



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing the Tribe to Settle Claims Against Opioid Suit Defendants Teva, Allergan, Walmart, CVS, and Walgreens)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(b) that the Tribal Council (“Council”) shall exercise the power, “To negotiate, make and perform contracts and agreements of every description, not inconsistent with federal law or [the] constitution, with any person, association, or corporation...”; and
- WHEREAS,** On July 30, 2020, via Resolution No. 07-2020-174, the Council authorized the Tribe to join as a member of the class of plaintiffs in *Purdue Pharma L.P., et al.* (the “Suit”) to pursue claims for damages to the Tribe and its members resulting from the alleged actions of the defendants; and
- WHEREAS,** On March 24, 2021, via Resolution No. 03-2021-58, the Council authorized the Tribe to join as a member of the class of plaintiffs in the expanded *National Prescription Opiate Litigation* to pursue claims for damages to the Tribe and its members resulting from the alleged actions of a larger group of defendants; and
- WHEREAS,** Fields PLLC, Bowers Law Office, Miller Law Group PLLC, and Seneca Jacobs (collectively the “Attorney Group”) are representing the Tribe and other tribes in this series of cases; and
- WHEREAS,** On April 1, 2022, via Resolution No. 04-2022-70, the White Mountain Apache Tribe elected to participate in the Janssen Settlement and the Distributors’ Tribal Settlement and become a Tribal Settling Entity; and
- WHEREAS,** After years of settlement negotiations, a proposed settlement has been reached with five additional defendants; and
- WHEREAS,** The Attorney Group recommends, through four Tribal Participation Forms (“Forms”), that the Tribe participate in the settlement for the five additional defendants in the opioid litigation; and
- WHEREAS,** The Teva Settlement and Allergan Settlement requires the Tribe to submit to the jurisdiction of the Northern District of Ohio and requires a limited waiver of the Tribe’s sovereign immunity from suit for the purposes limited to that court’s role for resolving disputes in the Teva and Allergan Settlement; and
- WHEREAS,** The Walgreens Settlement, the CVS Settlement, and the Walmart Settlement, requires a limited waiver of the Tribe’s sovereign immunity from suit for the purpose of resolving disputes through binding arbitration; and

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WHEREAS, By electing to participate in the settlement for the five additional defendants, the Forms require the Tribe to expressly waive, and fully, finally, and forever settle, release, discharge, upon the Effective Date, any and all released claims that may exist as of such date; and

WHEREAS, The Council has reviewed the Forms and understands and agrees to all terms therein, and concludes that participating in the settlement and approving the limited waiver of immunity contained therein is in the best interests of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Teva Settlement and Allergan Settlement, the Walgreens Settlement, the CVS Settlement, and the Walmart Settlement with the limited waiver of the Tribe’s immunity are hereby approved.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe agrees to all terms of the Tribal Participation Forms.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that expressly waives, and fully, finally, and forever settles, releases, discharges, upon the Effective Date, any and all released claims that may exist as of such date.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution, on JANUARY 31, 2023 was duly adopted by a vote of TEN for, ZERO against, and ZERO abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

Kasey Velasquez 2.1.2023
Kasey Velasquez, Chairman Date

Vanessa Johnson 2/1/23
Vanessa Johnson, Tribal Secretary Date