

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

MALLINCKRODT PLC, et al.,

Reorganized Debtors.¹

CHAPTER 11

Case No. 20-12522 (JTD)

(Jointly Administered)

**NOTICE OF FILING OF ANNUAL REPORT OF TRIBAL ABATEMENT FUND
TRUST II PURSUANT TO TRIBAL ABATEMENT FUND TRUST II AGREEMENT**

PLEASE TAKE NOTICE that, in accordance with Section 2.4 of the Tribal Abatement Fund Trust II (“**TAFT II**”) Agreement dated as of June 26, 2022 (the “**Trust Agreement**”), Mary L. Smith, Kevin K. Washburn, and Dr. Kathy Hopinkah Hannan, in their capacity as the TAFT II Trustees (collectively, the “**Trustees**”), have filed with this Court an annual report for the period ended December 31, 2023 (the “**Annual Report**”) audited by the Independent Auditors along with an opinion of the Independent Auditors as to the fairness in all material respects of the special-purpose financial statements contained in the Annual Report (the “**Opinion**”).² A copy of the Annual Report and a copy of the Opinion are attached hereto as **Exhibit 1**.

¹ A complete list of the Reorganized Debtors in these chapter 11 cases may be obtained on the website of the Reorganized Debtors’ claims and noticing agent at <http://restructuring.ra.kroll.com/Mallinckrodt>. The Reorganized Debtors’ mailing address is 675 McDonnell Blvd., Hazelwood, Missouri 63042.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Trust Agreement.

PLEASE TAKE FURTHER NOTICE that in accordance with Section 2.5 of the Trust Agreement, the Trustees are also required to file with this Court a report on the Approved Tribal Opioid Abatement Uses (the “**Tribal Opioid Abatement Report**”) during the period covered by the Annual Report. A copy of the Tribal Opioid Abatement Report for the period ended December 31, 2023 is attached hereto as **Exhibit 2**.

DATED: April 29, 2024

Respectfully Submitted,

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EXHIBIT 1

Tribal Abatement Fund Trust II

Audited Financial Statements-Modified Cash Basis

For the year ended December 31, 2023

and the period from June 16, 2022 (inception) through December 31, 2022

Tribal Abatement Fund Trust II

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Independent Auditor's Report

To the Trustees
Tribal Abatement Fund Trust II

Opinion

We have audited the modified cash basis financial statements of Tribal Abatement Fund Trust II (the "Trust"), which comprise the statement of net assets - modified cash basis as of December 31, 2023 and the related statements of changes in net assets - modified cash basis and cash flows - modified cash basis for the year then ended, and the related notes to the modified cash basis financial statements.

In our opinion, the accompanying modified cash basis financial statements present fairly, in all material respects, the net assets of the Trust as of December 31, 2023 and the changes in its net assets and its cash flows for the year then ended in accordance with the modified cash basis of accounting described in Note 2 to the modified cash basis financial statements.

Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Modified Cash Basis Financial Statements* section of our report. We are required to be independent of the Trust and to meet our ethical responsibilities in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Basis of Accounting

We draw attention to Note 2 to the modified cash basis financial statements, which describes the basis of accounting. As described in Note 2, the accompanying modified cash basis financial statements were prepared by Tribal Abatement Fund Trust II on the modified cash basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America. As a result, the modified cash basis financial statements may not be suitable for another purpose. Our opinion is not modified with respect to this matter.

Report on Prior Year Modified Cash Basis Financial Statements

The modified cash basis financial statements of Tribal Abatement Fund Trust II as of December 31, 2022 and for the period from June 16, 2022 (inception) through December 31, 2022 were audited by other auditors, who expressed an unmodified opinion on those statements in their report dated April 1, 2023.

Responsibilities of Management for the Modified Cash Basis Financial Statements

Management is responsible for the preparation and fair presentation of the modified cash basis financial statements in accordance with the modified cash basis of accounting described in Note 2 and for determining that the modified cash basis of accounting is an acceptable basis for the preparation of the financial statements in the circumstances. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of modified cash basis financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the modified cash basis financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Trust's ability to continue as a going concern within one year after the date that the modified cash basis financial statements are issued or available to be issued.

To the Trustees
Tribal Abatement Fund Trust II

Auditor's Responsibilities for the Audit of the Modified Cash Basis Financial Statements

Our objectives are to obtain reasonable assurance about whether the modified cash basis financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and, therefore, is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the modified cash basis financial statements.

