

**Settlement in School District  
National Prescription Opiate Consultant Litigation  
Against McKinsey & Co.**

*A federal court authorized this Notice. You are not being sued. This is not a solicitation from a lawyer.*

A proposed settlement has been reached in a class action lawsuit brought by several public school districts across the country against the management consulting firm McKinsey & Co., Inc., and three related companies, McKinsey Holdings, Inc.; McKinsey & Company, Inc., United States; and McKinsey & Company, Inc., D.C. (All four companies are collectively referred to here as “McKinsey.”)

The school districts’ claims against McKinsey have been pending in federal court in the Northern District of California as part of a multi-district proceeding against McKinsey, captioned as *In re McKinsey & Co., Inc., National Prescription Opiate Consultant Litigation*, Case No. 21-md-02996-CRB (SK). The school districts serving as proposed class representatives include Putnam County School District in Florida; Jefferson, Martin, Estill, Larue, Breathitt, Fayette, and Bullitt County Public Schools in Kentucky; Regional School Units of 34 and 68 in Maine; Southwestern Central and Rochester City School District in New York; and Hamblen and Hancock County Boards of Education in Tennessee.

The proposed Settlement, which is described in this Notice, resolves the school districts’ claims:

- (a) For the last decade at least, the job of the public school districts in this country has been made more difficult by the increasing numbers of students affected by the opioid crisis. Addressing those students’ needs is significantly burdening school districts’ budgets.
- (b) McKinsey bears significant responsibility for the opioid crisis. McKinsey was the architect of a scheme to “turbocharge” opioid sales, advising multiple manufacturers and other industry participants, for well over a decade, about how to deceptively sell as many opioids as possible.
- (c) McKinsey’s conduct caused substantial, direct, and proximate harms to public school districts. Because of the opioid crisis, public school districts have been saddled with large costs and forced to spend or divert already scarce resources to support student victims of the opioid crisis, including (1) students exposed to opioids before birth and born with neonatal opioid withdrawal syndrome (NOWS) (sometimes referred to as Neonatal Abstinence Syndrome [“NAS”]), who, because of the adverse neurodevelopmental consequences of NOWS, disproportionately need costly special education services; (2) students traumatized by family members’ struggles with, or death from, opioid use disorders; and (3) students themselves suffering from opioid use disorder.

McKinsey denies liability and has asserted several defenses to public school districts’ claims, including res judicata and release and challenges to the legal sufficiency of the claims. (On res judicata and release, McKinsey argues that its earlier nationwide settlement with the State Attorneys General encompassed and extinguished subdivision and school district claims, except in West Virginia and Washington State. On the legal sufficiency of school districts’ claims, McKinsey argues that it owed duties to its opioid industry clients but not to government entities, like school districts.)

Under the Settlement Agreement, McKinsey will deposit \$23 million into a Public School District Opioid Recovery Trust, which will also hold and distribute funds from other settlements and resolutions that school districts have reached with other opioid industry defendants. This school district trust will make grants to school districts for projects to abate and mitigate the effects of the opioid crisis in public schools. The Trust will invite funding proposals from public school districts nationwide. All Class Member public school districts nationwide will be eligible to apply for and receive grants from the Trust. **However, under the Settlement, no school district is guaranteed any settlement funds; the Trust will not distribute Trust funds on a pro rata or proportional basis.**

The Trust will be administered by an independent Trustee with subject matter expertise, Dr. Andrés Alonso, the former deputy chancellor of the New York City public school system and Chief Executive Officer of the Baltimore City public school system, and by a bank Trustee, Truist Bank, which will handle administrative duties. Dr. Alonso will solicit and review requests for funding from school districts and, based on published criteria, select proposals for the Trust to fund.

For their work in securing this Settlement, Class Counsel will request \$2.3 million in attorneys’ fees and reimbursement of costs totaling no more than \$200,000. If approved by the Court, their request for attorneys’ fees and reimbursement of their costs will be deducted from the \$23 million McKinsey will deposit in the Public School District Opioid Recovery Trust. Class Counsel will also ask the Court to approve service awards of up to \$10,000, which will also be paid by the settlement fund, for 14 school districts that have spearheaded this litigation.



