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City of Milwaukee sues opioid manufacturers and distributors

City officials claim drug manufacturers knowingly flooded the market with addictive narcotics

by **REX WENGER** · Feb 18, 2020

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Jan. 30, The City of Milwaukee announced it will be joining a federal suit against opioid manufacturers and distributors on the grounds that they were aware of their products' inherent danger and put profits over people.

Milwaukee is following in the steps of other municipalities around Wisconsin, including Pleasant Prairie, Kenosha, Walworth Co., Waukesha Co. and Dane Co — all of which have been impacted by the opioid epidemic. These suits are all part of a larger trend, as many states and municipalities around the country have seen cases brought to settlement, notably when the pharmaceutical company [Johnson & Johnson was ordered to Pay \\$572 Million](#) to the state of Oklahoma on similar grounds in August of 2019.

Milwaukee District 10 Alderman Michael J. Murphy said his city took action to combat both the financial damage and loss of life brought on by opioids.

“I believe that the impact on our city is devastating ... the impact just to the loss of human life is devastating enough, but the economic consequences have been significant,” Murphy said.

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As methamphetamines usage rates have soared in Wisconsin, Madison remains primarily affected by opioids. According to the Wisconsin Department of [Read...](#)



In 2019 alone the Milwaukee opioid-related death toll rose to 327, over 200 of which were tied to fentanyl, according to the Milwaukee County Medical Examiner's Office. As of 2017 opioid-related deaths have become the dominant cause of unnatural deaths in Milwaukee county, with opioids making up 84% of all drug-related deaths as reported by the [Journal of Forensic Sciences](#).

Fentanyl is a prescription synthetic opioid pain reliever. [The CDC states](#) it is between 50 and 100 times more potent than morphine and has a high risk of addiction and dependence. It can cause respiratory distress and death when taken in high doses or when combined with other substances, a common practice among drug addicts. Usually prescribed under the brand names Duragesic, Abstral, Ionsys and Subsys, this drug has been marketed to physicians as a method to treat pain since the 1960s.

Murphy said the law firm Napoli Shkolnik, which will be representing Milwaukee in its upcoming lawsuit, has been working closely with the city's police and health departments, and has assessed the economic damage done by opioid manufacturers.

"We can fairly well document the cost to taxpayers in the city of Milwaukee in dealing with the opioid crisis," Murphy said.

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The opioid epidemic is a widely documented phenomenon. Along with the rest of America, Wisconsin has had to face a [Read...](#)



Milwaukee faces an uphill battle against a powerful industry and intends to focus on the marketing strategy of opioid manufacturers.

University of Wisconsin Associate Professor Kathleen Culver said Milwaukee is looking to capitalize on what it views as a violation of public nuisance laws, aimed at protecting the well-being of the general public.

"What these suits are claiming is that opioid manufacturers, through their marketing tactics, created a false market," Culver said. "They

essentially flooded the market, they oversupplied a market and that prompted people to engage in abuse. That created what's called a public nuisance.”

Public nuisance laws have been historically used when an entity interferes with the peace of the general public, typically exercised in cases involving roads, waterways and other public areas, as explained by [Cornell Law School](#).

In more recent years, these laws have been applied in cases involving guns or water and air pollution. Professor Culver said in the 1990s the city of Chicago argued gun manufacturers oversupplied the market and gun dealers violated Chicago's gun laws, thus contributing to a public nuisance. Chicago pushed the suit until a federal legislative decision took the side of the gun industry and ended Chicago's legal battle.

Professor Culver voiced skepticism of Milwaukee's lawsuit, however, claiming simply attacking opioid suppliers will do little to prevent addiction.

“When you addict millions of people to painkillers and you do not have properly funded recovery programs, you do not have properly funded mental health — particularly in rural areas of the country like a lot of Wisconsin — this isn't something that goes away when the suppliers decide that now's the time to be responsible,” said Culver.

If the case were to end in a settlement, the debate on how best to allocate funds would arise. Some feel Milwaukee must plug existing budget holes, while others, such as Murphy, believe the city should focus on addressing addiction.

Murphy said he intends to introduce legislation that would ensure settlement funds are used to provide services to recovering opioid addicts.

“Any settlement dollars that are derived would in fact go into dealing with the issue of treatment, responding to the overtime cost, the Narcan training [and] the emergency care that we spend money already currently on,” Murphy said.

Milwaukee is now among the [two-thirds of Wisconsin counties](#) to sue opioid manufacturers.