



## County Administrator

Robert W. Wilson  
701-241-5770  
wilsonro@casscountynd.gov

## M E M O

TO: County Commissioners  
FROM: Robert W. Wilson  
DATE: July 28, 2022  
SUBJECT: Opioid Litigation Settlement Payment Notification

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Recently Cass County Government was notified a schedule of Year 1 settlement payments has been finalized for North Dakota entities involved in the national opioid litigation. According to the schedule Cass County will receive \$20,461 in 2022. This settlement amount is related to the settlement involving Multi-District Litigation (MDL) plaintiffs and defendant Janssen Distributor. Other cases remain in various stages of litigation.

Senior Attorney Tracy Peters in the State's Attorney's Office has reviewed this payment schedule with our litigation counsel to better understand our options and responsibilities.

The amount is related to a distribution formula developed by the North Dakota Attorney General's Office and other parties involved in the MDL. Cass County has the option to dispute the amount allocated. If we do not dispute the amount, the County can accept or re-allocate the payment and submit payment instructions. The deadline to respond is August 19, 2022.

I am scheduling this matter for Commission consideration and potential action on August 1, 2022.

PO Box 2806  
211 Ninth Street South  
Fargo, North Dakota 58108

[www.casscountynd.gov](http://www.casscountynd.gov)

## ALLOCATION NOTICE

Payment Year: 1

Date of Notice: 6/30/2022

Deadline to Dispute Allocation: 7/21/2022

Expiration of 50 Days: 8/19/2022

Settling State

North Dakota

### I. PAYMENT ALLOCATION DETERMINATION

This Notice is an official communication from the Directing Administrator of the National Opioid Settlements. A copy of this Notice has been sent to the Enforcement Committee and Settling Distributors pursuant to Section IV.B of the Distributor Settlement Agreement, dated as of July 21, 2021, as amended, between and among the Settling States, the Settling Distributors, and Participating Subdivisions (the "Distributor Settlement Agreement"). All capitalized terms used in this letter have the meanings ascribed to them in the Distributor Settlement Agreement.

Pursuant to Section IV.B and Exhibit M of the Distributor Settlement Agreement, North Dakota's Total Payment Year 1 amount is **\$1,678,167.94**, which is broken down in Table 1 in Attachment 1 to this Allocation Notice.

As provided under Section V.C of the Distributor Settlement Agreement, North Dakota has instructed the Directing Administrator to calculate the intrastate allocations pursuant to the national default. Using the default provisions, the Directing Administrator has allocated the Annual Payment as follows: (i) 15% to the State Fund, (ii) 70% to the Abatement Accounts Fund, and (iii) 15% to the Subdivision Fund, to be paid directly to the Subdivisions per the allocation percentages provided in Exhibit G of the Distributor Settlement Agreement. North Dakota has further instructed the Directing Administrator to allocate the Additional Restitution Amount in full to the State Fund. The intrastate allocations are included as Attachment 1 to this Allocation Notice.

Undisputed amounts allocated to the State Fund, the Abatement Accounts Fund, and Subdivision Fund for Participating Subdivisions will be paid no later than the date that is 50 days after the date of this Allocation Notice. Amounts allocated to the Subdivision Fund for Non-Participating Subdivisions will be held in Escrow until disbursements for Payment Year 2, provided the Subdivision becomes a Participating Subdivision by July 15, 2022. Any amounts held in Escrow for Non-Participating Subdivisions after that date will be reallocated and paid to the Abatement Accounts Fund.

### II. YOUR RIGHT TO DISPUTE

Section IV.B.4 of the Distributor Settlement Agreement provides that within twenty-one (21) calendar days of receiving notice any party may dispute the calculation of the amount to be received by a Settling State or its Participating Subdivisions listed on Exhibit G as inconsistent with the terms of the Agreement. Written notice must be provided to the Settlement Fund Administrator, the Enforcement Committee, any affected Settling State, and the Settling Distributors identifying the nature of the dispute, the amount of money that is disputed, and the Settling State(s) affected.