In performing an audit in accordance with GAAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the modified cash basis financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the modified cash basis financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the Trust's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the modified cash basis financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Trust's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Plante & Moreau, PLLC

April 19, 2024

Tribal Abatement Fund Trust II
Statement of Net Assets – Modified Cash Basis
December 31, 2023 and 2022

	2023	2022
Assets		
Cash and cash equivalents	\$ 5,428,160	\$ 4,789,565
Prepaid expenses	18,750	-
Interest receivable	-	14,917
Total assets	5,446,910	4,804,482
Liabilities		
Accounts payable	11,051	-
Total liabilities	11,051	-
Net assets	\$ 5,435,859	\$ 4,804,482

See accompanying notes to the modified cash basis financial statements.

Tribal Abatement Fund Trust II
Statement of Changes in Net Assets – Modified Cash Basis
For the year ended December 31, 2023 and the period from June 16, 2022 (inception) through December 31, 2022

	<u>2023</u>	<u>2022</u>
Additions		
Funding	\$ 5,364,162	\$ 5,357,220
Interest income	195,497	65,025
Total additions	5,559,659	5,422,245
Deductions		
Distributions to Trust Beneficiaries	3,986,138	-
Operating expenses	942,144	617,763
Total deductions	4,928,282	617,763
Increase in net assets	631,377	4,804,482
Net assets		
Beginning of the period	4,804,482	-
End of the period	\$ 5,435,859	\$ 4,804,482

See accompanying notes to the modified cash basis financial statements.

Tribal Abatement Fund Trust II

Statement of Cash Flows – Modified Cash Basis

For the year ended December 31, 2023 and the period from June 16, 2022 (inception) through December 31, 2022

	2023	2022
Direct Method		
Cash received from operating activities:		
Trust funding	\$ 5,364,162	\$ 5,357,220
Investment income	210,414	50,108
Total cash inflows	5,574,576	5,407,328
Cash paid for operating activities:		
Distributions to Trust Beneficiaries	(3,986,138)	-
Trust operating expenses	(949,843)	(617,763)
Total cash outflows	(4,935,981)	(617,763)
Net increase in cash and cash equivalents	638,595	4,789,565
Cash and cash equivalents at the beginning of the period	4,789,565	-
Cash and cash equivalents at the end of the period	\$ 5,428,160	\$ 4,789,565

See accompanying notes to the modified cash basis financial statements.

Tribal Abatement Fund Trust II-Notes to the Modified Cash Basis Financial Statements

1. Description and Funding of the Trust

Tribal Abatement Fund Trust II (“TAFT II” or the “Trust”) was formed and became effective on June 16, 2022, pursuant to the Fourth Amended Joint Plan of Reorganization (with Technical Modifications) of Mallinckrodt plc and its Debtor Affiliates (Mallinckrodt) under Chapter 11 of the Bankruptcy Code, dated February 18, 2022 (the Plan). The Trust is intended to qualify as a “qualified settlement fund” within the meaning of Section 1.468B-1 *et seq.* of the Treasury Regulations promulgated under Section 468B of the IRC, and to the extent permitted by law, for state and local income tax purposes.

The Plan provides, inter alia, for the establishment of an Opioid Creditor Trust, as defined, with respect to Tribal Opioid Claims, as defined. As of the Effective Date, defined as June 16, 2022, any and all liability of the Debtors for any and all Tribe Opioid Claims shall automatically be channeled to and assumed by the Trust.

In accordance with the Tribal Abatement Fund Trust II Agreement (the Trust Agreement), the Trust shall (i) hold, manage and invest all funds and other Trust Assets received by the Trust from the Opioid MDT II (MDT II) for the benefit of the beneficiaries of the Trust; (ii) hold and maintain the TAFT II Operating Reserve; (iii) administer, process, and resolve all Tribe Opioid Claims in accordance with the TAFT II Trust Distribution Procedures (TDP); and (iv) pay all TAFT II Operating Expenses.

The Trust is funded with the consideration prescribed under the terms of the Plan through MDT II (also created under the Plan). Funds will be paid by Mallinckrodt to the MDT II, and MDT II will make distributions to TAFT II and other public and private Creditor Trusts. The MDT II consideration to be distributed to TAFT II is comprised of initial and deferred cash payments from Mallinckrodt, certain Warrants, and certain other non-cash assets as set forth under the Plan.

