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## Opiate threat prompts counties to hire, mull legal counsel

By DENISE A. RAYMO Press-Republican 17 hrs ago



ELIZABETHTOWN — Essex County has joined the growing number of New York county governments preparing to sue drug companies they say profit from the opiate crisis.

Clinton County has already passed a resolution to retain special counsel to protect its interests in the opioid epidemic, according to Deputy County Administrator Rodney Brown.

And Franklin County legislators have asked County Attorney Jonathan Miller to research the issue and provide his legal opinion, said County Manager Donna Kissane.

### STRENGTH IN NUMBERS

The Essex County Board of Supervisors recently held a special meeting to retain a law firm for any “present and future opioid litigation.”

County Attorney Daniel Manning said the New York State Association of Counties has recommended counties get involved, and he now agrees.

“I was a little reticent to jump on board because there’s still not a lot of applicable evidence out there, or I believed there wasn’t,” he said.

But after talking with his counterparts in Washington and Warren counties, Manning said, he recommended seeking representation, which Essex County recently approved.

A similar lawsuit years ago involving drug companies’ deliberate inflation of Medicaid-prescription prices resulted in a \$400,000 to \$500,000 judgment for the county, so this could have the same result, he said.

“If we don’t get involved, I think we might miss the boat if we stand alone,” the attorney said before the vote. “There is strength in numbers.”

### 'FACTUALLY UNFOUNDED'

But Manning also said there “is not enough proof yet” that companies are using deceptive marketing and promotions to increase certain prescription-drug usage to exceed the intended use, which is temporary extreme-pain relief for such health issues as recovery from heart or knee surgery.

The litigation accuses the pharmaceutical companies of encouraging physicians to prescribe pain medicines in 30- or 60-day doses for ailments like arthritis and back pain, which allegedly leads some patients to develop an addiction to heroin when their prescription runs out.

Drug companies targeted in the suit include Purdue Pharma L.P. and Janssen Pharmaceuticals Inc., which is a subsidiary of Johnson & Johnson.

A Janssen spokesman has said that, although opioid abuse is a serious health issue, “we firmly believe the allegations in these lawsuits are both legally and factually unfounded.”

### STRONG MESSAGE

Vice Chair Shaun Gilliland (R-Willsboro) said his son, a New Hampshire State Police trooper, told him law enforcement does not see heroin and Oxycontin much now, and it is more often prescription drugs like fentanyl.

"Oxycontin was the gateway to get people hooked, and then it went stronger," he said. "We need to put the drug companies on notice that we're not standing for this."

Thomas Scozzafava (R-Moriah) agreed.

"It's absolutely criminal what drug companies and physicians have done," he said, adding that the opioid crisis has torn families and communities apart and killed many people.

"There (are) even physicians on these drug companies' payrolls," he said. "It's absolutely horrible.

"Whether we win the suit or lose, I think we need to send a strong message out there to society that we are not going to tolerate this."

**ON CONTINGENCY**

Manning said that, of the two largest law firms recruiting counties as clients, he recommended Napoli Shkolnik, which, in addition to New York, has offices in California, Delaware, Florida, Illinois, New Jersey, Pennsylvania and Texas.

The firm will work on contingency and receive one-third of any Essex County awards.

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