

**RESOLUTION NO 06212021-2**

**A RESOLUTION OPTING OUT OF OPIOIDS RELATED LITIGATION  
SETTLEMENT PURSUANT TO INDIANA CODE §4-6-15-2**

WHEREAS, the City of New Castle, Indiana has been involved in multi-district litigation pursuing recovery for damages caused by the manufacture, sale and distribution of opioids; and,

WHEREAS, the Indiana General Assembly has recently adopted legislation, codified at Indiana Code §4-6-15-1, et.seq., which has the potential to greatly diminish the City of New Castle's recovery from various responsible parties by requiring local government units to be bound by any settlement reached by the Indiana Attorney General and allocating the settlement proceeds in part on a per capita basis and in part to be allocated by the Indiana Family and Social Services Agency ("FSSA") utilizing a methodology to be developed by the FSSA; and,

WHEREAS, Indiana Code §4-6-15-2 provides that a political subdivision, such as the City of New Castle, is bound by any settlement reached by the Indiana Attorney General with opioid manufacturers and distributors unless such subdivision elects to opt out of any potential settlement by June 30, 2021; and

WHEREAS, the City of New Castle, after due consideration, has determined that it is in the best interest of its citizens to opt out of any potential settlement by the Indiana Attorney General and to continue to pursue recovery in the multi-district litigation.

NOW THEREFORE BE IT RESOLVED by the City of New Castle, as follows:

The City of New Castle, Indiana hereby exercises its election to opt out of any opioid related litigation settlement by the Indiana Attorney General, subject to and as provided under Indiana Code §4-6-15-2, and orders its duly authorized agent to submit a certified copy of this resolution to the Indiana Attorney General by June 30, 2021.

**REPEALER:** All resolutions or parts of resolutions in conflict herewith are hereby repealed.

**SEVERABILITY:** Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this resolution, to the extent feasible, shall remain in full force and effect.

RESOLVED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
Greg York, Presiding Officer,  
Common Council, City  
of New Castle, Indiana

ATTEST:

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Brenda Grider, Clerk-Treasurer

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RESOLVED BY ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

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Greg York, Mayor of the City  
of New Castle, Indiana