

# Biddeford the latest Maine city to join lawsuit against opioid makers

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Biddeford is one of several cities in Maine and many across the country suing pharmaceutical companies that manufacture and distribute opioids. The suit is one method the city is using to battle the opioid crisis as well as recoup expenditures its made fighting that battle and assisting victims and the families of victims of opioid use.

The Biddeford council voted 7-2 earlier this month, with Councilors Michael Ready and Laura Seaver in opposition, for a resolution to authorize City Manager James Bennett to retain Napoli Shkolnik, PLLC and Trafton, Matzen, Belleau & Frenette, LLP, the latter of which has an office in Auburn. The firms are being hired to prosecute “any legal claims against manufacturers and distributors of opioids arising out of the manufacturers’ and distributors’ fraudulent and negligent marketing and distribution of opioids,” according to the resolution.

In answer to Councilor Robert Quattrone’s question as to what the city is hoping to gain from the suit, City Attorney Keith Jacques said “The goal ... is to get some monetary relief and some concessions on behalf of the manufacturer.”

In another question, Quattrone asked “Isn’t this like going after a car manufacturer because the person is a habitual speeder?”

The money will go directly to the city, not the opioid victims, said Adam Lee, who is with the Auburn law firm.

The only way for cities to recoup the funds they spend to assist victims of opioid use “is through this sort of action,” he said.

Lee told councilors that similar suits are being filed elsewhere in the state — like Auburn, Bangor, Lewiston and Portland — and in about 40 municipalities in the nation.

Lawsuits are being filed by municipalities individually, rather than a class action suit as was the case when tobacco manufacturers were sued.

In the tobacco lawsuit, Bennett said, funds were distributed to the states to spend as they saw fit. By filing individually, any funding awarded as a result of these suits will go to each community that wins a suit or receives a settlement

“It’s at the local level that the costs occur,” he said.

Local police deal with burglary, theft, domestic violence and other crimes that often result from substance use and/or drug seeking behavior, said Christine Ohman, who writes grant applications for the city. And local rescue services are usually the first on the scene when a drug overdose is reported.

In Biddeford funding also goes to a program to help connect opioid users with resources to help their recovery. In a joint venture with Saco, Biddeford formed the People Recover Program — formerly called the Saco-Biddeford Opiate Outreach Initiative — which serves those struggling with opioid addiction and their families in both communities. The initiative is one of four pilot programs in Maine funded by a state grant — that Ohman wrote the application for — but both Biddeford and Saco contribute funding to the program. The state provided \$98,000 and together, Biddeford and Saco contributed a total of about \$20,000 for the two-year program. Funding runs out in October.

City Manager Bennett said the state has already indicated it will not provide additional funding for the program and the twin cities must decide whether they want to continue it with only local funding, if no other

alternative is found. He said the staff believes the program has been very successful.

Bennett said the lawsuit is being filed because “We believe that the practices of the pharmaceutical industry had more taking (opioids) than was needed.” The suit seeks that drug companies change their practices of how opioids are prescribed and provide “financial relief to taxpayers who are paying the bill.”

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