This Notice summarizes the proposed Settlement. For the precise terms of the Settlement, you can see the Settlement Agreement at [McKinseySchoolDistrictOpioidSettlement.com](http://McKinseySchoolDistrictOpioidSettlement.com), contact Class Counsel by emailing [publicschools@findjustice.com](mailto:publicschools@findjustice.com) or at (202) 822-5100, you may also access the court docket in this case, either through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov> for a fee or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, Phillip Burton Federal Building & United States Courthouse, 450 Golden Gate Avenue, San Francisco, CA 94102, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding court holidays.

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO ASK ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.**

For more information about the Public School District Opioid Recovery Trust, which will administer funds provided by this Settlement, please see [McKinseySchoolDistrictOpioidSettlement.com](http://McKinseySchoolDistrictOpioidSettlement.com).

**YOUR LEGAL RIGHTS UNDER THE SETTLEMENT ARE AFFECTED EVEN IF YOU DO NOTHING.  
PLEASE READ THIS NOTICE CAREFULLY.  
Questions? Go to [McKinseySchoolDistrictOpioidSettlement.com](http://McKinseySchoolDistrictOpioidSettlement.com)  
or call 1-888-318-4391.**

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## BASIC INFORMATION

### 1. What options does my school district have?

#### YOUR SCHOOL DISTRICT'S LEGAL RIGHTS AND OPTIONS IN THE SETTLEMENT

|  |  |
|--|--|
| <b>APPLY FOR FUNDS FROM THE PUBLIC SCHOOL DISTRICT OPIOID RECOVERY TRUST</b> | To apply for compensation from this Settlement, you must submit a request and proposal for funding to the Public School District Opioid Recovery Trust. Please refer to Question 5 and <a href="http://McKinseySchoolDistrictOpioidSettlement.com">McKinseySchoolDistrictOpioidSettlement.com</a> for more information about how to submit a valid grant proposal.   |
| <b>REQUEST EXCLUSION</b>   | To exclude your school district from the Settlement, you must submit a request to exclude (or "opt out") your school district by Friday, January 5, 2024. If you do that, your district will not be eligible to apply for grants from the Public School District Opioid Recovery Trust under this Settlement, but you will preserve your school district's rights to sue McKinsey over the claims being resolved by this Settlement.   |
| <b>OBJECT</b>  | <p>If you are dissatisfied with the Settlement, you can write to the Court explaining what you dislike about it. If you object to the Settlement, you are expressing your views about the Settlement, but by objecting rather than excluding your district, your district remains a member of the Settlement Class (if otherwise eligible) and, as part of the Settlement, will release the claims covered by this Settlement. If you object, you must submit a written objection by Friday, January 5, 2024. Please refer to Question 18.</p> <p>Objecting does not disqualify your school district from participating in the Settlement. However, if your school district wants to be considered for a grant of funds from the Settlement, you must submit a request for funding. Please refer to Question 5 for more information.</p> |
| <b>GO TO A HEARING</b>   | If you object to the Settlement as described above, you may also ask to speak in Court about the fairness of the Settlement.   |

## CLASS MEMBERSHIP

### 2. Is my school district included in the Settlement?

The Settlement Class includes all elementary, middle, and secondary public school districts in the United States, except those in Indiana, American Samoa, the Commonwealth of Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands.

### 3. Are any school districts excluded from the Settlement?

The following school districts are **excluded** from the Settlement Class:

- School districts in Indiana, American Samoa, the Commonwealth of Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands.

## GRANT-MAKING PROCESS

### 4. How much can my school district get in this Settlement?

Under the Settlement, class members are eligible to apply to the Public School District Opioid Recovery Trust for funds to help abate or mitigate the opioid crisis in their school district. Grant amounts have yet to be determined and will depend on the number of grant proposals received and selected by the independent Trustee for awards. **Under the Settlement, no school district is guaranteed any settlement funds. The Trust will not distribute settlement funds on a pro rata or proportional basis.**

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**5. How will the Trust work, and how can my school district apply for funds from the Trust?**

Details about how to apply for an award from the Trust and about the structure and purposes of the Trust are available at [McKinseySchoolDistrictOpioidSettlement.com](http://McKinseySchoolDistrictOpioidSettlement.com). The Trust will be administered by Dr. Andrés Alonso, former deputy chancellor of the New York City public school system and Chief Executive Officer of the Baltimore City public school system.

