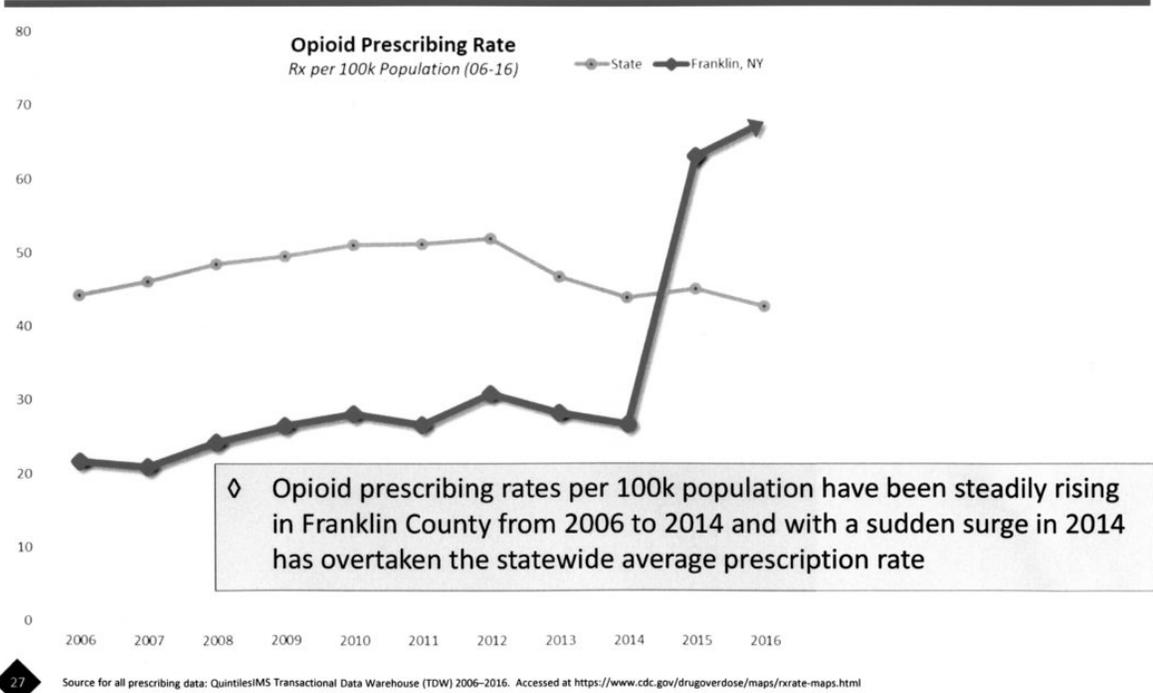


# Adirondack Daily Enterprise

## County mulls suing opioid drug makers

### Dispensed Opioids in Franklin County Prescription Rate



SARANAC LAKE — A team of lawyers suing pharmaceutical companies for damages in the opioid epidemic made a pitch to Franklin County legislators Thursday.

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Twenty-five counties in New York state and one city (Ithaca) have joined the lawsuit against the pharmaceutical companies. Franklin County legislators listened to the presentation and said they would decide which law firm to use by next Thursday, Feb. 22.

Attorneys Joe Ciaccio and Sal Badala of the law firm Napoli Shkolnik PLLC explained the ins and outs of suing pharmaceutical companies. They intend to prove that the drug companies purposely lied to doctors and the public, saying opioid pain medications were not addictive and were safe for long-term use. According to their presentation, the companies spent hundreds of millions of dollars developing and disseminating seemingly truthful scientific and educational materials, recruiting prescribing physicians as paid speakers, funding and encouraging certain doctors known as “*key opinion leaders*” to spread misinformation through professional societies, and creating “*front groups*” or patient advocacy groups that were actually funded by the drug companies, all with the aim of increasing the drug companies’ profits.

## Opioids hit counties hard

In Franklin County, foster care placements doubled, then tripled in the last few years, according to legislative chair Don Dabiew, D-Bombay. Parents went to jail or rehab or were rendered incapable of caring for their children because they had become addicted to painkillers, which is often followed

by addiction to heroin. Heroin, a street-level opioid, is often cheaper and easier to obtain than prescription drugs.