A party has until the Deadline to Dispute Allocation listed at the top of this Allocation Notice to deliver a written notification of dispute. The amounts listed in this Allocation Notice will be deemed accepted if the Directing Administrator has not received a party's dispute before midnight Eastern Time on the deadline date. Submit your written request by email to [DirectingAdministrator@NationalOpioidOfficialSettlement.com](mailto:DirectingAdministrator@NationalOpioidOfficialSettlement.com).

# National Opioid Settlements



Any party affected by the dispute may object to the notification of dispute. Depending on the nature of the dispute, contested disputes must be resolved in either the court that entered a state's Consent Judgment or the National Arbitration Panel. The Directing Administrator will not disburse any funds potentially affected by a contested dispute until the dispute is resolved by the court or the National Arbitration Panel.

### III. TO ACCEPT PAYMENT

If you do not dispute the payment, please create a Portal Account following instructions in the email, which will direct you to complete the Payment Election Forms and W-9 Forms to create payment instructions for any Settlement Payments.

### IV. TO REALLOCATE PAYMENT

If you wish to reallocate your portion of the allocation to another Participating Subdivision or the Abatement Accounts Fund, you may do so by emailing [DirectingAdministrator@NationalOpioidOfficialSettlement.com](mailto:DirectingAdministrator@NationalOpioidOfficialSettlement.com) before the Deadline to Dispute Allocation included on the Allocation Notice. The Directing Administrator will not treat a reallocation request as a dispute.

Sincerely,

BrownGreer PLC  
Directing Administrator  
250 Rocketts Way  
Richmond, VA 23231

# National Opioid Settlements



## ATTACHMENT 1 - DISTRIBUTORS YEAR 1 PAYMENT ALLOCATION TO NORTH DAKOTA (As of 6/30/2022)

**TABLE 1: YEAR 1 SUMMARY<sup>1</sup>**

		Restitution/ Abatement	Additional Restitution	Total Payment 1
<b>1.</b>	<b>Total Allocation (From Enforcement Committee)</b>	<b>\$1,473,232.07</b>	<b>\$204,935.87</b>	<b>\$1,678,167.94</b>
<b>2.</b>	<b>Allocation Method</b>	<b>National Default</b>		
3.	15% to State Fund (Plus 100% of Additional Restitution)	\$220,984.81	\$204,935.87	\$425,920.68
4.	70% to Abatement Accounts Fund	\$1,031,262.45	\$0.00	\$1,031,262.45
5.	15% to Subdivision Fund	\$220,984.81	\$0.00	\$220,984.81