The initial cash distribution from MDT II was received by the Trust on June 17, 2022, in the amount of \$5,357,220.

On December 8, 2022, the Warrants were monetized and a Trust affiliate, the Tribal Opioid Abatement Fund LLC, received the cash proceeds associated with the monetization of these Warrants in 2023. The cash proceeds of the monetization of the Warrants were \$81,908 which was part of the cash distribution from MDT II to the Trust on August 29, 2023.

Due to the deteriorating financial situation of Mallinckrodt plc (the “Debtor”), on August 23, 2023, MDT II and other key stakeholders signed a restructuring support agreement (the “August 2023 RSA”) with the Debtor. Pursuant to the August 2023 RSA, MDT II agreed to

receive a one-time payment of \$250 Million in lieu of the then-remaining Opioid Deferred Cash Payments under the earlier Plan of Reorganization. This August 2023 agreement by MDT II meant, in effect, that the Debtor would be paying the MDT II Creditor Trusts (of which TAFT II is one), almost \$1 Billion less than it had promised in 2022. MDT II determined that due to the Debtor's significantly deteriorating financial circumstances, the RSA provided the best outcome available for its Creditor Trusts, including TAFT II. In addition to the one-time \$250 Million cash payment, the RSA also requires the Debtor to provide MDT II enhanced cooperation in connection with the third-party litigations it is pursuing on behalf of the Creditor Trusts (which should reduce costs related to those litigations), and provides warrants in Mallinckrodt plc, which could have some value if the Debtor's financial performance improves materially.

MDT II received the \$250 Million cash payment contemplated in the August 2023 RSA on August 24, 2023, and on August 28, 2023, distributed to TAFT II its portion of that payment, \$5,364,162. Although TAFT II may receive additional distributions from MDT II in the future in connection with the third-party litigations MDT II is pursuing on behalf of the Creditor Trusts, the outcome of these litigations, and any related distributions to TAFT II remain uncertain. The third-party litigation matters in which TAFT II retains an interest that remain pending include an insurance coverage action, Opioid MDT II v. Ace America Ins. Co., et al., Case No. 22SL-CC02974 (Mo. Cir. Ct.), the Covidien spinoff action, Opioid MDT II v. Covidien Unlimited Co., et al., Adv. Pro. No. 22-50433 (Bankr. D. Del.), and the share repurchase program case, Opioid MDT II v. Argos Capital Appreciation Master Fund LP, et al., Adv. Pro. No. 22-50435 (Bankr. D. Del.). MDT II periodically reports on these litigations pursuant to the Debtor's Plan of Reorganization.

Future cash received, if any, from the Debtor and MDT II will be recorded when received by the Trust.

The Trust will make Abatement Distributions, as set forth in the Tribal Abatement Fund Trust II Agreement, and in accordance with the TAFT II TDP, which provides for the Tribe Beneficiaries and Tribal Allocation Percentages. Abatement Distributions of \$3,986,138 were made during the year ended December 31, 2023. There were no Abatement Distributions during 2022. In addition, the Trust has approved but unpaid distributions to certain Trust Beneficiaries of approximately \$2,870,000 at December 31, 2023, which will be disbursed to those Trust Beneficiaries upon receipt from them of information required to complete the distribution payments.

2. Significant Accounting Policies

Basis of accounting

The Trust's policy is to prepare its financial statements on a modified cash basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America (U.S. GAAP). The modified cash basis methods include the following:

- Assets or additions to net assets are generally recorded when they are received by the Trust and expenses or deductions to net assets are generally recorded when the invoice is received from the vendor. The Trust records interest income when received. Under GAAP, interest income is recorded when earned.
- Future fixed liabilities under contractual obligations and other agreements entered into by the Trust are recorded as deductions from net assets in the same period that the invoice for such contractual obligations or agreements are received by the Trust. Under GAAP, liabilities and contractual obligations are recorded over the period that is benefited by the underlying contract or agreement.
- The full amounts of Abatement Distributions will be recorded in the period in which the Abatement Distributions are paid. Under GAAP, a liability would be recorded for an estimate of the total Abatement Distributions to be made in accordance with the Trust Agreement and the TDP.
- Income tax expense payments or refunds, when applicable, will be recorded when paid or received. Under GAAP, a provision for income taxes is recorded based upon income reported for financial statement purposes, and federal and state income taxes both currently payable and changes in deferred taxes due to differences between financial reporting and tax bases of assets and liabilities.

