

NINTH LEGISLATURE  
OF THE  
CHEYENNE AND ARAPAHO TRIBES  
SPECIAL SESSION  
JUNE 10, 2022  
LCR, CONCHO, OK

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**RESOLUTION:** A Resolution of the Cheyenne and Arapaho Tribes to elect to participate in the Johnson & Johnson Settlement and the Big 3 Distributors' Settlement and authorize the Tribes' Opioid Litigation Counsel to submit the Tribal Participation Forms on the Tribe's Behalf.

**RESOLUTION NO.:** 9L-SS-2022-0610-002  
**DATE INTRODUCED:** June 3, 2022  
**SPONSOR:** Travis Ruiz, A3 District  
**CO-SPONSOR:** Diane Willis, A1 District

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**SUBJECT:** A Resolution of the Cheyenne and Arapaho Tribes to elect to participate in the Johnson & Johnson Settlement and the Big 3 Distributors' Settlement and authorize the Tribes' Opioid Litigation Counsel to submit the Tribal Participation Forms on the Tribe's Behalf.

**WHEREAS:** The Cheyenne and Arapaho Tribes (the "Tribes") are a federally recognized Indian tribe organized pursuant to a Constitution approved by tribal membership on April 4, 2006 and approved by the Secretary of the Interior on May 17, 2006 (the "Constitution"); and

**WHEREAS:** Article VI, Section 5(a) of the Constitution grants the Legislature the "power to make all laws and resolutions in accordance with the Constitution which are necessary and proper for the good of the Tribes;" and

**WHEREAS:** Article VII, Section 4(d) of the Constitution requires that the Legislature or Tribal Council give prior authorization for the signing of contracts by the Governor; and

**WHEREAS:** Article V, Section VII, Section 4(d) provides that no contract shall be valid which has not been previously authorized by the Tribal Council or Legislature.

**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 Cheyenne and Arapaho Tribes are aware of and have reviewed the terms of the J&J Settlement and the Big 3 Distributors’ Settlement and elects to participate in the Settlements; and,

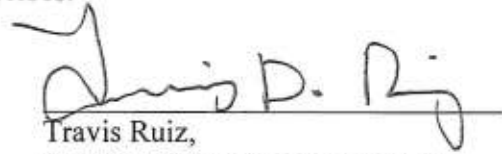
**WHEREAS:** The Ninth Legislature of the Cheyenne and Arapaho Tribes finds that it is necessary and proper to authorize Governor Wassana to enter into and execute a settlement agreement with Johnson & Johnson Opioid Settlement and the “Big 3 Distributors” Opioid Settlement.

**NOW, THEREFORE BE IT RESOLVED** that the Cheyenne and Arapaho Tribes, 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 elect to participate in the Johnson & Johnson 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; and

**BE IT FURTHER RESOLVED,** that the Ninth Legislature of the Cheyenne and Arapaho Tribes authorizes Governor Reggie Wassana to enter into and execute any and all

documents related to the settlement agreement with Johnson & Johnson Settlement and the Big 3 Distributers Settlement; and

**BE IT FURTHER RESOLVED**, that FRAZER P.L.C. is authorized to submit the Tribal Participation Forms attached to this Resolution as Exhibit C and Exhibit D on behalf of the Cheyenne and Arapaho Tribes.



Travis Ruiz,  
Speaker of the Ninth Legislature  
Cheyenne and Arapaho Tribes

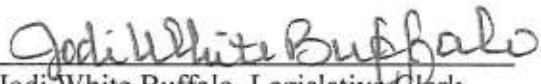


**ATTEST:**

I, Jodi White Buffalo, Legislative Clerk, hereby certify that the foregoing is a True and Accurate Copy of the Original Bill No. 9L-SS-2022-0610-002 which was acted upon by the Legislature of the Cheyenne and Arapaho Tribes in the Ninth Legislature Special Session, by a roll call vote on the 10<sup>th</sup> day of June 2022, by a vote.

**VOTE RECORD:**

DISTRICT	LEGISLATOR	YES	NO	ABSTAIN	ABSENT
A1	Diane Willis	✓			
A2	Kendricks Sleeper				✓
A3	Travis Ruiz	✓			
A4	Rector Candy	✓			
C1	Bruce Whiteman	✓			
C2	George Woods				✓
C3	Darrell Flyingman	✓			
C4	Byron Byrd	✓			
<b>TOTAL</b>		6			2
<b>Passes (X) Fails ( ) Tabled ( ) Allowed to Die ( ) No Action ( )</b>					

  
Jodi White Buffalo, Legislative Clerk  
Ninth Legislature, Cheyenne and Arapaho Tribes



**ATTEST:**


Pursuant to Article VI, Section 7, subsection (a)(iv) of the Tribes Constitution reads in part: "All Bills passed by the Legislature shall be presented to the Governor for signature or veto."

Pursuant to Article VII, Section 4, subsection (g) of the Tribes Constitution reads: "The Governor shall have the power to sign any enactment passed by the Legislature into law or to veto any enactment passed by the Legislature within ten (10) days of passage with a written explanation of any objections; and if the Governor takes no action within ten (10) days, then the enactment shall become law in accordance with this Constitution."

{  } APPROVED

{  } VETOED: Attachment \_\_\_\_; Governor's written explanation of any objections.

On the 10<sup>th</sup> day of June, 2022.

  
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Reggie Wassana, Governor  
Cheyenne and Arapaho Tribes



**TRANSMITTAL OF DOCUMENTS:**

**From the Legislative Branch to the Office of Records Management**

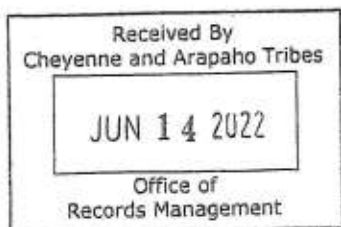
**ATTEST:**

Pursuant to Article VI, Section 7, subsection (a)(v), of the Tribes Constitution reads, "The Office of Records Management shall compile all Laws and Resolutions into a comprehensive Code in an orderly manner that shall be published annually."

Office of Records Management Staff, hereby certify that the foregoing is a True and Accurate Original Resolution No. 9L-SS-0610-002.

Space below is reserved for Stamp:

Received (Date) Office of Record Management



Signature: Cheryl Blind

Print Name: Cheryl Blind

Title: Director

Date: 6/14/22

Office of Records Management  
Department of Administration, Executive Branch  
Cheyenne and Arapaho Tribes

