate in that Settlement. This notice is also sent directly to counsel for such subdivisions if the Implementation Administrator has their information.

*If you are represented by an attorney with respect to opioid claims, please contact them. Subdivisions can participate in the Settlement whether or not they filed a lawsuit or are represented.*

### **WHERE CAN YOU FIND MORE INFORMATION?**

Detailed information about the Settlement, including each settlement agreement, may be found at: <https://nationalopioidsettlement.com>. This website also includes information about how the Settlement are being implemented in most states and how funds will be allocated within your state.

You are encouraged to review the settlement agreement terms and discuss the terms and benefits with your counsel, your Attorney General's Office, and other contacts within your state. Information and documents regarding the Settlement and your state allocation can be found on the settlement website at <https://nationalopioidsettlement.com>.

Your subdivision will need to decide whether to participate in the proposed Settlement, and subdivisions are encouraged to work through this process before the **August 12, 2024**, deadline.

### **HOW DO YOU PARTICIPATE IN THE SETTLEMENT?**

The Settlement requires that you take affirmative steps to "opt in" to the Settlement.

In the next few weeks, you will receive documentation and instructions from the Implementation Administrator or, in some cases, your Attorney General's Office. In order to participate in a settlement, a subdivision must sign and return the required Participation Form.

Please add the following email addresses to your "safe" list so emails do not go to spam / junk folders: [dse\\_na3@docusign.net](mailto:dse_na3@docusign.net) and [opioidsparticipation@rubris.com](mailto:opioidsparticipation@rubris.com). Please monitor your email for the Participation Form and instructions.

All required documentation must be signed and returned on or before **August 12, 2024**.