**TABLE 2: ALLOCATION TO SUBDIVISIONS**

	Subdivision	Exhibit G State Allocation Percentage	Restitution/ Abatement	Additional Restitution	Total Payment 1
<b>A. Participating Subdivisions</b>					
1.	ADAMS COUNTY	0.32668593690%	\$721.93	\$0.00	<b>\$721.93</b>
2.	BARNES COUNTY	1.15964091200%	\$2,562.63	\$0.00	<b>\$2,562.63</b>
3.	BENSON COUNTY	0.82436188440%	\$1,821.71	\$0.00	<b>\$1,821.71</b>
4.	BILLINGS COUNTY	0.05311985580%	\$117.39	\$0.00	<b>\$117.39</b>
5.	Bismarck city	7.87200184750%	\$17,395.93	\$0.00	<b>\$17,395.93</b>
6.	BURKE COUNTY	0.13402722380%	\$296.18	\$0.00	<b>\$296.18</b>
7.	BURLEIGH COUNTY	5.92583217320%	\$13,095.19	\$0.00	<b>\$13,095.19</b>
8.	CASS COUNTY	9.25932070650%	\$20,461.69	\$0.00	<b>\$20,461.69</b>
9.	Devils Lake city	0.36226236190%	\$800.54	\$0.00	<b>\$800.54</b>
10.	DICKEY COUNTY	0.60646638830%	\$1,340.20	\$0.00	<b>\$1,340.20</b>
11.	Dickinson city	1.05733241090%	\$2,336.54	\$0.00	<b>\$2,336.54</b>
12.	DUNN COUNTY	0.50176152480%	\$1,108.82	\$0.00	<b>\$1,108.82</b>
13.	EDDY COUNTY	0.22279701270%	\$492.35	\$0.00	<b>\$492.35</b>
14.	Fargo city	12.86399660050%	\$28,427.48	\$0.00	<b>\$28,427.48</b>
15.	FOSTER COUNTY	0.39385465070%	\$870.36	\$0.00	<b>\$870.36</b>
16.	GOLDEN VALLEY COUNTY	0.22786318740%	\$503.54	\$0.00	<b>\$503.54</b>
17.	Grand Forks city	7.19999715380%	\$15,910.90	\$0.00	<b>\$15,910.90</b>
18.	GRAND FORKS COUNTY	5.46392965230%	\$12,074.45	\$0.00	<b>\$12,074.45</b>
19.	GRANT COUNTY	0.20936268180%	\$462.66	\$0.00	<b>\$462.66</b>
20.	GRIGGS COUNTY	0.20734268070%	\$458.20	\$0.00	<b>\$458.20</b>
21.	HETTINGER COUNTY	0.20966847530%	\$463.34	\$0.00	<b>\$463.34</b>

<sup>1</sup> Final payments to the State and/or Abatement Accounts Funds may vary by +/- \$0.01-\$0.05 to account for rounding to the nearest cent during Subdivision calculations.

# National Opioid Settlements



22.	Jamestown city	0.70246642880%	\$1,552.34	\$0.00	<b>\$1,552.34</b>
23.	KIDDER COUNTY	0.30747828390%	\$679.48	\$0.00	<b>\$679.48</b>
24.	LA MOURE COUNTY	0.30360882030%	\$670.93	\$0.00	<b>\$670.93</b>
25.	Lisbon city	0.13724246580%	\$303.29	\$0.00	<b>\$303.29</b>
26.	LOGAN COUNTY	0.16413317990%	\$362.71	\$0.00	<b>\$362.71</b>
27.	Mandan city	1.12629325100%	\$2,488.94	\$0.00	<b>\$2,488.94</b>
28.	MCINTOSH COUNTY	0.28700776270%	\$634.24	\$0.00	<b>\$634.24</b>
29.	MCKENZIE COUNTY	1.23125539260%	\$2,720.89	\$0.00	<b>\$2,720.89</b>
30.	MCLEAN COUNTY	1.13846618370%	\$2,515.84	\$0.00	<b>\$2,515.84</b>
31.	MERCER COUNTY	1.12410712160%	\$2,484.11	\$0.00	<b>\$2,484.11</b>
32.	Minot city	2.89096273390%	\$6,388.59	\$0.00	<b>\$6,388.59</b>
33.	MORTON COUNTY	2.67036361180%	\$5,901.10	\$0.00	<b>\$5,901.10</b>
34.	MOUNTRAIL COUNTY	1.11428938670%	\$2,462.41	\$0.00	<b>\$2,462.41</b>
35.	NELSON COUNTY	0.47409750600%	\$1,047.68	\$0.00	<b>\$1,047.68</b>
36.	OLIVER COUNTY	0.22282347560%	\$492.41	\$0.00	<b>\$492.41</b>
37.	PEMBINA COUNTY	1.25300054340%	\$2,768.94	\$0.00	<b>\$2,768.94</b>
38.	PIERCE COUNTY	0.72845740440%	\$1,609.78	\$0.00	<b>\$1,609.78</b>
39.	RAMSEY COUNTY	1.27343431060%	\$2,814.10	\$0.00	<b>\$2,814.10</b>
40.	RANSOM COUNTY	0.61836734130%	\$1,366.50	\$0.00	<b>\$1,366.50</b>
41.	RICHLAND COUNTY	2.43094936980%	\$5,372.03	\$0.00	<b>\$5,372.03</b>
42.	ROLETTE COUNTY	1.81980345920%	\$4,021.49	\$0.00	<b>\$4,021.49</b>
43.	SARGENT COUNTY	0.57736749240%	\$1,275.89	\$0.00	<b>\$1,275.89</b>
44.	SHERIDAN COUNTY	0.08958866850%	\$197.98	\$0.00	<b>\$197.98</b>
45.	SIOUX COUNTY	0.66662096430%	\$1,473.13	\$0.00	<b>\$1,473.13</b>
46.	SLOPE COUNTY	0.04709072570%	\$104.06	\$0.00	<b>\$104.06</b>
47.	STARK COUNTY	3.35267413380%	\$7,408.90	\$0.00	<b>\$7,408.90</b>
48.	STEELE COUNTY	0.24349393870%	\$538.08	\$0.00	<b>\$538.08</b>
49.	STUTSMAN COUNTY	1.97588603770%	\$4,366.41	\$0.00	<b>\$4,366.41</b>
50.	TOWNER COUNTY	0.18074893910%	\$399.43	\$0.00	<b>\$399.43</b>
51.	TRAILL COUNTY	1.05876434760%	\$2,339.71	\$0.00	<b>\$2,339.71</b>
52.	WALSH COUNTY	2.05210947290%	\$4,534.85	\$0.00	<b>\$4,534.85</b>
53.	WARD COUNTY	3.48498420970%	\$7,701.29	\$0.00	<b>\$7,701.29</b>
54.	WELLS COUNTY	0.43466043830%	\$960.53	\$0.00	<b>\$960.53</b>
55.	West Fargo city	1.84170591710%	\$4,069.89	\$0.00	<b>\$4,069.89</b>
56.	WILLIAMS COUNTY	2.30673694060%	\$5,097.54	\$0.00	<b>\$5,097.54</b>
57.	Williston city	1.50169738170%	\$3,318.52	\$0.00	<b>\$3,318.52</b>
<b>58.</b>	<b>SUB-TOTALS</b>	<b>96.914362962%</b>	<b>\$214,166.02</b>	<b>\$0.00</b>	<b>\$214,166.02</b>

