

IN THE CIRCUIT COURT OF CRITTENDEN COUNTY, ARKANSAS

CRITTENDEN COUNTY, ARKANSAS and
CITY OF WEST MEMPHIS, ARKANSAS

PLAINTIFFS

v.

Case No. 18CV-22-355

PERRY COUNTY FOOD & DRUG, INC.

DEFENDANT

**Order Establishing the Arkansas Opioids Qualified Settlement Fund,
Appointing the Fund Administrator, and Appointing the Custodial Bank**

Upon the Consent Motion of the Plaintiffs, Crittenden County, an Arkansas County, and City of West Memphis, an Arkansas City, for themselves and all other Counties and Cities of Arkansas, and not opposed by Defendant, this Court issues the following Order establishing a Qualified Settlement Fund regarding the resolution of claims brought by the Plaintiffs with respect to settling Pharmaceutical Supply Chain Participants.

1. Plaintiffs have informed the Court that they have entered into an Arkansas Opioids Memorandum of Understanding, outlining how recoveries from Pharmaceutical Supply Chain Participants are to be shared by the State of Arkansas, and its Counties and Cities (the “MOU”), which has been filed with this Court. In addition, Plaintiffs have advised this Court that Plaintiffs have settled with Pharmaceutical Supply Chain Participants, the Janssen Defendants, McKesson Corp., Cardinal Health, Inc., and AmerisourceBergen Corporation; Plaintiffs have entered into settlement discussions with the Endo Defendants; and Plaintiffs anticipate receiving recoveries from the foregoing Settlements in the very near future.

2. Establishment of Fund. The Court approves and hereby establishes The Arkansas Opioids Qualified Settlement Fund (the “Fund”) to receive the Settlement amounts due the Counties and the Cities (as defined in the MOU), to be a Qualified Settlement Fund for Federal Income Tax purposes pursuant to Internal Revenue Code § 468B and Treas. Reg. § 1.468B-1 and to resolve all Claims of the Plaintiffs against the Settling Defendants.

3. Appointment of the Fund Administrator. Attorney Edgar C. Gentle, III, of the law firm Gentle, Turner, & Benson, LLC, 501 Riverchase Parkway East, Hoover, Alabama 35244, is hereby appointed to serve as the Fund Administrator, to carry out the duties of Fund Administrator set out in the Consent Motion and in this Order.

4. Appointment of the Custodial Bank. Evolve Bank & Trust is hereby appointed to serve as the Custodial Bank, to carry out the duties of the Custodial Bank set out in the Consent Motion and in this Order.

5. Powers of Fund Administrator. The Fund Administrator is hereby authorized to pay Arkansas Counties and Cities in accordance with the MOU; to distribute all Settlement recovery attorney fees and expenses to Counsel for Plaintiffs; and to otherwise manage the Fund and carry out the duties of the Fund Administrator as set out in the Consent Motion and in this Order.

6. Powers of the Custodial Bank. The Fund shall be held at the Custodial Bank, and the Custodial Bank shall be responsible for any and all investment related decisions, following the instructions of the Administrator and/or its investment advisor pursuant to the terms and conditions such that the following investment policy is implemented: (1) safety of principal; (2) zero bank balance exposure; and/or (3) the use of zero sweep disbursement accounts to ensure funds remain in custodial or fully insured accounts to avoid an impermissible risk of loss should

the Bank holding the funds fail, and following the investment style outlined in the Consent Motion and in this Order.

ORDERED this 10 day of June, 2022.


CIRCUIT JUDGE SCOTT ELLINGTON