

PROPOSED RESOLUTION NO. 111 - 2021

A RESOLUTION AUTHORIZING THE ACTING COUNTY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIMS OF THE COUNTY OF NASSAU AGAINST RITE AID OF MARYLAND INC. D/B/A MID-ATLANTIC CUSTOMER SUPPORT CENTER (“RITE AID OF MARYLAND”) AND RITE AID OF NEW YORK, INC. (COLLECTIVELY, “RITE AID”) PURSUANT TO THE COUNTY LAW, THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY AND THE NASSAU COUNTY ADMINISTRATIVE CODE.

WHEREAS, the County of Nassau (the “County”) filed an action captioned *County of Nassau v. Purdue Pharma L.P., et al.*, Index No. 605477/2017 (Sup. Ct. Nassau Cty.) against various opioid manufacturers and distributors, including, but not limited to Rite Aid of Maryland and Rite Aid Corp., in an effort to hold them responsible for their role in creating the opioid epidemic; and

WHEREAS, the action subsequently was transferred to Suffolk County (*County of Nassau v. Purdue Pharma L.P., et al.*, Index No. 400008/2017) and coordinated with other actions commenced by governmental entities, including Suffolk County, in the coordinated New York opioid litigation captioned *In Re Opioid Litigation*, Index No. 400000/2017 (Sup. Ct., Suffolk Cty.); and

WHEREAS, on April 23, 2019, the Suffolk County Supreme Court so ordered a stipulation between the County of Nassau and the County of Suffolk (together the “County Plaintiffs”) and the Rite Aid defendants that discontinued the actions against Rite Aid Corp. and substituted in its place Rite Aid of New York, Inc.; and

WHEREAS, the County Plaintiffs have determined that a settlement agreement with Rite Aid of Maryland and Rite Aid of New York, Inc. (together “Rite Aid”) whereby Rite Aid has agreed to make a specified lump sum payment to be split equally between the County Plaintiffs in full settlement of all claims that the County Plaintiffs have brought or could have brought against Rite Aid in the aforementioned actions; and

WHEREAS, the Acting Nassau County Attorney has caused an investigation and analysis to be made of the claims and as a result thereof recommends that the claims be settled in accordance with the terms of the aforementioned settlement agreement; now therefore, be it

RESOLVED, that the Acting Nassau County Attorney be and is hereby authorized and directed to settle the claims in accordance with the settlement agreement as indicated above; and be it further

RESOLVED, that it is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 *et seq.* and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this settlement is a “Type II” Action within the meaning of Section 617.5(c)(29) of 6 N.Y.C.R.R. and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

