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TO ALL COUNSEL FOR ANY CITY, TRIBE,
COUNTY, OR OTHER MUNICIPALITY
HOLDING CLAIMS IN CONNECTION WITH
In Re Purdue Pharma, L.P., et al., Case No. 19-
23649 (RDD) (Bankr. S.D.N.Y.)

RE: Consolidated Claim for Consenting Cities and Counties in Connection with *In Re Purdue Pharma, L.P., et al.*, Case No. 19-23649 (RDD) (Bankr. S.D.N.Y.)

THIS IS NOT A SOLICITATION TO VOTE ON ANY BANKRUPTCY PLAN

To whom it may concern:

As you may be aware, Brown Rudnick LLP (“**Brown Rudnick**”) has been retained as co-counsel by the ad hoc committee of governmental and other contingent litigation claimants (collectively, the “**Ad Hoc Committee**”) formed in connection with the bankruptcy cases of *In Re Purdue Pharma, L.P., et al.*, Case No. 19-23649 (RDD) (Bankr. S.D.N.Y.) (the “**Purdue Bankruptcy Cases**” and “**Bankruptcy Court**”).¹ The deadline for filing proofs of claim in the Purdue Bankruptcy Cases for any person or entity, including cities, counties, municipalities, other local governments and Native American Tribes (a “**Government Entity**” or “**Government Entities**”), has been extended to **July 30, 2020 at 5:00 p.m.** (Prevailing Eastern Time) (the “**Bar Date**”).

We and the Ad Hoc Committee are not any individual Government Entity’s attorneys with respect to any claims a Government Entity has against Purdue Pharma, L.P. or its affiliated debtors (collectively, “**Purdue**”), and no recipient of this letter is a client of ours with respect to Purdue. Nothing contained herein is intended to be legal advice and only a Government Entity itself can determine whether it has a claim against Purdue. All Government Entities in receipt of this letter should consult with their attorney(s) in respect of this letter, the Purdue Bankruptcy Cases, and their claims against Purdue.

¹ The Ad Hoc Committee is composed of: (1) Broward County, Fl.; (2) City of Chicago, Ill.; (3) Huntington/Cabell County; (4) King County, WA.; (5) Muscogee (Creek) Nation; (6) the Court appointed Co-Lead Counsel on behalf of the Court appointed Plaintiffs’ Executive Committee in *In re National Prescription Opiate Litigation*, Case No. 17-md-02804, MDL No. 2804 (the “PEC”); (7) the City of Philadelphia, Pa.; (8) Santa Clara County, Ca.; (9) State of Florida; (10) State of Georgia; (11) State of Louisiana; (12) State of Michigan; (13) State of Mississippi; (14) State of New Mexico; (15) State of Ohio; (16) State of Tennessee; (17) State of Texas; and (18) State of Utah.



The Bankruptcy Court's order entered on February 3, 2020 (the "**Bar Date Order**")² provides that all holders of claims that fail to timely file a proof of claim in appropriate form shall "(i) be forever barred, estopped, and enjoined from asserting such claims against the Debtors, their property, or their estates (or submitting a proof of claim with respect thereto) and (ii) not treated as a creditor with respect to such claim for the purposes of *voting and distribution* with respect to any chapter 11 plan or plans of reorganization that may be filed in these cases." *Id.* at ¶ 17 (emphasis added).

We encourage all Government Entities who hold claims against Purdue to file a proof of claim before the Bar Date, and the most effective and protective way to do so is to file an *individual* Proof of Claim. A Government Entity can file a Proof of Claim even if it has not filed a lawsuit against Purdue or retained counsel. Government Entities can access and file individual Proofs of Claim at <https://purduepharmaclaims.com/submitclaim.html>.

Nonetheless, for administrative ease, the Bar Date Order specifically authorizes the Ad Hoc Committee to act as a facilitator and file a Consolidated Claim on behalf of Government Entities that hold claims against Purdue, in lieu of those Government Entities filing individual Proofs of Claim.³ For the avoidance of doubt, the Ad Hoc Committee's only purpose is to facilitate the process by which Government Entities can participate in a Consolidated Claim. The Ad Hoc Committee takes no position concerning any Government Entity's individual claim(s) against Purdue and is not adopting the Consolidated Claim as a claim on behalf of the Ad Hoc Committee. The Consolidated Claim will allow any Governmental Entity that does not wish to complete an individual Proof of Claim to submit a proof of claim through a streamlined process. A Government Entity that submits an individual Proof of Claim does not need to participate in the Consolidated Claim. The rest of this letter concerns this option to participate in a Consolidated Claim.