Use of estimates

The preparation of financial statements in conformity with the modified cash basis described above requires the Trust to make estimates and assumptions that affect the reported amounts of certain assets and liabilities and the disclosures of contingent assets and liabilities at the date of the modified cash basis financial statements, as well as the reported amounts of additions and deductions to the net assets during the reporting period. Actual results could differ from those estimates.

Cash equivalents

The Trust considers all highly liquid instruments with original maturities of three months or less to be cash equivalents.

Prepaid expenses

Payments for services to be received over an extended period in the future are recorded as a prepaid expense and amortized over the period in which the related benefits are received.

Operating expenses

Operating expenses of the Trust are recorded as reductions of net assets when invoices are received or, in the case of prepaid expenses when the benefit is received. Expenses settled by MDT II on behalf of the Trust through an expense allocation holdback are not reported by the Trust.

Income taxes

The Trust is classified as a Qualified Settlement Fund pursuant to the Internal Revenue Code and Regulations thereunder (the Code). As a result, the Trust is subject to federal income taxes based on modified gross income, as defined by the Code. In the opinion of the Trustees and the Trust's tax advisors, the Trust is not subject to state income taxes.

The Trust records income tax expense (or benefit) associated with amounts paid (or received) under current federal income taxes and does not record a provision for (or benefit from) deferred taxes. Accordingly, there is no provision for deferred taxes associated with any future benefit from the potential use of net operating loss carryforwards to reduce taxable income in future years.

The Trust generated \$1,299,385 in cumulative net operating losses, through December 31, 2023.

In accordance with authoritative guidance on accounting for uncertainty in income taxes issued by the Financial Accounting Standards Board, management has evaluated the Trust's tax positions and has concluded that the Trust has taken no uncertain tax positions that require disclosure.

Risks and uncertainties

Certain of the Trust's assets are exposed to credit risk. Cash and cash equivalents are maintained at financial institutions and, at times, balances may exceed federally insured limits. The Trust has never experienced any losses related to these balances.

3. Trustees' Fees

The Trust Agreement describes the compensation to be paid to the Trustees for their services, including out of pocket costs and expenses. During the year ended December 31, 2023, the Trust paid a total of \$540,000 in Trustee fees. During the period from June 16, 2022 (inception) through December 31, 2022, the Trust paid a total of \$315,000 in Trustee fees.

4. Contingent Liabilities

The Trust Agreement subjects the Trust to certain reimbursement and indemnification obligations that may result in future claims against the Trust. The probability of such claims cannot be reasonably determined. The Trust has obtained insurance for purposes of supporting its obligation to indemnify the Trustees. If a contingent liability were identified, it would be disclosed when probable and recognized in the financial statements when paid.

5. Subsequent Events

The Trust has evaluated its modified cash basis financial statements as of December 31, 2023, for subsequent events through April 19, 2024, the date the modified cash basis financial statements were available to be issued.

The Trust distributed \$10,972 in February 2024 and \$8,906 in April 2024 to those Trust Beneficiaries who provided the information required for distributions. The Trust is not aware of any other subsequent events which would require recognition or disclosure in the modified cash basis financial statements.

EXHIBIT 2

**Tribal Opioid Abatement Use Report
2023 Distribution**

**Tribal Abatement Fund Trust II
Trust Agreement Pursuant to the Debtors' Fourth Amended Joint Plan of Reorganization of
Mallinckrodt plc and its Debtor Affiliates Under Chapter 11**

Dated April 18, 2024

**The Hon. Mary L. Smith
TAFT II Managing Director**

**Dr. Kathy Hopinkah Hannan
TAFT II Director**

**The Hon. Kevin K. Washburn
TAFT II Director**

I. INTRODUCTION

This report is submitted pursuant to TAFT II Trust Agreement, Article 2, Powers and Trust Administration, Section 2.5, Tribal Opioid Abatement Reporting.

In 2023, TAFT II distributed a total of \$3,986,138 to address the opioid crisis in Indian Country.

