

IMPORTANT NOTICE TO ALL FEDERALLY RECOGNIZED TRIBES

YOU ARE ELIGIBLE TO PARTICIPATE IN THE NEW \$603 MILLION NATIONAL TRIBAL OPIOIDS SETTLEMENTS

YOU MUST SUBMIT SIGNED DOCUMENTATION TO PARTICIPATE IN THE SETTLEMENTS

Five additional settlements have been reached to resolve the opioid cases brought by federally recognized Tribes against Teva, Allergan, Walmart, Walgreens and CVS. These Settlements total over \$603 million to be used for prevention and abatement of the opioid epidemic across Indian Country (as well as payment of litigation fees and costs), bringing the total tribal opioid settlements to nearly \$1.5 billion.

This letter provides important information about the Settlements and explains what your Tribe must do to obtain opioid settlement money. The processes and documentation that will be used for the new settlements are similar to those used in the previous Distributor and J&J Tribal opioid Settlements.

This letter is sent by Kathy Hannan, Mary Smith, and Kevin Washburn. They have been appointed Directors of the Tribal Settlement Trusts by U.S. District Court Judge Dan Polster who oversees the Opioid Litigation to assist in implementing the Settlements.

All federally recognized Tribes are eligible to participate in the Tribal Opioid Settlements, regardless of whether a Tribe filed an opioid lawsuit.

In addition to these settlements, Tribal claims in bankruptcy proceedings involving Purdue, Mallinckrodt PLC and Endo are still pending. The Directors will provide additional information about Tribal claims in the bankruptcy proceedings at the Tribal opioid website listed below.

We encourage you to visit the website www.tribalopioidsettlements.com for important information and documents about the Settlements. Additional information is provided below.

OVERVIEW OF THE FIVE SETTLEMENTS

- **Teva**, an opioid manufacturer, will pay approximately \$119,000,000 over 13 years¹ and **Allergan**, a related opioid manufacturer, will pay nearly \$71,000,000 over 6 years. For the pharmacies, **Walmart** will pay \$77,900,000 over one year; **Walgreens** will pay approximately \$148,000,000 over 15 years and **CVS** will pay approximately \$130,000,000 over 10 years.² The total value of these settlements is over \$546 million. Approximately \$483 million (minus administrative and overhead expenses to operate the settlement trusts) will be paid to Tribes to be used for prevention and remediation of the opioid epidemic. The other \$62 million is for litigation fees and costs.

¹ In addition to settlement funds, Teva will also provide 200,000 kits of Naloxone Hydrochloride Nasal Spray (generic Narcan®), a medication that counteracts the life-threatening effects of opioid overdose, to be distributed to Tribes as part of the settlement, with an additional settlement value of \$25,000,000.

² These amounts do not include separate settlements that were reached by the Cherokee Nation.

- The Settlements require that a certain number of Tribes participate in order for the Settlements to go into effect. For Walmart, 85% of the Tribes that filed opioid lawsuits must participate. For Teva, Allergan, Walgreens and CVS, 95% of the Tribes that filed opioid lawsuits must participate.
- The Settlements recognize Tribal sovereignty and Tribal rights. Each Tribe has the right to decide which approved abatement and prevention uses (called Approved Uses) are best for the Tribe to address the opioid crisis. That right is yours and yours alone.

SETTLEMENT PROCEDURES

- Judge Polster appointed Kathy Hannan, Mary Smith, and Kevin Washburn as Directors of the Tribal Settlement Trust to implement the Settlements and assist Tribes in using the abatement funds in accordance with the Approved Uses. The Directors are each enrolled members of federally recognized tribes and have relevant legal, financial, and organizational management experience. The Directors' biographies are on the website, www.tribalopioidsettlements.com.
- The Approved Uses are broadly defined to include treatment and abatement practices as well as, for all Tribes, culturally appropriate and traditional healing programs and activities, wellness courts, substance abuse treatment, and other Tribal-specific programs and services that promote healing, prevention, and recovery in each Tribal community. The list of Approved Uses is on the website, www.tribalopioidsettlements.com.

