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YORK COUNTY GOES AFTER DRUG MAKERS, DISTRIBUTORS, BLAMING THEM FOR OPIOID EPIDEMIC

By [Gordon Rago](#)
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In a lawsuit as thick as a phone book, York County outlined its claims that two dozen pharmaceutical companies publicly misrepresented the dangers of opioids.

"This case is about one thing: corporate greed," the lawsuit begins. "Defendants put their desire for profits above the health and well-being of the York County consumers at the cost of Plaintiff."

Among the lawsuit's 24 defendants are four physicians — none of them in York County, county solicitor Glenn Smith said in announcing the civil suit Friday at the Administrative Center.

The companies include pharmaceutical giants Johnson & Johnson and Purdue Pharma, known for making OxyContin.

"York County has been one of the hardest-hit communities in the state facing the escalating cost of combating the opioid epidemic," Smith said.

Purdue Pharma [has responded to previous lawsuits](#), saying that the company has distributed the Centers for Disease Control and Prevention's Guideline for Prescribing Opioids for Chronic Pain, developed opioid medications with abuse-deterrent properties and has worked with law enforcement agencies to ensure access to naloxone.

"We vigorously deny these allegations and look forward to the opportunity to present our defense," the company said in a statement after New Jersey sued them earlier this year.

A trial in the York County civil case could take place locally because some of the companies are based in Pennsylvania and the lawsuit was filed here, Smith said.

County officials did not detail what financial damages they are seeking as part of the suit.

York joins three other Pennsylvania counties — Beaver, Luzerne and Delaware — in filing such lawsuits.

In September, Delaware County became the first in Pennsylvania to file, naming 11 manufacturers and their consulting doctors, [according to a Philly.com report](#).

"This will be a long, drawn-out fight," Smith said, telling reporters that it will come at no cost to taxpayers.

The county has retained New York law firm Napoli Shkolnik PLLC, which represents close to 70 counties and cities pursuing pharmaceutical companies.

A senior associate at the firm, Joseph Ciaccio, said York County will pay nothing. If there is a resolution or agreement reached, the firm would take a percentage of the settlement.

Such cases can take years to reach a resolution, Ciaccio said.

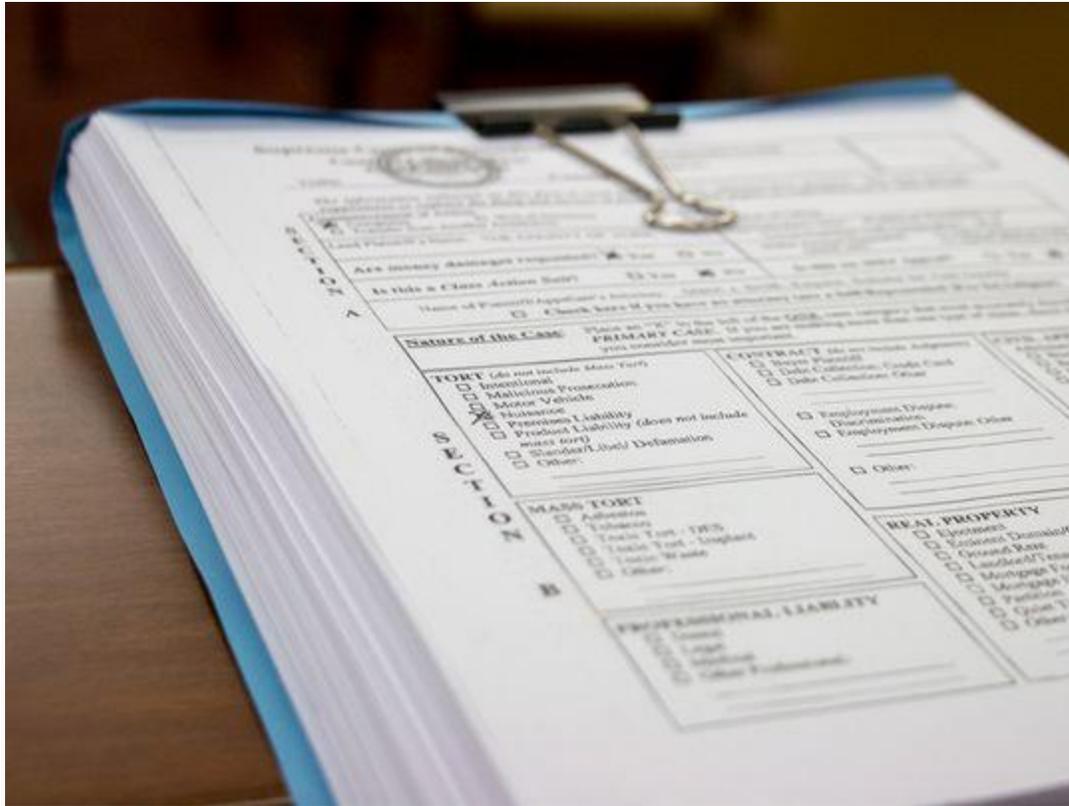
The companies' marketing tactics downplayed the risks of their powerful opioids, he said.