TAFT II abatement funds were disbursed to Tribal beneficiaries in two cycles. For successful distribution, beneficiaries also needed to provide a payment election form that specified whether the payment should be made by check or wire transfer, and if by wire transfer, adequate information to make the wire transfer. The first cycle distribution was issued to Tribes in August 2023, and Tribes that submitted their payment election form after the August distribution received a distribution in December 2023.

Distributions to Alaska Tribes were automatically disbursed to their Tribal Health Organization (“THO”), unless they elected to receive their share directly. California Tribes were required to elect whether to transfer all or a portion of their allocation to an Inter-Tribal Health Program, Inter-Tribal Health Organization, or Tribal Health Consortium. In instances where the full allocation was sent to a Tribal Health Organization, an Inter-Tribal Health Program, Inter-Tribal Health Organization, or Tribal Health Consortium (“Consortium”), the duty to file a Tribal Opioid Abatement Use Report shifted to the entity receiving the distribution.

Distributed funds to Tribal beneficiaries under TAFT II should be used pursuant to the guidelines provided by Purdue Schedule B, Approved Uses and/or Schedule D, Tribal Abatement Strategies (“Purdue Approved Uses and Tribal Abatement”).

As of April 18, 2024, 337 Tribes / THOs / Consortiums filed a Tribal Opioid Abatement Use Report with the Directors. Of the 15 Tribes that had not filed their reports, 2 are represented Tribes and 13 are unrepresented.

II. TABLE OF REPORTED USES OF FUNDS

While the tribal beneficiaries have been issued separate payment from each of the Tribal Abatement Fund Trusts (TAFTs), they pooled the resources developed from the TAFTs for abatement and prevention purposes. Thus, the reporting of the uses of funds from each TAFT is undifferentiated.

Of the total 337 Tribes who responded timely to the requirement to report fund usage or planned usage, most respondents indicated that they had not yet expended or fully expended the funds, but that they planned to use the funds for approved uses. 69 of the 337 Tribes certified that they fully expended the funds for approved uses. A majority of the reporting Tribes stated that they had only recently received the funds, and therefore were not yet able to

formalize a plan to use the funds by the January 2024 reporting deadline. All Tribes confirmed that they would use the funds only to support abatement, treatment or prevention of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions. Additionally, some Tribes stated a specific intended use for the funds in their brief statement explaining their plans for using the funds.

Tribes described how their planned use of funds aligned with evidence-based or evidence-informed strategies, with details unique to their cultural identity, geographic location, or existing abatement and treatment strategies. Below is a summary of the reported uses and planned uses by the reporting Tribes.

Certification of Use	% of Tribes Reporting
Tribes that certified that they expended all funds for approved uses	20.5%
Tribes that had not determined a final plan for using the funds but confirmed that the funds would be expended on approved uses only.	79.5%
Identified Categories of Use	% of Tribes Reporting¹
To treat Opioid Use Disorder (OUD)	35.3%
To support people in treatment and recovery	46.6%
To connect people who need help to the help they need (Connections to Care)	18.1%
To address the needs of criminal justice-involved persons	11.6%
To address the needs of pregnant or parenting women	10.1%
To prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids	7.7%
To prevent inappropriate use of opioids	22.3%
To prevent overdose deaths and other harms (Harm Reduction)	23.4%
First responders	8.6%
Leadership, planning, and coordination	13.9%
Training	13.9%

¹ Many Tribes reported more than one use / strategy.

Research	5.0%
General Tribal Abatement Strategies	40.4%
Other	2.1%
Undeclared / planning stage	33.2%

III. **FUND USES APPROVED BY THE COURT SETTLEMENT**

The Purdue Approved Uses and Tribal Abatement document provided a non-exclusive list of examples of treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions in several categories of evidence-based or evidence-informed programs or strategies. Schedules B and D of the settlement can be found on the Tribal Opioid Settlement portal [here](#). The list is quite comprehensive, but it is explicitly non-exclusive, meaning that Tribal Beneficiaries have some flexibility in how to deploy funds as long as the use is directly related to Opioid Use Disorder and any co-occurring Substance Use Disorder or Mental Health conditions.

