

Maine cities' lawsuits against opioid makers moved to federal court in Ohio

By Jake Bleiberg, BDN Staff • December 24, 2018



Troy R. Bennett | BDN | Lighted paper bags stand as memorials to those lost at a drug overdose victims' vigil in Portland's Monument Square, Aug. 31, 2015.

Three lawsuits brought by Maine's largest cities against prescription drug companies have been bundled with a large group of similar cases before a federal court in Ohio.

Last month, civil suits from Portland, Bangor and Lewiston where among more than 20 cases moved before a special panel of judges already considering hundreds of cities, counties and tribes' claims that the pharmaceutical industry is legally responsible for the opioid crisis.

The November move out of a Maine federal court is a tactical victory for the prescription painkiller companies, and other defendants, as they seek to fend off a network of legal actions loosely modeled on the lawsuits 46 states used to win large settlements from tobacco companies in the 1990s.

The change of venue was resisted by the Maine cities and will allow the companies — including AmerisourceBergen Corp., Purdue Pharmaceuticals and Johnson & Johnson — to fight on a single legal front.

But it remains to be seen how the first battle in the multidistrict litigation will go. According to one of the lead lawyers behind the push, the move could produce relatively speedy settlements or, eventually, see the cases sent back to Maine for trial.

The Portland, Bangor and Lewiston lawsuits, along with many others, will now be influenced by three “bellwether cases” set to be tried in the Northern District of Ohio next year, said Paul Napoli, a New York-based lawyer for the Maine cities, as well as many others.

Settlements in those cases, brought by the city of Cleveland and two Ohio counties, could mean the same thing for the Maine cases, which are likely to otherwise be tried in federal court here, Napoli said.

“This is a national crisis and Maine is particularly hard hit,” said the lawyer, who also represents Ohio’s Cuyahoga County, a bellwether plaintiff. “Anything the judge can do to speed up the process will certainly benefit the people of Maine.”

In April, the city filed a lawsuit in state court seeking damages under Maine’s Unfair Trade Practices Act. Other cities and counties soon followed suit

Since then, however, the companies being sued have successfully maneuvered the cases into federal court. The move to Ohio would promote “judicial efficiency,” and protect drug companies from “unwarranted hardships” and the “the risk of inconsistent decisions,” a

lawyer for AmerisourceBergen Corp. argued in seeking to have Portland's case transferred.

The Healthcare Distribution Alliance, a pharmaceutical lobbying group, said it cannot comment on active litigation, but that there are many "misperceptions" about the industry's role in the opioid epidemic.

"Those bringing lawsuits would be better served addressing the root causes, rather than trying to redirect blame through litigation," said John Parker, a senior vice president with the group.

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