



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE

**A RESOLUTION OF THE HO-CHUNK NATION
TO ELECT TO PARTICIPATE IN THE J&J SETTLEMENT
AND THE BIG 3 DISTRIBUTORS' SETTLEMENT AND
AUTHORIZE THE NATION'S OPIOID LITIGATION COUNSEL TO SUBMIT
THE TRIBAL PARTICIPATION FORMS ON
BEHALF OF THE HO-CHUNK NATION**

RESOLUTION 06-21-22 N

WHEREAS, the Native American population has suffered some of the worst consequences of the opioid epidemic of any population in the United States. Tribal governments have had to spend considerable tribal funds to cover the costs of the opioid crisis, including increased costs for health care, social services, child welfare, law enforcement and other government services; and,

WHEREAS, over 400 federally recognized tribes filed litigation against the opioid manufacturers, distributors, pharmacies, all of which these tribal plaintiffs maintain are responsible for the opioid crisis; and,

WHEREAS, on February 1, 2022, the court-appointed Tribal Leadership Committee ("TLC") announced comprehensive settlements of opioid claims asserted in cases filed by the tribes against Janssen/Johnson & Johnson ("J&J") and against the three major distributors of opioid pharmaceuticals - McKesson, Amerisource Bergen and Cardinal Health ("Big 3 Distributors"); and,

WHEREAS, J&J has agreed to resolve the Tribal claims for \$150,000,000, payable over two years and the Big 3 Distributors have agreed to resolve the tribal claims for \$439,964,500 payable over six and a half years; and,

WHEREAS, the Settlements only go into effect if certain participation thresholds are reached; and,

WHEREAS, under the terms of the Settlements, each tribal entity has the right to determine which approved opioid abatement uses are best for the tribal entity and each tribal entity has the right to meaningfully participate in the final allocation process and a right to be heard prior to entry of the final allocation order; and

WHEREAS, the Ho-Chunk Nation ("Tribe") is aware of and has reviewed the terms of the J&J Settlement and the Big 3 Distributors' Settlement and elects to participate in the Settlements; and

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WHEREAS, the Ho-Chunk Nation, including its members, have been adversely impacted the distribution of opioids by drug distributors in tribal communities; and

WHEREAS, the Ho-Chunk Nation (“Nation”) is a federally recognized Indian Tribe, pursuant to the Indian Reorganization Act of 1934; and

WHEREAS, on November 1, 1994, the United States Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and

WHEREAS, Article V, Section 2(a) of the Ho-Chunk Nation Constitution (“Constitution”) gives the Ho-Chunk Nation Legislature (“Legislature”) the power to make laws, including codes, ordinances, resolutions, and statutes; and

WHEREAS, Article V, Section 2(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and

NOW, THEREFORE, BE IT RESOLVED BY THE HO-CHUNK NATION LEGISLATURE that the Ho-Chunk Nation, in order to obtain and in consideration for the benefits provided to the Tribe pursuant to the Settlement Term Sheets, and acting through its authorized law firm, FRAZER P.L.C. hereby elects to participate in the J&J Settlement and the Big 3 Distributors’ Settlement and become a Participating Tribe as defined therein, and release all Released Claims against all Released Entities as defined therein.

BE IT FURTHER RESOLVED that FRAZER P.L.C. is authorized to submit the Tribal Participation Forms (previously approved by the Legislature) and attached to this Resolution as Exhibit C and Exhibit D, on behalf of the Ho-Chunk Nation.

This Resolution was introduced, seconded and adopted at a duly convened meeting of the Ho-Chunk Nation Legislature on June 21, 2022.

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **13 members** of whom **12** constituting a quorum were present at a meeting duly called and convened and held that on the **21st day of June, 2022**, adopted the foregoing resolution at said meeting by an affirmative vote of 11 members, 1 opposed, and 0 abstaining, pursuant to the Article V, Section 2(a) and (x) of the Constitution of the Ho-Chunk Nation, approved by the Secretary of the Interior on November 1, 1994, and that the foregoing resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.


Rep. Stephanie Begay, Tribal Secretary

06.21.22
Date