IV. **THEMES, CHALLENGES AND EXAMPLES OF PLANNED USES**

In reviewing the reporting form submissions, common challenges emerged that were shared by many Tribes. These common challenges include the following:

- Prioritizing the need to hire staff to serve as an administrator of the funds to approve the expenditure of the funds and needing to hire counselors and experts in addressing OUD and related issues.
- Focusing on youth as an affected population and focusing on young people as potential partners in education and outreach efforts.
- Addressing needs for updated infrastructure, in terms of electronic database infrastructure, and rural geographic challenges, to support tribal efforts in abating the opioid epidemic.
- Providing housing to support those in opioid use disorder treatment and recovery as well family members of those persons suffering from OUD or and any co-occurring Substance Use Disorder or Mental Health (SUD/MH).
- Culturally competent strategies to address, treat, and support those affected by the opioid crisis.

- Public education and discussion spaces for greater community input on treatment, recovery, and support methods.

A. PRIORITIZING HIRING STAFF

A number of the Tribes described as their first step developing staffing to approve the fund usage as compliant with the Tribe's plan and settlement guidelines.

- The Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada, plan to hire an opioid settlement fund coordinator to ensure funds are spent according to planned budget and narrative created on 01/12/24. Two additional staff will be onboarded, one of which will be a part-time high school senior, to assist with educating youth and teens about the opioid epidemic.
- The Caddo Nation of Oklahoma plans to hire a lead facilitator/planner to recruit a team of facilitators to create and deliver various recovery program offerings within the community. The Nation's aim is to support numerous 12-step groups, cultural ceremonies, exercise groups, and gender-based cultural activity groups.
- The Peoria Tribe of Indians of Oklahoma will hire a Recovery Outreach Specialist (ROS) or utilize current Peer Recovery Support Services staff to provide outreach, prevention, and linkage to care to expand the availability of treatment services for OUD and any co-occurring conditions to its citizens and to other Native Americans seeking treatment services.
- The Alabama-Coushatta Tribe of Texas plans to hire a Health Director in early 2024, who will be able to develop the abatement program to deploy the abatement funds for approved uses.

B. FOCUS ON YOUTH

Several Tribes detailed their planned use of funds to engage youth, both in their outreach and as leaders and teachers of their anti-opioid efforts. This emphasis on engaging with youth and addressing the needs of children and families reached several of the categories outlined in the court's Schedule B list of Approved Uses.

- The Cow Creek Tribe plans to distribute Narcan in collaboration with the 18 school districts in Douglas County. Cow Creek also plans to offer school-based prevention assembly programs at local high schools to raise awareness of the dangers of OUD.
- The Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada, have indicated that they will support members of the senior population who have undertaken the responsibility for the care of grandchildren due to parents being impacted by opioid addiction and overdose and to educate the community. Duck Valley also plans to hire a part-time high school senior to assist with educating youth and teens about the opioid epidemic.

- The Chicken Ranch Rancheria of Me-Wuk Indians of California plans to open a Transitional Age Youth (TAY) Shelter for unsheltered youth. Abatement funds will be used to provide residents (youth 18-25) in-house opioid prevention services and on-site classes. The Rancheria plans to partner with the Red Feather MAT Medical Center to offer educational and prevention services. It also plans to implement culturally competent integrated treatment models to better reach the youth that live at our homes and work to make all programming culturally grounded in community prevention.
- The Confederated Tribes of the Colville Reservation's response highlights supporting children's services by funding housing and other residential services related to children removed from the home and/or placed in foster care due to custodial opioid use.
- The Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin intended to deploy funds to support regional, inter-tribal adolescent treatment and recovery centers for youth.

C. INFRASTRUCTURE

Tribes highlighted their intent to improve their data and technological systems to enable improved treatment services. Tribes also mentioned how the funds would help address geographic isolation from care due to their rural locations.

- The Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California plan to address an outdated Electronic Health Record (EHR) system and implement a software system that is compatible with the Indian Health Service systems to work in concert on establishing a Medication-Assisted Treatment (MAT) effort in hopes of gaining a Tribal Opioid Response (TOR) grant to maintain long-term program sustainability.
- The Caddo Nation of Oklahoma also plans to engage stakeholders, including courts, education, and housing services, to implement improvements to an outdated Electronic Health Record (EHR) system. Caddo plans to introduce a software system that is compatible with the Indian Health Service. The Caddo Nation also plans to sustain this system with additional funding from a TOR grant. The Nation plans to use the funds for hiring and installation of the new EHR software by mid-2024.
- The Bishop Paiute Tribe is using funds to address the geographic challenges of its rural location. The Tribe entered a cost share agreement for Emergency Medical Services with a nearby city and county to provide emergency care and life-flight transportation to a larger hospital in Reno, NV, when the local hospital cannot address the patient's condition.
- The Pueblo of Acoma, in New Mexico, plans to expand telehealth capabilities as part of the development of a MAT program. Because the Pueblo is located in a rural area that is approximately 50 miles away from a major metropolitan area, it will utilize any remaining

funds on efforts to recruit qualified providers who are trained to provide culturally responsive and trauma-informed treatment to Acoma community members.