The path to addiction, for many of the victims, began with a prescription for pain. According to figures presented by Ciaccio and Badala, prescriptions for opioids — such as OxyContin, Percocet, Vicodin— climbed sharply in Franklin County in 2015, with a large number of those prescriptions going to Medicare Part D patients.

Ciaccio said the advantage of joining the lawsuit as a county is that Franklin County would have the power to accept a settlement and then distribute the funds as it sees fit, rather than giving control to the state.

*“We want you to have a say in monetary relief if there’s going to be monetary relief,”* said Ciaccio. *“We sent an email to every one of our clients to find out what damages they’re seeking.”*

The suit, which is filed in Suffolk County, Long Island, is *“coordinated”* rather than *“consolidated,”* they explained. That means all the suits are bundled together for filing, but *“If a trial every comes, the case would be sent back to your home county here,”* said Ciaccio.

Throughout the nation, 120 counties and the state of Alabama are filing federal lawsuits against the pharmaceutical companies. The federal case is being heard in Ohio and is taking a slower path than the one in New York.

New York’s case is already in the discovery process, said Ciaccio. This is a step in the case when the lawyers collect the evidence for their claim: Napoli Shkolnik has filed requests for thousands of documents from Purdue, McKesson, Cardinal Health and others to show where the drugs came from and how they were distributed.

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Finding out how the drugs come in

Franklin County Legislator Barb Rice, D-Saranac Lake, asked, *“What is the trickle-down effect of how these medications are being distributed in our*

*community? The important part is stopping the flow of drugs into our community.”*

Ciaccio said the documents they’re seeking will answer those questions.

*“Believe me, the drug companies keep meticulous records,”* he said.

*“We want their training manuals, their entertainment costs.*

*They keep detailed records of when they take doctors out to dinner. It’s their marketing costs.*

*“They keep good records: Doctor X is a good seller; Doctor Y, maybe we should go talk to him.”*

According to the law firm’s data, 1 in 12 doctors are being paid by drug companies, totaling more than \$46 million to around 68,000 doctors. The highest paid and most influential doctors received 83 percent of that payment.

Although some people might see a parallel with the ultimately successful lawsuits against tobacco companies, in which states recovered monetary damages, Ciaccio and Badala said the opioid lawsuits differ in important ways.

*“We don’t agree with the parallel with Big Tobacco,”* said Ciaccio. *“You’re going up against the biggest corporations in the country this time. The big difference is the type of damages. In the suits against the tobacco companies, those were handled by states’ attorneys general, and they were suing to recoup the states’ Medicaid costs. You didn’t have people dying in the streets from overdoses; you didn’t have children ending up in foster care at extremely high rates.*

*“This is immediate and widespread damage compared to what we saw with Big Tobacco.”*

He said the monetary damages would be handled differently. The money recovered from the tobacco companies was controlled by the states, and *“a lot of it went to build a road somewhere.”*

Ciaccio continued, *“Local counties need this money.”*

Rice asked why it appears that Franklin County’s opioid use is climbing compared to the rest of the state.

*“In the more populous counties, doctors are being arrested,”* Ciaccio said. That’s because the sheer volume of prescriptions they’re writing raises red flags for law enforcement, he explained.

That data, about how many prescriptions are being written and by whom, is among the documents they’re seeking. *“The defendants are resisting, because they’re saying that’s proprietary information,”* said Ciaccio.

*“From a grassroots perspective, that’s what you need to know,”* said Rice.

The two attorneys finished their presentation with a pitch for their firm, which has specialized in pharmaceuticals and mass marketing for 15 years.

*“There’s no payment unless there’s recovery,”* said Badala. *“It’s the same agreement we have in every single county we’re representing in New York. Our fee is also off the net recovery, not the gross recovery.”*

Should the counties’ lawsuits be successful, the attorneys said that would not prevent individuals from suing for damages.

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