



2018 Annual Convention Worley, Idaho

RESOLUTION #18 - 51

AMICUS BRIEF SUPPORT AND STATEMENT OF INTEREST FOR TRIBAL BELLWETHER CASES IN THE NATIONAL OPIOID LITIGATION

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of ATNI; and

WHEREAS, the misuse and abuse of opioids has taken a devastating toll on the public health and safety of our tribal nations at disproportionate rates and, there is a significant lack of resources within tribal communities to address this drug epidemic; and

WHEREAS, in December 2017, hundreds of cases filed against opioid drug manufacturers and distributors in federal court were transferred and consolidated before U.S. District Judge Dan Polster in federal district court in the Northern District of Ohio, to be resolved through a coordinated proceeding called a Multidistrict Litigation (MDL); and

WHEREAS, the MDL Court has established a separate “Tribal Track” in the litigation, recognizing that Tribal Nations are sovereigns and, as such, the claims brought by Tribal Nations are different than those brought by states, cities, counties and others; and

WHEREAS, the MDL Court issued Case Management Order 6 for the management of the Tribal government cases filed, and designated two Tribal cases – the Muscogee Creek and the Blackfeet Nation – as bellwether or test cases and set a briefing schedule for the defendants to file motions to dismiss challenging the Tribes’ claims; and

WHEREAS, as part of the motion to dismiss process, Judge Polster ordered that interested Tribal Nations (both those who have filed opioid cases and those that have not) join in a single Amicus Brief in support of the test cases brought by Muscogee Creek and Blackfeet Nation, currently due to be filed on October 5, 2018; and

WHEREAS, the Tribes and tribal organizations can join the Amicus Brief by submitting Statements of Interest that will demonstrate the force of our collective support of the bellwether cases and the depth and breadth of the tragedy of the opioid epidemic in Indian Country; now

THEREFORE BE IT RESOLVED, that ATNI will participate in the Tribal Amicus Brief in support of the tribal bellwether cases brought by Muscogee Creek and Blackfeet Nation by submitting a Statement of Interest that will be included in an appendix to the Brief.

CERTIFICATION

The foregoing resolution was adopted at the 2018 Annual Convention of the Affiliated Tribes of Northwest Indians, held at the Coeur D’Alene Casino Resort Hotel - Worley, Idaho, on September 17-20, 2018, with a quorum present.



Leonard Forsman, President



Norma Jean Louie, Secretary