D. HOUSING

Housing for people in treatment and recovery was a high priority. Many Tribes reported that the funds will support housing for recovering individuals and affected families.

- Cow Creek Tribe is considering offering housing initiatives as a part of a comprehensive approach to addressing the opioid crisis. In addition, the Tribe is planning to provide recovery supportive housing, emergency housing funds (hotels while awaiting treatment), and to purchase housing for an Oxford-style supportive program.
- The Delaware Nation will be assisting family members while the addicted person is in an inpatient treatment facility or residential facility for recovery by providing \$500.00 per month for up to 6 months to assist with documented needs for food, gasoline or utilities.
- The Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota is using the funds to support the “Ahnji-Be-Mah-Diz” recovery program for the Band’s opioid response. The funding will be used to expand the men's inpatient program from 40 beds up to 56, and to begin a women's program. In addition, the Band plans to build and operate a detox facility and provide ongoing support for all recovery meetings.
- The Torres Martinez Desert Cahuilla Indians of California plan to utilize the funds to support the “Tiny House Project,” with a specific focus on tribal members affected by the opioid epidemic. With the construction of these homes, the Tribe seeks to address not only housing needs, but to build a community championing treatment, recovery, and stability for its members.
- The Eastern Shoshone Tribe of the Wind River Reservation, Wyoming used about half the received funds to purchase a 10-acre property on South Fork to be used to build recovery houses. The Tribe plans to provide the property, which includes a house, garage, and acreage to build “tiny houses,” to the Doya Natsu Healing Center- Eastern Shoshone Tribal Substance Use/ Behavioral Health Treatment Program. The plan is for the property to become a “tiny House village,” which serves as a Level 3.1 Transitional Living Treatment Facility: Sober Living for individuals needing sober supportive housing and workforce development towards a clean/sober lifestyle.

E. TRIBAL STRATEGIES

About half of the reporting Tribes recorded their intent to engage Tribal Abatement Strategies (Schedule D) as a means to support the remediation and abatement of the opioid crisis. These activities include traditional activities associated with cultural identity and healing, culturally competent integrated treatment models, culturally grounded community

prevention, peacekeeping and wellness courts, and community workforce development and training.

- The Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada plans to use some of the funds to implement a program called, "Music is Prevention," which focuses on teaching youth and young adults about traditional and contemporary music. This program will teach young people how to drum, sing, learn songs, learn and practice traditional dances and use traditional instruments while providing prevention programming. As part of this program, the Tribe would purchase materials to make traditional drums and drumsticks and dance regalia. The funds will be used to purchase musical instruments, lessons, and identify individuals in the tribal community to serve as role models and teachers to the Tribe's young people while playing and teaching music.
- The Confederated Tribes of the Colville Reservation plans to use the funds to support traditional activities associated with cultural identity and healing, such as sweat lodges, traditional healers, and spiritual and traditional approaches to healing. Colville also plans to use peacekeeping and wellness courts and talking circles, as well as linguistic immersion programs and cultural activities.
- The Coyote Valley Band of Pomo Indians of California reported plans to hire an OUD / SUD Counselor in early 2024 to provide counseling, recovery case management, and comprehensive wrap-around services to people in treatment and recovery with OUD and co-occurring SUD/MH conditions. In addition, this Counselor will also provide cultural activities. Together with another staff member funded by other sources, the Counselor will train facilitators in Medicine Wheel & 12 steps for Men & Women, Medicine Wheel & 12 Steps for Youth, and White Bison Warrior Down Recovery Coaching. This counselor will hold quarterly community meetings to discourage or prevent OUD. These community meetings will feature experienced special guest speakers who are in recovery themselves and will include drug take-back disposal.
- The Eastern Aleutian Tribes plan to organize "Culture Camps," a collaborative effort between their seven governing Tribes, to preserve and promote their unique native cultures, while also seeking to develop cultural bonds that will prevent OUD.

