

Franklin County joins lawsuit against opioid manufacturers, distributors

By Frank DiFiore of The Malone Telegram

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MALONE — The Franklin County Legislature voted on Thursday to join a lawsuit against opioid manufacturers and distributors.

The resolution approved by the county board authorizes Legislative Chairman Don Dabiew, D-Bombay, to enter into a special counsel agreement with the Napoli-Shkolnik PLLC law firm, currently the co-lead counsel on the lawsuit. The agreement will be pending the review and approval of County Attorney Jonathan Miller.

Napoli-Shkolnik currently represents about 100 counties across the county in pursuing reparative damages from several opioid manufacturers and distributors.

The county will be joining a state-level lawsuit, along with 25 counties in New York and the city of Ithaca.

County officials met with two attorneys from Napoli-Shkolnik during their semi-monthly meeting last week in Saranac Lake.

County legislators said that they had also met with two other law firms to interview them about joining the lawsuit. Napoli-Shkolnik was eventually chosen in part due to the larger number of their clients in the suit — which would help alleviate payments for expert witnesses and other expenses by sharing the costs between them — and their familiarity with the county where the individual lawsuits are being handled in Suffolk County.

“I thought they were extremely impressive,” said County Manager Donna Kissane.

Once the pre-trial process is complete in Suffolk, each county would be able to pursue a separate civil case in their local courts.

Kissane did note that the details of final expenses would need to be made clear in the agreement — particularly, whether the 25 percent cap on payment to the firm from any monetary damages is calculated by the net amount or gross amount.

County officials said that they are hoping to use any monetary damages from the lawsuit to combat the opioid epidemic that these companies contributed to. In Franklin County in particular, the drug phenomenon has seen a large increase in the need for foster care, as children are removed from their addicted parents.

County officials are also hoping that any information resulting from the discovery phase of the trial will help them disrupt the flow of opioids into the county and identify the sources of prescription abuse.

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