



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing Dismissal of Smith Drug Company from the Tribe's Opioid Lawsuit)

WHEREAS, The Constitution of the White Mountain Apache Tribe ("Tribe") of the Fort Apache Indian Reservation provides, at Article IV, Section 1(a) that the Tribal Council ("Council") shall exercise the power, "To represent the Tribe and act in all matters that concern the welfare of the Tribe...; and

WHEREAS, By Council Resolutions No. 07-2020-174 and 03-2021-58 the Council authorized the Tribe's joining the tribal class action suits against opioid manufacturers, distributors and marketers ("the MDL"); and

WHEREAS, Tribal plaintiffs, including the Tribe, have reached settlements with the defendants in these cases, for which the Tribe has already received some funding, and will continue to receive for more than a decade; and

WHEREAS, The Tribe's lead litigation counsel in these cases, Fields, Hans & Cunniff, PLLC, has recommended that the Tribe dismiss its claims against defendant, Smith's Drug Company, of Spartanburg, South Carolina, because this defendant is a distributor that provides wholesale services for small, independent pharmacies, primarily in the Southeast United States, and its activities were unlikely to have impacted the Tribe and its members; and

WHEREAS, Tribal Council agrees with the recommendation of the Tribe's attorneys and finds that dismissing the Tribe's claims in the opioid suit against Smith Drug Company is appropriate at this time, will not disadvantage the Tribe, and 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 Tribe hereby authorizes litigation counsel Fields, Hans & Cunniff, PLLC to move the court to dismiss the Tribe's claims against Smith Drug Company, and release it as a party from the opioid distributors suit.

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.

Resolution No. 10-2024-212

The foregoing resolution was on **OCTOBER 2, 2024** duly adopted by a vote of **SEVEN** 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).

<u>Kasey Velasquez</u>	<u>10.2.24</u>	<u>Vaneya Johnson</u>	<u>10/2/2024</u>
Kasey Velasquez, Chairman	Date	Vaneya Johnson, Tribal Secretary	Date