F. PUBLIC EDUCATION AND DISCUSSION SPACES

Many Tribes cited using their funds on public education and discussion spaces touching upon different abatement strategies, from preventing OUD and other harms, to supporting those in recovery. These forums provide opportunities for direct community engagement in addressing the opioid epidemic and its consequences.

- The Red Lake Band of Chippewa Indians, in Minnesota, spent funds to host the Zhawenimin Summit in July 2023. This comprehensive crisis summit reflected the

Nation's effort to address the opioid crisis using a comprehensive, public health-based approach. At the Summit, attendees were given the opportunity to discuss existing opioid -centered programs and services, address the current availability of resources, and brainstorm additional solutions to address the opioid crisis.

- The Redwood Valley Little River Band of Pomo Indians of the Redwood Valley Rancheria in California is planning an educational conference on OUD prevention and awareness for local tribal community members. This conference will educate participants on the dangers of opioids and other prescription medications.
- The Native Village of Chitina plans to allocate a portion of its settlement money to host hybrid bi-weekly or monthly sobriety/recovery talking circles for tribal members. These talking circles will provide an opportunity for those affected by the opioid crisis to obtain support from survivors of the opioid crisis who are in recovery.
- The Hoonah Indian Association, in partnership with the Central Council of Tlingit and Haida Tribes of Alaska Community and the Behavioral Health Department, will host a "Men's Healing to Wellness" gathering for their community members affected by the opioid epidemic. This gathering will address holistic healing methods for treating opioid addiction, support recovery efforts through trauma transformation, educate on prevention and intervention, and discuss reintegration methods.

V. OFF-SCHEDULE USES

The vast majority of the Tribes reported fund uses or intended fund uses that fall within the settlement court's non-exhaustive list of approved uses, exemplified by the previous information. In a few circumstances, the use or planned uses described by the Tribe did not fall explicitly within Schedule B or D of the Purdue Approved Uses and Tribal Abatement. In some instances, the uses seem somewhat remote from addressing or preventing OUD. In these instances, the Directors are seeking additional information for clarification. If appropriate, the Directors will instruct that the funds must be repaid.

- A Tribe spent \$500 on the interment of a tribal member who passed due to an opioid overdose. In addition, a Tribe intends to use a portion of the funds to support funerals and family grief counseling.
- A Tribe plans to spend funds supporting cultural activities, in the tribal center, which the Village reports is in need of a new heating system.
- A Tribe used a portion of its funds on organizing a "Toys for Tots" event, citing that the event emphasized the importance of family/support systems during the holiday season without drugs and alcohol.

VI. NON-REPORTING TRIBES, THOs AND CONSORTIUMS

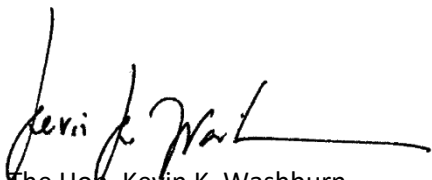
The Directors will continue to work to secure Tribal Opioid Abatement Use Reports from the remaining Tribes / THOs / Consortiums. If a Use Report is not received at the time of the 2024 Distribution in September 2024, the Directors will withhold the distribution until a Use Report is filed.



The Hon. Mary L. Smith
TAFT II Managing Director



Dr. Kathy Hopinkah Hannan
TAFT II Director



The Hon. Kevin K. Washburn
TAFT II Director

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

MALLINCKRODT PLC, et al.,

Reorganized Debtors.¹

CHAPTER 11

Case No. 20-12522 (JTD)

(Jointly Administered)

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of April, 2024, I caused to be filed with the Court electronically, and I caused to be served a true and correct copy of the *Notice of Filing of Annual Report of Tribunal Abatement Fund Trust II Pursuant to Tribal Abatement Fund Trust II Agreement* upon the parties that are registered to receive notice via the Court's CM/ECF notification system.

/s/ Kathleen Campbell Davis

Kathleen Campbell Davis (I.D. No. 4229)

¹ A complete list of the Reorganized Debtors in these chapter 11 cases may be obtained on the website of the Reorganized Debtors' claims and noticing agent at <http://restructuring.ra.kroll.com/Mallinckrodt>. The Reorganized Debtors' mailing address is 675 McDonnell Blvd., Hazelwood, Missouri 63042.