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# County readies to sue opioid makers

Scott Mahoney | The Chronicle-Telegram

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ELYRIA — The Lorain County commissioners are joining the growing number of municipalities that are suing the manufacturers and distributors of prescription opiates.

On Wednesday, the commissioners voted in favor of hiring Napoli Shkolnik, a law firm based in New York City, as outside counsel to represent the county.

“The opioid epidemic has hit this county hard,” Commissioner Matt Lundy said. “Throughout the past couple months, a lot of counties and cities have moved forward to enter into litigation against the manufacturers and distributors.”

On Tuesday, the city of Elyria filed a lawsuit alleging the practices of big drug companies rose to the level of racketeering with pharmaceutical manufacturers and distributors working in concert to engage in a pattern of corrupt activity. The city of Lorain filed a similar suit earlier in the year.

Lundy said the situation is similar to when “members of the tobacco industry sat in front of Congress, under oath, and said nicotine was not addictive.” The manufacturers were misleading in their representation, misrepresenting the addiction risk and deceptively presenting the risks and benefits of opioids in a manner that made them look safer than they are, according to Lundy.

The Lorain County Prosecutor's Office had to sign off on the decision to hire outside counsel and were instrumental in picking Napoli Shkolnik, Lundy said.

"The Prosecutor's Office is our legal counsel, so we can't just hire any firm to represent us," he said. "I give the prosecutor (Dennis Will) a lot of credit. He went through these letters we received (from various law firms around the country offering to represent the county), looked at what they were proposing and this was the firm they were comfortable with."

While Napoli Shkolnik is based in New York, the firm has partnered with local lawyer who practices statewide in Ohio and in Lorain County — Frank Gallucci, whose office is in Cleveland. Gallucci will be the point man for any civil action taken against the manufacturers and distributors, Lundy said.

Napoli Shkolnik represents more than 40 municipalities across the nation in litigation against opioid manufacturers and distributors. It has filed lawsuits on behalf of the cities of Lorain, Parma and Dayton and Cuyahoga County.

A lawsuit on behalf of Lorain County hasn't been filed yet, but hiring Napoli Shkolnik is the first step in the process, Lundy said.

"Obviously, the opioid crisis has put a tremendous strain on the Prosecutor's Office, Sheriff's Office and Coroner's Office," Lundy said. "We want accountability, and that's why we're taking this action."

The litigation will not cost the county any money, Lundy said.

"We're not having to pay expenses or fees," he said. "All of that comes out of the settlement. It doesn't cost us either way. The only way they get paid is if they win the case."

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