



## Buncombe County Board of Commissioners

### Request for Board Action

Meeting Date: 7/16/2024

#### New Business

**Department:** County Management / Legal

**Presenter(s):** Victoria Reichard

**Contact(s):** Victoria Reichard and Michael Frue

**Subject:** Opioid Litigation – Kroger Settlement

**Brief Summary:** a settlement has been reached in litigation against the Kroger Co. (“Kroger”) defendants in the continuing Opioid lawsuits. Representatives of local North Carolina governments, the North Carolina Association of County Commissioners, and the North Carolina Department of Justice have negotiated and prepared a Second Supplemental Agreement for Additional Funds (SAAF-2) to provide for the equitable distribution of the proceeds of these settlements.

The settlement totals \$1.2B. Other than the fact that Kroger settlement proceeds will only flow into the 35 states Kroger operated in (as well as Tribes), as opposed to *all* states and territories, this settlement process will be almost identical to the almost \$60 billion in deals over the last few years. Only the state-to-state allocation was adjusted to reflect Kroger’s market share. Final shares will be determined after the August 12, 2024 opt-in deadline.

**Recommended Motion & Requested Action:** approve the Second Supplemental Agreement for Additional Funds (SAAF-2).

**County Manager’s comments and Recommendation:** approve as presented.