

Introduced by Presiding Officer Lindsay

Laid on Table 11/16/2010

**PROCEDURAL RESOLUTION NO. 26-2010, APPROVING
PARTIAL SETTLEMENT OF AWP LITIGATION (AMGEN ET
AL)**

WHEREAS, Procedural Motion No. 12-2002 authorized the retention of the law firm of Kirby, McInerney and Squire, 830 Third Avenue, New York, NY 10022, to bring legal actions on behalf of the County of Suffolk against pharmaceutical manufacturers, pharmaceutical wholesalers, and pharmaceutical retailers and/or other responsible parties to recover overpayment and costs incurred by the County of Suffolk as a result of improperly inflated Average Wholesale Pricing ("AWP") information for prescription drugs purchased through the Medicaid Program; and

WHEREAS, outside counsel initiated litigation in federal court on behalf of Suffolk County against numerous defendants; the County's case is part of a multi-district litigation, *In Re Pharmaceutical Industry Average Wholesale Price Litigation*: and

WHEREAS, outside counsel advises that a tentative settlement has been reached with Amgen, Chiron, Ethex, Fujisawa, GSK and Dey; and

WHEREAS, under the terms of this settlement, the County of Suffolk shall be paid the gross amount of Twenty Six Thousand, Six Hundred Thirty-Six and 00/100 (\$26,636.00) by Amgen, Chiron, Ethex, Fujisawa, GSK and Dey; and

WHEREAS, Kirby, McInerney and Squire recommends that the County accept the partial settlement described herein; now, therefore be it

1st RESOLVED, that a partial settlement of the County's claims *In Re Pharmaceutical Industry Average Wholesale Price Litigation* as described herein, is approved; and be it further

2nd RESOLVED, that the County's claims against the non-settling defendants shall remain in full force and effect; and be it further

3rd RESOLVED, that the Presiding Officer of the Suffolk County Legislature and Counsel to the Suffolk County Legislature are hereby authorized to execute such documents as necessary to effectuate such settlement.

DATED:

EFFECTIVE IMMEDIATELY PURSUANT TO SECTION 2-15(A) OF THE SUFFOLK COUNTY CHARTER