Dr. Alonso will solicit and review funding proposals from school districts nationwide. From among the proposals received, he will make grants to a limited number of school districts with the intent of directing the settlement money where it can be expected to have the greatest impact. Consistent with that purpose, Dr. Alonso will give priority, for example, to the following:

- (a) Applications for funding from public school districts (or consortia of districts) in areas most affected by the opioid crisis.
- (b) Applications from underfunded school districts or school districts with low per-pupil spending.
- (c) Applications that target services to children under the age of 8, where the potential gains are likely to be the highest.
- (d) Applications showing that funds received will be used to leverage matching funds from other sources, increasing their impact.
- (e) Applications showing how programs funded by the grant will become self-sustaining once the grant money has been spent.
- (f) Applications for projects that are innovative or designed to be replicated elsewhere.

Under the Trust, Trust funds must be used for direct services or innovative projects that benefit students. Settlement funds will not be available to support research. Uses that align with the abatement and mitigation goals and the criteria identified above might include the following:

- Grants for direct services, including to hire special education teachers, behavior specialists, counselors, social workers, reading coaches, or occupational, mental health, or physical therapists.
- Grants for multi-disciplinary programs, such as partnerships between public school districts and medical or social services providers.
- Grants for projects with nationwide applicability for training and developing staff to provide special education or multi-disciplinary services to abate and mitigate the effects of the opioid epidemic in schools.

The Public School District Opioid Recovery Trust will also be funded by amounts collected from other opioid defendants in other cases from which school districts have received or expect to receive additional recoveries. Class Counsel have entered terms sheets in the Purdue, Mallinckrodt, and Endo bankruptcies for \$25.5 million, \$5 million, and \$3 million respectively. The United States Supreme Court has granted certiorari in Purdue, likely causing a year or more in delay for that bankruptcy plan to become effective. The Mallinckrodt recovery is secured and escrowed. The Endo recovery is subject to bankruptcy court approval. The \$23 million in McKinsey, combined with the \$33.5 million potentially recovered in the bankruptcy proceedings, allows for a potential recovery for the Public School District Opioid Recovery Trust of \$56.5 million. This number could grow with other recoveries from other opioid defendants.

**6. When will trust awards be made?**

Currently, it is expected that the grant making process will start in early 2024, and the Trust will begin awarding grants in late 2024.

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## UNDERSTANDING THE CLASS ACTION PROCESS

### 7. Why am I getting this Notice?

You are receiving this Notice because your school district is likely a member of the Settlement Class. The Court in charge of this case authorized this Notice because class members have a right to know about the proposed settlement of this lawsuit and to understand all their options before the Court decides whether to approve the Settlement. This Notice summarizes the Settlement and explains class members' legal rights and options under the Settlement.

Judge Charles R. Breyer of the United States District Court for the Northern District of California is in charge of this case. The case is known as the National Prescription Opiate Consultant Litigation and has been consolidated in *In re McKinsey & Co., Inc., National Prescription Opiate Consultant Litigation*, Case No. 21-md-02996-CRB (SK). The school districts who sued are called the "Plaintiffs." McKinsey companies are the "Defendants."

### 8. What is a class action?

A class action is a representative lawsuit. One or more plaintiffs (who are also called "class representatives") sue on behalf of themselves and all others (in this case, on behalf of other public school districts) with similar claims who are not named but are described in the class definition and are called "class members." When a class action is settled, a court resolves the issues in the lawsuit for all class members, except for those who request to be excluded from (or "opt out" of) the class. Opting out means that your school district will not receive benefits under the Settlement. The opt-out process is described in Question 11 of this Notice.