# National Opioid Settlements



<b>B. Non-Participating Subdivisions<sup>2</sup></b>					
59.	BOTTINEAU COUNTY	0.6564106964%	\$1,450.57	\$0.00	<b>\$1,450.57</b>
60.	BOWMAN COUNTY	0.3537618912%	\$781.76	\$0.00	<b>\$781.76</b>
61.	CAVALIER COUNTY	0.4775832577%	\$1,055.39	\$0.00	<b>\$1,055.39</b>
62.	DIVIDE COUNTY	0.1925705034%	\$425.55	\$0.00	<b>\$425.55</b>
63.	EMMONS COUNTY	0.7218887252%	\$1,595.26	\$0.00	<b>\$1,595.26</b>
64.	MCHENRY COUNTY	0.3973374621%	\$878.06	\$0.00	<b>\$878.06</b>
65.	RENVILLE COUNTY	0.2860845016%	\$632.20	\$0.00	<b>\$632.20</b>
66.	<b>SUB-TOTALS</b>	<b>3.0856370376%</b>	<b>\$6,818.79</b>	<b>\$0.00</b>	<b>\$6,818.79</b>
<b>TOTALS</b>		<b>100.0000%</b>	<b>\$220,984.81</b>	<b>\$0.00</b>	<b>\$220,984.81</b>

<sup>2</sup> Amounts allocated to the Subdivision Fund for Non-Participating Subdivisions will be held in Escrow until disbursements for Payment Year 2, provided the Subdivision becomes a Participating Subdivision by July 15, 2022. Any amounts held in Escrow for Non-Participating Subdivisions after that date will be reallocated and paid to the Abatement Accounts Fund.