

Utah Subdivision Agreement to Establish Utah Attorney Fee and Expense Fund

Pursuant to sections 3.1, 4.2, and 6.2 of the One Utah Opioid Settlement Memorandum of Understanding (“MOU”) entered into by the undersigned governmental entity (“Governmental Entity”) and the State of Utah in 2022 concerning the Janssen and opioid distributor settlement agreements (“Settlement Agreements”), the Governmental Entity agrees as follows:

1. The Governmental Entity acknowledges that outside counsel for litigating subdivisions identified in the MOU (“Subdivision Outside Counsel”) have applied for payment of attorney fees through national fee funds created pursuant to the Settlement Agreements (“National Funds”).
2. The Governmental Entity acknowledges that payments from the National Funds may not be sufficient to pay the entirety of the fees and costs incurred by Subdivision Outside Counsel and payable under their contingency fee contracts with their Government Entity clients.
3. The Governmental Entity acknowledges that BrownGreer PLC (“Administrator”) was designated to administer the disbursement of payments to the State of Utah and its subdivisions pursuant to the Settlement Agreements.
4. Therefore, the Governmental Entity agrees that the Administrator shall disburse a portion of Settlement Agreements payments to the “Utah Fund” defined in Section 6.2 of the MOU. The portion directed to the Utah Fund shall be twenty (20) percent of the “Local Government Share” (as defined in Section 3.3 of the MOU). No portion of the “State Share” (as defined in Section 3.2 of the MOU) shall be directed to the Utah Fund.
5. Payments to Subdivision Outside Counsel from the Utah Fund shall be disbursed in the same proportion as the allocation percentages defined in Exhibit B to the MOU. *E.g.*, where Salt Lake County is allocated 42.271% of funds in Exhibit B, the Administrator will direct 42.271% of the Utah Fund to the outside counsel representing Salt Lake County. Each Government Entity shall designate the attorney or law firm to which Administrator will make each payment, and that attorney or law firm will be responsible for distributing those funds among the Subdivision Outside Counsel for that Government Entity. Portions of the Utah Fund that would otherwise be due to outside counsel for participating but non-litigating subdivisions shall be reapportioned to the outside counsel for litigating subdivisions on a pro rata basis based on the percentages in Exhibit B.
6. Disbursement to the Utah Fund shall commence with the initial disbursement of payments under the Settlement Agreements and shall continue until fees and costs of the Subdivision Outside Counsel are paid in full subject to Section 6.5 of the MOU. Any funds remaining in the Utah Fund beyond what is required to pay the attorney fees and expenses of Subdivision Outside Counsel shall revert to the Local Government Share and be distributed to the counties according to the percentage allocation defined in Exhibit B to the MOU.

Governmental Entity: TOOELE COUNTY
Signed By: Jan A. Wade
Title: COUNTY MANAGER
Date: 07/27/2022

APPROVED AS TO FORM:

Colin R. Winchester 07/27/2022
Colin R. Winchester
Deputy Tooele County Attorney