### 9. What is my school district giving up in exchange for receiving the Settlement benefits?

In exchange for participating in the Settlement, which makes your school district eligible to apply for a grant from the Public School District Opioid Recovery Trust, your district will give up its right to sue the Released Parties for the opioid-related claims being resolved by the Settlement (*see* Question 10 below). The Settlement does not affect claims against other opioid defendants.

Section III of the Settlement Agreement contains the complete text and details of what class members give up unless they exclude themselves from the Settlement, so please read it carefully. The full text of the Settlement Agreement is available at [McKinseySchoolDistrictOpioidSettlement.com](http://McKinseySchoolDistrictOpioidSettlement.com). If you have any questions, you may talk to the law firms listed in Question 18 for free, or you may talk to your own lawyer at your own expense.

### 10. What are my school district's potential legal claims and remedies in this class action?

There are many claims for relief in this nationwide class action, including some claims that seek treble or punitive damages. The claims, including for violation of RICO and for common law public nuisance, negligence, failure to warn, violation of statutory duties, civil conspiracy, and aiding and abetting start at paragraph 566 of the First Amended Complaint, which was filed on September 26, 2023, in the Northern District of California and is entry #593 of the electronic docket on PACER. The Class Action Complaint can also be found on the Settlement Website at [McKinseySchoolDistrictOpioidSettlement.com](http://McKinseySchoolDistrictOpioidSettlement.com) under the "Documents" section. If you have any questions about the claims and remedies in the class action, you may talk to the law firms listed in Question 18 for free, or you may talk to your own lawyer at your own expense.

### 11. How can my school district get out of the Settlement?

If your school district does not want to be eligible to apply for a grant from the Public School District Opioid Recovery Trust and your district wants to retain the right to sue the Defendants about the issues in this case, you must take steps to remove your district from the Settlement. You may do this by asking to be excluded from—sometimes called "opting out" of—the Settlement. To do so, you must send an opt-out request to the Court-Appointed claims supervisor. Your request must include the following:

- Your district's name, address, and telephone number.
- A statement to the effect of, "I wish to exclude [insert the name of you school district] from the Settlement Class in the National Prescription Opiate Consultant Litigation Against McKinsey & Co., *In re McKinsey & Co., Inc., National Prescription Opiate Consultant Litigation*, Case No. 21-md-02996-CRB (SK)."

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- The printed name and signature of the school district superintendent or other person authorized to sign on behalf of the school district, showing the date signed, and accompanied by a further signed statement to the effect of, “I, the person signing this statement, warrant that I have legal authority to bind [insert name of school district].” (Electronic signatures, including DocuSign, are invalid and will not be considered personal signatures.)

Your exclusion request must be **postmarked** or emailed no later than January 5, 2024. If emailing, email your exclusion request to [publicschools@findjustice.com](mailto:publicschools@findjustice.com). If using a postal service, mail your exclusion request to *In re McKinsey & Co., Inc., National Prescription Opiate Consultant Litigation*, c/o Epiq Class Action & Claims Solutions, Inc., P.O. Box 2209, Portland, OR 97208-2209.

**12. If my school district does not exclude itself, can it sue the Defendants for the same thing later?**

No. Unless your school district excludes itself, your district gives up the right to sue the Defendants for all the claims that the Settlement resolves.

**13. If my school district excludes itself, can the district still get full benefits from the Settlement?**

No. If your school district excludes itself, your district will not be eligible to apply for an award from funds provided to the Trust by McKinsey. (Your district may still be eligible to apply for an award outside of this Settlement from funds provided by other opioid defendants.)

**14. If my school district opts out and pursues its own case, could it get a larger recovery?**

The law of most states provides for various remedies if a claim is proved at trial and upheld on appeal. None of these can be predicted with certainty, and all take more time. McKinsey has unique potential defenses in this case not available to many other defendants, such as their filed *res judicata* motions [310,315] and other motions to dismiss unique to consultant defendants [ECF 462]. The Settlement is designed to provide benefits that are not subject to the delay and risk of trial and appeals.

