

THE EXAMINER

County Brings Legal Action Against Drug Companies

NOVEMBER 29, 2017 BY DAVID PROPPER

Putnam County is one of countless municipalities that have been hit hard by the drug epidemic that's swept across the United States at a breathtaking rate. Now, Putnam is punching back against the drug companies that county officials believe contributed to the crisis.

The county Legislature approved litigation during a special full meeting Tuesday night to sue several of the largest pharmaceutical companies and distributors in the country, signing on with the law firm Napoli Shkolnik PLCC which will handle the case. The final tally was 8-0 in favor of the action, with Legislator Dini LoBue absent.

Napoli Shkolnik, which has recently been named co-lead counsel in the lawsuit, has investigated potential and governmental entities against pharmaceutical manufacturers and distributors. The companies facing legal heat include Purdue Pharmaceuticals, Teva Pharmaceutical Industries, Inc., Johnson and Johnson, and Endo Pharmaceuticals, as well distributors, including McKesson Corp., Cardinal health Inc. and AmerisourceBergen Corp. The lawsuit claims these companies helped create an opioid crisis because of fraudulent and negligent marketing and distribution of pain medications.

County Executive MaryEllen Odell said in an interview after talking to the law firm, it was explained to her that it would be at no cost to the county and would not increase the work burden on the county law department.

"I thought we've done so much in Putnam County (against the drug crisis)," Odell said. "I made the decision that we should probably join in on the litigation piece with the pharmaceutical companies and see where it goes."

Odell said she became aware of the possible legal move while reading The Wall Street Journal several months ago that reported a couple states were battling pharmaceutical companies for their part in the opioid scourge. She read that those legal battles resulted in money settlements and even changed drug companies' practices.

“I started to see that there was some value litigating these pharmaceutical companies,” Odell said.

The goal of the lawsuit is to recuperate money the county spent as a result of prescription opioid abuse, including workplace costs connected to loss of productivity, healthcare costs and criminal justice costs, according to a press release by the county. Part of the resolution voted on stated the county is seeking accountability from those companies that engaged in “fraudulent and negligent practices which caused immeasurable harm to Putnam County residents and taxpayers.”

Similar lawsuits have been brought forward across the country, with pharmaceutical companies denying wrongdoing.

“We are deeply troubled by the opioid crisis and we are dedicated to being part of the solution.... We vigorously deny these allegations and look forward to the opportunity to present our defense,” Purdue Pharma stated in a Texas Tribune article addressing a lawsuit a Texas county brought against them.

The Cardinal Health CEO called the blame his company is facing connected to the drug crisis “profoundly disappointing.”

“It has become abundantly clear that addressing this genuine drug abuse crisis by trying to find someone to blame only takes us further away from solving the issue,” CEO George Barrett said, according to an article in the Columbus Business First. “A resolution can only be found through an honest collaboration. Cardinal Health is committed to engage fully, and I’m personally prepared to use as much of my time in the days ahead to be part of the solution.”

During the special full meeting, Legislator Barbara Scuccimarra said she was pleased to move forward with the lawsuit, citing several other New York counties have taken a similar action including Nassau, Suffolk, Orange Dutchess, Rockland, Sullivan, Erie, Ulster, and Broome. She said the point of the lawsuit is to send a message to the drug companies that it’s time to change the way they do business.

Legislature Chairwoman Ginny Nacerino agreed, arguing the county wasn’t pursuing this path for money.

“It is important to stop what’s been going on for so many years,” Nacerino said. “And what has caused harm to so many people.”

Legislator Bill Gouldman said it was important to address this major crisis. He noted inner cities dealt with drug addiction many years ago, but the last several years it’s extended to the suburbs and small towns. Legislator Paul Jonke said the drug epidemic needs to be tackled and this is a good step toward that.

Legislator Neal Sullivan said drug companies would only get a wake up call when they are hit financially.

“We’re taking a bold step as a legislature,” Sullivan said.

Resident Lynne Eckardt, a councilwoman from Southeast, asked where the money would go if the county settled the lawsuit or won the litigation. While Nacerino said there wasn’t a firm idea how any possible money would be expended, she thinks it would likely go toward organizations and efforts to curb drug abuse rather than money for the county to hold onto. Odell said if the county is awarded money, she would strongly suggest that the money be returned to the organizations that help drug addicts and their families.

“We’ve had this one army on the war on addiction and this is just another effort we’re making to do what we can to stop this epidemic,” Odell said.

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