ALLOCATION OF TRIBAL ABATEMENT FUNDS

- Judge Polster appointed former U.S. District Judge Layn Phillips and Special Master David Cohen to allocate the settlement money among the Tribes. The settling opioid manufacturers and pharmacies expressly agree that they will have no role whatsoever in the allocation process.
- The settlements adopt the same terms as the Distributors and J&J settlements providing that each participating Tribe has the right to: (1) meaningfully participate in the final allocation process; (2) be heard prior to entry of the final allocation decision; and (3) have the sole and final say over which approved abatement uses are best for the Tribe. Unrepresented tribes have the same rights as represented tribes.
- To implement these terms governing allocation, throughout the fall of 2022 Judge Phillips and Mr. Cohen solicited comments from Tribes and Alaska and California Tribal health organizations on a Final Inter-Tribal allocation to be used for the Distributors and J&J Settlements as well as future Tribal opioid settlements. Judge Phillips and Mr. Cohen started with the Tribal opioid settlement allocation that was previously adopted and approved by two U.S. bankruptcy courts in the bankruptcy proceedings involving Purdue Pharma (the maker of OxyContin) and Mallinckrodt Pharmaceuticals (a manufacturer of generic opioids) and invited comments on whether and how that allocation should be modified for allocating the settlement money. We expect the results of that process to be available soon. Information about the Purdue Allocation and the allocation procedures implemented by Judge Phillips and Mr. Cohen are on the website, www.tribalopioidsettlements.com.
- Participation Forms for the new Settlements are attached to this letter and are also on the website, www.tribalopioidsettlements.com. Participation Forms may be signed by an authorized Tribal representative or by an attorney representing the Tribe.

WHY YOUR TRIBE SHOULD PARTICIPATE

- A Tribal Leadership Committee (TLC) was appointed to lead the litigation on behalf of federally recognized Tribes against the opioid industry. The TLC recommends participation in these Settlements for the following reasons:
 - **First, get funding to address the opioid epidemic.** Time is of the essence. The opioid epidemic and its tragic consequences continue to devastate Tribal communities. It is critical that Tribes receive the money soon so that Tribal governments can address the epidemic in their communities as soon as possible;
 - **Second, an opportunity for meaningful change.** \$483 million, even when added to prior settlements, remains insufficient to solve the epidemic fully, but will allow Tribes to use money to prevent or reduce opioid addiction, overdoses, and death, enhancing the ability of Tribes to provide additional services in their communities;
 - **Third, participation is crucial.** If there is insufficient Tribal participation, the Settlements will not go into effect. Millions of dollars in prevention and abatement funds will not flow to Tribal communities, and hundreds of lawsuits could take many years to resolve;
 - **Fourth, there are additional settlement funds.** In addition to the funds from these settlements, there are additional funds that will be provided to Tribes from the earlier Distributor and J&J settlements, and likely from the Purdue, Mallinckrodt, and Endo bankruptcy proceedings. You know first-hand the effects of the opioid epidemic on your community. Funds from these Settlements will be used to begin abatement of the crisis and provide relief to your citizens while litigation and settlement discussions proceed against other defendants in the opioid industry; and
 - **Lastly, the decision is yours.** It is your Tribe's choice whether to participate in the Settlements to obtain opioid abatement funds.

NEXT STEPS

- Your Tribe must take affirmative steps to participate in the Settlements. **Without action, your Tribe cannot receive any settlement funds.**
- To participate in the Settlements, you must sign four Tribal Participation Forms. Teva and Allergan will use one combined form. Walmart, Walgreens and CVS each have their own Participation Form. The Tribal Participation Forms are attached to this Notice. These forms can also be found on this website, www.tribalopioidsettlements.com.
- **If your Tribe filed an opioids lawsuit, please confer immediately with your opioid litigation attorneys to discuss whether your Tribe should participate.**
- The Tribal Settlement Trust Directors are working with BrownGreer PLC, an experienced settlement administrator. BrownGreer hosts the website and is responsible for collecting the Tribal Participation Forms. You may receive letters and emails from BrownGreer about the Settlements including instructions about how to log onto the settlement website portal to upload documents and receive

announcements.

- Tribal Participation Forms must be signed by an authorized Tribal representative or, with permission, by an attorney representing the Tribe. **Completed Tribal Participation Forms** may be uploaded to the settlement website portal, **OR** sent by email to nato@browngreer.com, **OR** faxed to (804) 521-7299, **OR** sent by U.S. mail to:

BrownGreer PLC
ATTN: Tribal Opioid Settlements
250 Rockettes Way
Richmond, VA 23231

- If your Tribe is ready to make a decision to participate in the Settlements, the TLC encourages you to return the Tribal Participation Forms as soon as possible. The Directors are anxious to send critical abatement funds to your communities to address the opioid crisis and related addiction issues. Further, your rights to participate in the allocation process for the distribution of these funds benefit by a prompt response.
- ***If your Tribe is not ready to decide whether to participate, the Directors request that you acknowledge receipt of this correspondence and respond by January 16, 2023, with your best contact information if you have not already done so.*** Please send your preferred contact information to the Directors by email to nato@browngreer.com, or by U.S. mail to:

BrownGreer PLC
ATTN: Tribal Opioid Settlements
250 Rockettes Way
Richmond, VA 23231

You may call also BrownGreer at 1-888-616-3880 to provide this information or to ask questions.

Also, please contact us if you have any questions at Directors@tribalopioidsettlements.com . We look forward to working with you.

Kathy Hannan Mary Smith Kevin Washburn

Tribal Settlement Trust Directors