**15. Does my school district have a lawyer in the case?**

Yes. The Court has appointed Cyrus Mehri, Wayne Hogan, and Neil Henrichsen as Interim Class Counsel to prosecute all school district claims pending before Judge Charles R. Breyer as part of the National Prescription Opiate Consultant Litigation in *In re McKinsey & Co., Inc., National Prescription Opiate Consultant Litigation*, Case No. 21-md-02996-CRB (SK). Interim Class Counsel can be contacted in that capacity at no charge to you using the following information:

|   |   |   |
|---|---|---|
| Cyrus Mehri<br>MEHRI & SKALET, PLLC<br>2000 K St NW, #325<br>Washington, D.C. 20006<br>(202) 822-5100<br><a href="mailto:cmehri@findjustice.com">cmehri@findjustice.com</a> | Wayne Hogan<br>TERRELL HOGAN YEGELWEL, P.A.<br>233 E Bay St, #804<br>Jacksonville, FL 32202<br>(904) 722-2228<br><a href="mailto:hogan@terrellhogan.com">hogan@terrellhogan.com</a> | Neil Henrichsen<br>HENRICHSEN LAW GROUP P.L.L.C.<br>301 W Bay St, #1400<br>Jacksonville, FL 32202<br>(904) 381-8183<br><a href="mailto:nhenrichsen@hslawyers.com">nhenrichsen@hslawyers.com</a> |
|---|---|---|

**16. I've received solicitation letters from attorneys. Does my school district need to hire its own attorney to get money from the Settlement?**

No. Class Counsel will represent your school district for purposes of this Settlement at no charge to you. Any attorneys' fees and costs awarded to Class Counsel by the Court will be paid from the Public School District Opioid Recovery Trust. Please note, however, if you have been or are represented by your own lawyer, any money you may owe to your lawyer will not be covered by this Settlement. If you want to be represented by your own lawyer, you may hire one at your own expense. You might receive less money overall if you choose to hire your own lawyer to litigate against the Defendants rather than participate in this Settlement.

**17. How will Class Counsel be paid? How much will these lawyers be paid?**

Any attorneys' fees and costs awarded to Class Counsel by the Court will be paid from the Public School District Opioid Recovery Trust.

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Defendants will pay reasonable attorneys' fees and costs to Class Counsel as awarded by the Court. Class Counsel will ask the Court to award \$2.3 million as attorneys' fees and to reimburse them for their costs, estimated to be no more than \$200,000. They will file that request with the court on Friday, November 10, 2023. That document will be available on the Settlement Website shortly after it is filed and will describe the methodology and rationale behind Class Counsel's request. Class Members can comment on or object to this request, as explained further in Question 18. The Court must approve any attorneys' fees and costs before they are paid.

**Defendants will not pay attorneys' fees and costs to any attorneys other than Class Counsel and attorneys working under Class Counsel's direction.** If you have hired or choose to hire attorneys that have not been appointed as Class Counsel, you may incur additional charges, subject to your agreement with your personally-retained attorneys. No attorneys other than Class Counsel or other attorneys authorized by Class Counsel to perform work in connection with this action will receive fees or expenses from Defendants under the Settlement Agreement or any fee-shifting statute.

**18. How do I tell the Court if my school district does not like the Settlement?**

If you do not exclude your school district from the Settlement, you may object to it. The Court will consider your views. By filing an objection, you can ask the Court not to approve the Settlement. You can't ask the Court to order a different settlement; the Court can only approve or reject the Settlement. If the Court does not approve the Settlement, no settlement payments will be sent out and the lawsuit will continue. If that is what you want to happen, you should object. To comment on or to object to the Settlement or Class Counsel's request for attorneys' fees and costs, you or your attorney must submit a written objection to the Court, which must include the following information:

- Your name, address, and telephone number.
- A statement that you "object to the National Prescription Opiate Consultant Litigation Class Action Settlement with McKinsey in *In re McKinsey & Co., Inc. National Prescription Opiate Consultant Litigation*, Case No. 21-md-02996-CRB (SK)," or substantially similar clear and unambiguous language.
- The reasons you object to the Settlement, along with any supporting materials.
- A statement that you have reviewed the Settlement Class definition and have not opted your school district out of the Settlement Class.
- Your signature and the date.