The Consolidated Claim will: (i) set forth a summary, prepared by the Ad Hoc Committee, of the collective claims and theories of recovery shared by all participants of the Consolidated Claim (*i.e.*, shared by all counties, cities, municipalities, and tribes) (the "**Collective Theories**," attached hereto as **Exhibit A**); and (ii) include a schedule listing the participants and for each participant: (a) its contact address, (b) email address, (c) attorney information, if any, (d) any claims or causes of action that participant believes it has against Purdue that is not encapsulated by the Collective Theories, and (e) the amount of monetary relief and remedies sought, including but not limited to damages and abatement costs (the "**Claim Amount**"). The schedule will be in substantially the same form as the Consolidated Claim Summary Information Sheet, attached hereto as **Exhibit C**.

Any Government Entity that wishes to be included in a Consolidated Claim must provide the information described above *and* provide its written consent and authorization to the Ad Hoc Committee and its co-counsel by completing, signing, and returning the Consolidated Claim Authorization Form (the "**Consent Form**"), attached hereto as **Exhibit B**. By joining the Consolidated Claim, a Government Entity will be bound by the Collective Theories as well as the Claim Amount asserted therein. However, each participating Government Entity has the right to amend its claim(s) included in the Consolidated Claim by the Bar Date. Any amendment sought to a claim(s) included in the Consolidated Claim after

² See Bar Date Order, *In re Purdue Pharma L.P., et al.*, Case No. 19-23649 (RDD) (Bankr. S.D.N.Y. 2019) [Docket No. 800]. The Bar Date Order and all other documents filed in the Bankruptcy Cases are available at <https://restructuring.primeclerk.com/purduepharma/>.

³ See Bar Date Order at 6-7, ¶¶ 7, 8. There is no fee for filing an individual proof of claim or for participating in this Consolidated Claim.



the Bar Date would require approval of the Bankruptcy Court. This letter is not intended to provide legal advice on your ability to amend your claim(s).

Government Entities that consent to and authorize their participation in the Consolidated Claim must choose one of three options for how to describe the monetary relief sought for their claims. Each participating Government Entity must select its desired option on the Consent Form:

(Option 1) The Ad Hoc Committee has worked with Ted Miller, an internationally recognized safety economist with Pacific Institute for Research and Evaluation (PIRE), who has developed a model that estimates monetary relief, including damages and abatement costs, which cities, counties, and municipalities across the United States (the “**Municipality Claim Model**”) may assert against the Debtors. The Government Entity may elect to use an amount derived for that entity using the Municipality Claim Model, if such an amount is available. The amount calculated for each Government Entity using the Municipality Claim Model can be viewed online at <https://purduelocalgovtclaims.info>. Please note that the Municipality Claim Model does not provide a cost estimate for Native American Tribes. Native American Tribes are directed to select from Option 2 and Option 3 when completing a Consent Form. When reviewing the Municipality Claim Model and the website that contains the Model, please carefully review the notes, disclaimers and explanatory language contained therein.

(Option 2) The Government Entity may calculate and set forth its own dollar value for its Claim Amount.

(Option 3) The Government Entity may elect to have its Claim Amount described as “unliquidated.”

Regardless of which of the three options a participating Government Entity selects, the Consolidated Claim filed by the Ad Hoc Committee will state that Claim Amounts included therein are “not less than” the amount indicated in the schedule and that the scheduled amounts are estimates.

In order for you or your client’s claim to be included as part of the Consolidated Claim to be filed by the Ad Hoc Committee, the Consent Form (*i.e.*, Exhibit B) must be fully completed, signed, and returned to us no later than July 15, 2020 via email at upinelo@brownrudnick.com and dlimongello@brownrudnick.com. We will provide email confirmation of receipt of your completed Consent Form. If you do not receive an email confirmation of our receipt by July 17, 2020 please follow-up by email or phone call. Additionally, none of Brown Rudnick LLP, its agents and employees, nor any member of the Ad Hoc Committee or their counsel, shall have any liability to you or your client, as applicable in respect of the Consolidated Proof of Claim, the Bankruptcy Cases, your or your Client’s Claim(s), or the submission of or failure to submit the Consolidated Claim. Return of the Consent Form shall constitute you and/or your client’s acknowledgement of no liability and waiver of any liability related to the foregoing.

If any entity or counsel has questions or needs assistance in completing the Consent Form for the Consolidated Claim process, they may contact Uriel Pinelo (upinelo@brownrudnick.com, 212.209.4853) and Dale Limongello (dlimongello@brownrudnick.com, 212.209.4874).

Sincerely,
BROWN RUDNICK LLP

/s/ David J. Molton

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