



**RESOLUTION OF THE GOVERNING BODY OF THE  
THREE AFFILIATED TRIBES OF THE  
FORT BERTHOLD INDIAN RESERVATION**

**A Resolution Entitled, “*Authorizing and Approving the Three Affiliated Tribes’ Participation in Settlements of Tribal Opioid Claims Against Teva, Allergan, Walmart, Walgreens, and CVS*”**

- WHEREAS,** The Mandan Hidatsa and Arikara Nation (MHA Nation), also known as the Three Affiliated Tribes, having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws (the Constitution) under said Act, and
- WHEREAS,** Pursuant to Article III, Section 1 of the Constitution, the Tribal Business Council is the governing body of the MHA Nation; and
- WHEREAS,** The Constitution authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the MHA Nation and of the enrolled members thereof; and
- WHEREAS,** The Native American population has suffered some of the worst consequences of the opioid epidemic of any population in the United States and tribal governments have spent considerable 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, and pharmacies, in which the tribes maintain these entities are responsible for the opioid crisis; and
- WHEREAS,** Pursuant to Resolution No. 22-136-FWF the Tribal Business Council approved the MHA Nation’s participation in tribal opioid settlements against Janssen (Johnson & Johnson) and Three Major Distributors; and
- WHEREAS,** The court-appointed Tribal Leadership Committee announced five comprehensive settlements of opioid claims asserted in cases filed by the tribes against Teva, Allergan, Walmart, Walgreens and CVS (“Five Settlements”); and
- WHEREAS,** Teva, an opioid manufacturer, will pay approximately \$119,000,000 over 13 years and provide 200,000 kits of Naloxone Hydrochloride Nasal Spray (generic Narcan®), a medication that counteracts the life-threatening effects of opioid overdose, to be distributed to Tribes as part of the settlement, with an additional settlement value of \$25,000,000; and



**WHEREAS,** Allergan, a related opioid manufacturer, will pay nearly \$71,000,000 over 6 years; and

**WHEREAS,** For pharmacies, Walmart will pay \$77,900,000 over one year; Walgreens will pay approximately \$148,000,000 over 15 years and CVS will pay approximately \$130,000,000 over 10 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 MHA Nation is aware of and has reviewed the terms of the Five Settlements and upon recommendation of counsel elects to participate in the Five Settlements.

**NOW THEREFORE BE IT RESOLVED,** The Tribal Business Council authorizes and approves the attached participation forms for Teva/Allergan, Walmart, CVS, and Walgreens, and Informed Consent Letter to enable the MHA Nation, acting through the authorized law firm, Skikos Crawford Skikos & Joseph, LLP, to participate in the Five Settlements.

**BE IT FURTHER RESOLVED,** The Chairman is hereby authorized to execute the forementioned participation forms and consent letter and take such further action as is necessary to carry out the terms and intent of this Resolution.

**BE IT FINALLY RESOLVED,** The Tribal Business Council authorizes Skikos Crawford Skikos & Joseph, LLP to submit the tribal participation forms on the MHA Nation's behalf.

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**CERTIFICATION**


I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 11<sup>th</sup> day of January, 2023, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [ X ] Voting. [ ] Not Voting.

Dated this 11<sup>th</sup> day of January, 2023.

**ATTEST:**

  
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Tribal Secretary, Fred W. Fox  
Tribal Business Council

  
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Tribal Chairman, Mark N. Fox  
Tribal Business Council