If you object through your own lawyer (hired at your own expense), your lawyer must comply with additional requirements contained in the bullet points above.

In addition, if you intend to appear at the Final Approval Hearing, you must submit a written notice of your intent (see Questions 21 and 22 below).

You must mail your objection to all of the addresses below, postmarked by Friday, January 5, 2024.

| Court  | Class Counsel   | Defense Counsel  |
|--|---|--|
| Clerk of the Court<br>Judge Charles R. Breyer<br>Phillip Burton Federal Building &<br>United States Courthouse<br>450 Golden Gate Avenue<br>San Francisco, CA 94102<br><br><b>PLEASE DO NOT TELEPHONE<br/>                     THE COURT OR THE COURT<br/>                     CLERK'S OFFICE TO ASK<br/>                     ABOUT THIS SETTLEMENT<br/>                     OR THE CLAIM PROCESS.</b> | Cyrus Mehri<br>MEHRI & SKALET, PLLC<br>2000 K St NW, #325<br>Washington, D.C. 20006<br><br>Wayne Hogan<br>TERRELL HOGAN YEGELWEL,<br>P.A.<br>233 E Bay St, #804<br>Jacksonville, FL 32202<br><br>Neil Henrichsen<br>HENRICHSEN LAW GROUP<br>P.L.L.C.<br>301 W Bay St, #1400<br>Jacksonville, FL 32202 | James L. Bernard<br>STROOCK & STROOCK &<br>LAVAN LLP<br>180 Maiden Lane<br>New York, NY 10038-4982 |

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### 19. What is the difference between objecting to the Settlement and opting out?

You can object only if you do not opt out of the Settlement Class. Opting out is telling the Court that you do not want to be part of the Settlement and you do not want to receive any payment from the Settlement. If you opt out, you have no basis to object to the Settlement by telling the Court you do not like something about it because the case no longer affects you.

If you object to the Settlement, you express your views about the Settlement but remain a member of the Settlement Class (if you are otherwise eligible). If you make an objection, you must still submit a claim in order to receive compensation under the Settlement Agreement.

### 20. When and where will the Court decide whether to approve the Settlement?

The Court will hold the Final Approval Hearing on Friday, February 2, 2024, at the United States District Court for the Northern District of California, located at 450 Golden Gate Avenue, 17<sup>th</sup> Floor, San Francisco, CA 94102, before determining whether to approve the Settlement and Class Counsel's request for attorneys' fees and costs. The hearing may be moved to a different date or time without additional notice, so it is recommended to periodically check [McKinseySchoolDistrictOpioidSettlement.com](http://McKinseySchoolDistrictOpioidSettlement.com) or call 1-888-318-4391. At this hearing, the Court will hear evidence about whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them and may listen to people who have asked to speak at the hearing. After the hearing, the Court will decide whether to approve the Settlement and Class Counsel's request for attorneys' fees and costs. We do not know how long that decision will take.

### 21. Do I have to attend the hearing?

No. Class Counsel will answer questions the Court may have. You are welcome to attend at your own expense. If you timely file an objection, you do not have to come to Court to talk about it. As long as you submit your written objection on time, the Court will consider it. You also may have your own lawyer attend at your expense, but it is not necessary.

### 22. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. The Court will determine whether to permit you to speak. To do so, you must file with the Court a written notice of your intent to appear. Be sure to include your name, address, telephone number, and signature. Your notice of intention to appear must be filed or postmarked no later than Friday, January 5, 2024, and must also be sent to all of the addresses listed in Question 18.

## GETTING MORE INFORMATION

### 23. How can I get more information?

This Notice summarizes the proposed Settlement. More details can be found in the Settlement Agreement. You can get a copy of this Notice, the Settlement Agreement, and other documents at [McKinseySchoolDistrictOpioidSettlement.com](http://McKinseySchoolDistrictOpioidSettlement.com). You may also write with questions to National Prescription Opiate Consultant Litigation Notice Administrator, P.O. Box 2209, Portland, OR 97208-2209, or call 1-888-318-4391.

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