"They convinced the medical community and public that these drugs were not addictive," Ciaccio said.

Most companies existed before the opioid epidemic, but saw an opportunity to expand the drug from the small business of end-of-life care and post-surgery to a much larger market for everything from major injuries to minor aches and pains, Ciaccio said.

Drug deaths on rise

York's lawsuit is a big move for a county that has seen heroin and opioid-related deaths rise steadily for the last several years.



York County is filing this 252-page lawsuit against 24 pharmaceutical entities on Dec. 8, 2017. (Photo: Sean Heisey, York Daily Record)

Last month alone, [19 people died of suspected heroin or fentanyl deaths](#), an increase that did not slow down this month. Since Dec. 1, the York County Coroner's Office has handled 10 such deaths, Coroner Pam Gay said on Thursday.

As of Friday, police officers in York County had saved 262 people with the opioid-antidote naloxone, said Dave Sunday, the county's District Attorney-elect.

If York were to win the lawsuit, officials said, they would use the money to expand treatment options for addicts and establish programs for early education.

"This is another way to try to make York County whole," Sunday said.

Sunday said the opioid epidemic has stretched thin the county's response to the deaths and assisting people who are addicted to heroin or prescription medications.

"Everybody is at the end of the rope with regard to the amount of resources that they're putting into this epidemic," he said. "If there were some deceptive business

practices that took place, if the public was misled...a civil remedy for that should be explored."

Drug companies are also facing scrutiny from the state level.

[In September, 41 attorneys general said they had jointly filed subpoenas to major opioid distributors and manufacturers](#) as they investigate how prescription drugs are marketed and distributed, as well as the impact it has had on the national opioid epidemic.

Other governments have taken similar steps.

The [New Jersey Attorney General's Office this fall sued Purdue Pharma](#), the maker of OxyContin, also claiming it misled the public.

It's important for any drug companies that intentionally misled the public to be held accountable, said York County Coroner Pam Gay.

Her office has learned that most people who overdose and die of heroin or opioids such as fentanyl were once prescribed a painkiller.

The county is also incurring costs related to the prosecution of the individual drug dealers in each overdose death.

"The concern is, 'What do you do after a while?'" Gay said. "The county can only absorb so much."

Companies named in York's lawsuit:

- Purdue Pharma L.P.
- Purdue Pharma Inc.
- The Purdue Pharma Frederick Company Inc.
- Teva Pharmaceuticals USA Inc.
- Cephalon Inc.
- Johnson and Johnson
- Janssen Pharmaceuticals Inc.
- Ortho-McNeil-Janssen Pharmaceuticals Inc.
- Janssen Pharmaceuticals Inc.
- Endo Pharmaceuticals Inc.
- Allergan PLC
- Actavis Inc.
- Watson Laboratories Inc.

- Actavis LLC
- Actavis Pharma Inc.
- Endo Health Solutions Inc.
- Insys Therapeutics Inc.
- McKesson Corporation
- Cardinal Health Inc.
- AmerisourceBergen Drug Corporation
- Russell Portenoy
- Perry Fine
- Scott Fishman
- Lynn Webster