

**A RESOLUTION OF SEWARD COUNTY, KANSAS TO JOIN THE STATEWIDE  
LITIGATION REGARDING THE OPIOID EPIDEMIC**

**WHEREAS**, the people of the State of Kansas and its communities have been harmed by the Opioid Epidemic due to the misfeasance, nonfeasance, and malfeasance committed by certain entities within the Pharmaceutical Supply Chain; and

**WHEREAS**, the State of Kansas, through its Attorney General, and certain Political Subdivisions, through their elected representatives and counsel, that separately have claims or potential claims seek to hold Pharmaceutical Supply Chain Participants accountable for the damages caused by their misfeasance, nonfeasance, and malfeasance; and

**WHEREAS**, Seward County, its residents and resources have been impacted by the Opioid Epidemic; and

**WHEREAS**, 2021 House Bill 2079 contemplates the distribution of settlement funds received from the opioid litigation to non-litigating municipalities and litigating municipalities who have entered into an agreement to waive their claims according to a formula negotiated between the Attorney General, the League of Kansas Municipalities, and the Kansas Association of Counties; and

**WHEREAS**, the moneys in the Municipalities Fight Addiction Fund shall be expended for projects and activities that prevent, reduce, treat, or mitigate the effects of substance abuse and addiction or to reimburse the municipality for previous expenses related to substance abuse mitigation or arising from covered conduct; and

**NOW, THEREFORE, BE IT RESOLVED BY THE SEWARD COUNTY BOARD  
OF COUNTY COMMISSIONERS:**

Seward County, Kansas shall join the Memorandum of Understanding between the Attorney General, the League of Kansas Municipalities, and the Kansas Association of Counties.

Seward County Kansas shall authorize the signing of an “Agreement to Release and Assign Claims,” attached hereto as Exhibit “A.”

The Board of County Commissioner of Seward County hereby authorizes the Chairperson of the Board of County Commissioners, County Administrator April Warden or the County’s Counsel in this matter, Tim West of Bertram & Graf, LLC to execute the Agreement to Release and Assign Claims, the aforementioned Memorandum of Understanding, and all Settlement Participation Forms, and documents associated therewith.

This resolution shall take effect and be in force immediately upon its adoption and shall remain in effect until future action is taken by the Seward County Board of County Commissioners.

**ADOPTED** this 6<sup>th</sup> day of December, 2021

*Ada Linenbroker*

Ada Linenbroker, Chair

Attested:

*Stacia D. Long*

Stacia Long, County Clerk



**Exhibit "A"**

**Agreement to Release and Assign Claims**

**BETWEEN:**

Seward County, Kansas, (the "Assignor"), a municipality as defined by Kansas Statutes Annotated §12-105a, or other Political Subdivision, located within the State of Kansas, with its principal business office located at:

C/o Stacia Long, Clerk of Seward County, Kansas  
515 N. Washington, Ave.  
Liberal, Kansas 67901

**AND:**

Derek Schmidt, the duly elected Attorney General of the State of Kansas, with a principal business office located at:

The Office of the Kansas Attorney General  
120 SW 10<sup>th</sup> Ave., 2<sup>nd</sup> Floor  
Topeka, KS 66612

**FOR VALUE CONTEMPLATED**, to gain access to money received by the State of Kansas for the abatement or remediation of substance abuse or addiction, made available by the Kansas Fights Addiction Act, 2021 Kansas House Bill No. 2079, consistent with **Kansas Opioids Memorandum of Understanding between the Attorney General, the League of Kansas Municipalities, and the Kansas Association of Counties**, and to permit as adopted by resolution passed by the Assignor on the 6<sup>th</sup> day of December, 2021 the Assignor hereby releases its legal claims, and transfers and assigns to the Assignee, his successors, assigns, deputies, assistants, and personal representatives, any and all claims, demands, and cause or causes of actions on any kind whatsoever which the undersigned has or may have against any opioid manufacturer, distributor, and/or pharmacy, or entity within the Pharmaceutical Supply Chain, arising from the following type of claim:

**Any and all claims arising out of "covered conduct" and "opioid litigation" as defined by 2021 Kansas House Bill No. 2079, and any and all claims on file by Assignor in MDL Case No. 1:17-md-2804, if any.**

And the undersigned may in the name of the State of Kansas and for the benefit of the State of Kansas as defined by state law, 2021 House Bill No. 2079, and consistent with Kansas Opioids Memorandum of Understanding between the Attorney General, the League of Kansas Municipalities, and the Kansas Association of Counties, prosecute, collect, settle, compromise and grant releases on said claim as in his sole discretions deems advisable.

Any failure of the Assignor to comply with any requirement of the Memorandum of Understanding, the Kansas Fights Addiction Act, any other provision of Kansas law, or any

reporting, requesting, monitoring, or other provision of any opioid settlement agreement which produces money governed by the Kansas Fights Addiction Act, may result in the suspension, termination, or other cessation of future payments to the Assignor from any fund established in the Kansas Fights Addition Act.

IN WITNESS THEREOF, the parties have executed this Assignment on the day and year first above written.

Signed, sealed and delivered in the presence of:

ASSIGNOR

ASSIGNEE

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Print Name and Title

Derek Schmidt, Kansas Attorney General  
Office of the Kansas Attorney General