



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing the Tribe to Settle Claim Against Opioid Suit Defendant McKinsey & Company)

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- 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,** On January 31, 2023, via Resolution No. 01-2023-28, the White Mountain Apache Tribe elected to participate in the Settlement for five additional defendants (Teva, Allergan, Walgreens, CVS, and Walmart) and become a Tribal Settling Entity; and
- WHEREAS,** After years of settlement negotiations, a proposed settlement has been reached with defendant McKinsey & Company (“McKinsey”); and
- WHEREAS,** As it has from settling the claims against the other plaintiffs, the Attorney Group advises that settling the claims against McKinsey & Company will result in the Tribe receiving settlement proceeds; and
- WHEREAS,** The Attorney Group recommends, through a Tribal Participation Form (“Form”), that the Tribe participate in the McKinsey Settlement in the opioid litigation; and

Resolution No. 09-2023-204

WHEREAS, The McKinsey Settlement requires the Tribe to submit to the jurisdiction of the U.S. District Court for the Northern District of California before Honorable Charles Breyer, the judge appointed to oversee MDL 2996, or the Chief Judge, 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 McKinsey Settlement; and

WHEREAS, By electing to participate in the settlement for the McKinsey defendant, the Form requires 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 Form 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 McKinsey Settlement with the limited waiver of the Tribe's immunity is hereby approved.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby agrees to all terms of the Tribal Participation Form.

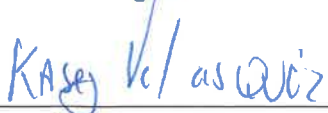

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby expressly waives, and fully, finally, and forever settles, releases, discharges, upon the Effective Date, any and all released claims that may exist as of such date.

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 **SEPTEMBER 13, 2023** was duly adopted by a vote of **EIGHT** 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, Chairman Date Vaneyssa Johnson, Tribal Secretary Date