

IMPORTANT NOTICE TO ALL FEDERALLY RECOGNIZED TRIBES

YOU ARE ELIGIBLE TO PARTICIPATE IN THE \$590 MILLION NATIONAL TRIBAL OPIOIDS SETTLEMENTS

YOU MUST SUBMIT SIGNED DOCUMENTATION TO PARTICIPATE IN THE SETTLEMENTS

PLEASE RESPOND BY MAY 20, 2022 TO ACKNOWLEDGE RECEIPT OF THIS NOTICE

Two settlements have been reached to resolve the opioid cases brought by federally recognized Tribes against three pharmaceutical distributors (McKesson, Cardinal Health, and AmerisourceBergen (referred to as the Distributors)), and one manufacturer (Janssen Pharmaceuticals (and its parent company Johnson & Johnson) (J&J/Janssen)). These Settlements total \$590 million for prevention and abatement of the opioid epidemic across Indian Country.

This letter provides important information about the Settlements and explains what your Tribe must do to obtain opioid settlement money.

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. 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 two settlements, Tribal claims in a bankruptcy proceeding involving Mallinckrodt PLC (a manufacturer of generic opioids) are expected to be resolved in the near future. The Directors will provide additional information about Tribal claims in the Mallinckrodt bankruptcy 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 TWO SETTLEMENTS

- The **Distributors** will pay \$439,964,500 over 6 ½ years,¹ and **J&J/Janssen** will pay \$150 million over 2 years, for a total of nearly \$590 million. Approximately \$503 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 \$87 million is for litigation fees and costs.)
- The Settlements require that a certain number of Tribes participate in order for the Settlements to go into effect. For both Settlements, 95% of the Tribes that filed opioid lawsuits must participate. An additional provision in the Distributors Settlement requires that 14 of the 17 Tribes with over 5,000

¹ This amount does not include a separate settlement that was reached by the Cherokee Nation.

enrolled members/citizens that did not file opioid cases must also agree to 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 experience with tribal matters. The Directors' biographies are on the website, www.tribalopioidsettlements.com.
- The Approved Uses are broadly defined to include 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 Distributors and J&J/Janssen expressly agree that they as Defendants will have no role whatsoever in the allocation process.
- The settlement terms provide that **each participating Tribe has three important rights** in these Settlements: (1) the right to meaningfully participate in the final allocation process; (2) the right to be heard prior to entry of the final allocation decision; and (3) the sole and final say over which approved abatement uses are best for the Tribe. Also, unrepresented tribes will have the same rights as represented tribes within the allocation process.
- Judge Phillips and Mr. Cohen will provide additional information in the coming weeks regarding the allocation process, how your Tribe can participate, and the deadline to submit comments. A Tribal opioid settlement allocation 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), both of which were defendants in the Opioids Litigation. Judge Phillips and Mr. Cohen will start with this "Purdue Allocation," and invite all Tribes and Alaska and California tribal health organizations to comment on whether and how that allocation should be modified for allocating the settlement money. A description of the Purdue Allocation and a list of each Tribe's proposed allocation percentage is available at www.tribalopioidsettlements.com.
- The Purdue Allocation uses data that is available for all Tribes to measure direct and indirect harm that opioids caused to tribal communities. Although the Purdue Allocation involved a reasonable and thoughtful process, it is understood that data alone may not tell the whole story of opioids in your tribal community, or may not reflect the actual harm caused by opioids to an individual Tribe. The citizenship data used for some Tribes is also still subject to verification. Each participating

Tribe will have the right to make a written submission to Judge Phillips and Mr. Cohen about the impact of opioids in your tribal community, the allocation process and the Purdue Allocation factors, and whether or not you think your Tribe's allocation is correct. Judge Phillips and Mr. Cohen will consider all submissions prior to making a final allocation. They will announce a schedule, including the deadline to for written submissions, for their process to make a final allocation. This will be sent to you and posted on the website.

- The Purdue Allocation uses collective data for all Alaska Native Tribes and intertribal health organizations, due to data challenges that are unique to Alaska Tribes. The allocation for Alaska Tribes as a group was subdivided among Alaska Tribes and intertribal health organizations pursuant to a process developed by the Alaska Tribal Shares Workgroup. The Purdue Allocation for Alaska is also available, with additional explanation, on the website, www.tribalopioidsettlements.com. Every Alaska Tribe retains the same rights as other Tribes to participate, be heard, and have the sole and final say as to the money's abatement uses.

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.** \$503 million, while insufficient to solve the epidemic fully, 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, this is just the beginning.** In addition to the funds from these settlements, there are additional funds that likely will be provided to Tribes from the Purdue and Mallinckrodt 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 two Tribal Participation Forms – one for each Settlement. 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. **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 Rocketts Way
Richmond, VA 23231

- If your Tribe is ready to make a decision whether to participate in the Settlements, the TLC encourages you to return the Tribal Participation Forms. 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 May 20, 2022 with your best contact information.*** 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 Rocketts 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