

Osceola joins national opioid legal action against drug companies

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Osceola County has signed on to a national legal movement aimed at holding more than two dozen major drugmakers and distributors responsible for America's opioid crisis.

The first Florida county to file a lawsuit against the companies, Osceola is seeking unspecified damages to pay for rising Medicaid, foster-care and law-enforcement costs associated with the epidemic.

Across the country, more than 200 local governments have taken similar action, and the number continues to grow. A collective settlement could bring billions of dollars for them.

The suit, originally filed in November, accuses 25 drugmakers and distributors of putting profits over public safety in producing and marketing drugs such as OxyContin and Percocet.

“This case is about one thing: corporate greed,” the suit reads.

It also states the companies spent hundreds of millions of dollars spreading scientific and educational materials, as well as advertising that “misrepresented the risks, benefits and superiority of opioids’ long-term use to treat chronic pain.”

One of the defendants, Purdue Pharma, denied the allegations in a statement and said the company has followed federal guidelines for prescribing opioids; helped law-enforcement agencies gain access to naloxone, an antidote for overdoses; and developed three new opioid medications with “abuse-deterrent properties.”

“We are deeply troubled by the prescription and illicit opioid abuse crisis and are dedicated to being part of the solution,” the statement reads.

Osceola County commissioners late last year voted to hire New York law firm Napoli Shkolnik as a special counsel to pursue the case. The office has filed about 80 similar suits across the country and is on retainer with more than 150 other municipalities, said Hunter Shkolnik, a partner at the firm.

“There’s been a dramatic spike in overdose deaths [in Osceola],” Shkolnik said. “I think this is an epidemic that needs to be stopped, and these companies are not going to stop doing what they’re doing until they’re brought to their knees. I think we’re in the best position to do that.”

In the United States, 115 people die each day from a drug overdose, and 66 percent of overdose deaths involve an opioid, according to a 2016 report from the Centers for Disease Control and Prevention.

A 2016 report from the Florida Department of Law Enforcement says 5,725 opioid-related deaths were reported in the state, which is a 35 percent increase over 2015. Specific numbers for Osceola County weren’t available.

“We’re dealing with this in our West [U.S. Highway] 192 corridor and veterans who these [drugs] are often prescribed to. I would guess [it’s costing] millions and millions of dollars,” Osceola Chairman Fred Hawkins Jr. said. “This is something that had to be done ... we have to start taking action.”

Other large companies listed in the suit include drugmakers Johnson & Johnson, Janssen and Teva, as well as distributors such as McKesson Corp. and Cardinal.

Nick McGee, public affairs director for the national Pharmaceutical Research and Manufacturers of America, said the organization that represents biopharmaceutical research companies does not comment on legal matters relating to particular companies.

But he added the group supports policies to limit the supply of opioids to seven days for acute pain, with a few exceptions, and is also working with the President's Commission on Combating Drug Addiction and the Opioid Crisis.

Hawkins said the legal battle is similar to the 1990s fight between 46 states and the tobacco industry. In 1998, a \$206 billion settlement was reached against the industry to cover tobacco-related health costs.

"In the end, I think we'll see a similar result here," Hawkins said.

Shkolnik said what's different this time is "the counties are really footing the bills and are the ones stepping up filing cases."

Osceola commissioners voted Nov. 13 to have Shkolnik represent them in the case. The firm is working for free but would be paid 25 percent of any money awarded if the county wins, records show.

Last week, Alachua County filed a nearly identical complaint in circuit court, and Shkolnik said he also appeared before Brevard County leaders recently.

Palm Beach, Pinellas and Miami-Dade counties are also considering filing suit.

Orange County has not yet decided to take action, spokeswoman Carrie Proudfit said. It also has not been discussed in Lake County, spokeswoman Elisha Pappacoda said.

Seminole County did not respond to a request for comment.

The case is in a legal tug-of-war at the moment. The suit was moved to federal court from state court Feb. 1, after the drug companies made a motion to move it. Melissa Emert, another lawyer representing Osceola, said it could still move back to circuit court in Orange and Osceola counties.

Regardless in which court it lands, the Osceola action and other lawsuits could be resolved at once.

U.S. District Judge Dan Polster of Cleveland said he is trying to reach a settlement this year with the pharmaceutical companies that would also include all suits filed in state courts, [the Los Angeles Times reported](#).

Despite the judge's efforts. Shkolnik said the legal fight might take a while.

“Like tobacco, I suspect we'll be at this for a while,” he said.

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