

Opioid settlement: Will deal bring money to Hamilton County? Not yet

Terry DeMio and Kevin Grasha, Cincinnati Enquirer Published 11:44 a.m. ET Oct. 21, 2019 | Updated 12:52 p.m. ET Oct. 21, 2019



Prescription opioids are often a gateway drug to other opioid addictions such as heroin and fentanyl addiction. (Photo: Enquirer file photo)

A precedent-setting case involving opioid drug makers and distributors ended in a proposed settlement Monday between two northern Ohio counties and several of the drug firms.

The judge in the case said he wanted the deal to encourage settlements with more than 2,600 American communities – including many from the Cincinnati region – that have claims against the defendants.

Hamilton County, among other communities in Ohio and Northern Kentucky will have their own chance to secure a settlement against the drug makers and distributors.

The trial underscores the damage triggered by overprescribed pain pills that morphed into the kinds of problems documented by The Enquirer's Pulitzer Prize-winning report on [Seven Day of Heroin](https://www.cincinnati.com/pages/interactives/seven-days-of-heroin-epidemic-cincinnati/) (<https://www.cincinnati.com/pages/interactives/seven-days-of-heroin-epidemic-cincinnati/>).

The plaintiffs' attorneys announced the tentative settlement Monday morning between Cuyahoga and Summit counties, the first counties tracked to go to trial. The settlement that's proposed includes [drug maker Teva](https://www.cincinnati.com/story/news/2019/10/21/teva-pharmaceutical-industries-and-opioid-settlement-what-know/4051943002/) ([story/news/2019/10/21/teva-pharmaceutical-industries-and-opioid-settlement-what-know/4051943002/](https://www.cincinnati.com/story/news/2019/10/21/teva-pharmaceutical-industries-and-opioid-settlement-what-know/4051943002/)) as well as distributors Cardinal Health, McKesson and AmerisourceBergen.

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Other companies that already reached a settlement to avoid a trial include Johnson & Johnson; Mallinckrodt Pharmaceuticals, one of the biggest manufacturers of generic opioids; and Purdue Pharma, which has been widely blamed for igniting the opioids crisis with misleading marketing of its drug OxyContin.

The communities have brought forward public nuisance, conspiracy and RICO claims against the defendant manufacturers and distributors.

They say that the defendants should be held accountable for fueling an opioid epidemic that caused more than 400,000 deaths (<https://www.apnews.com/c428bb2ba4cd4cc6a59f8dbe79e18d9f>) since 2000.

Drug makers have routinely denied wrongdoing. ([/story/news/nation/2019/10/21/opioid-trial-settlement-report/4051076002/](https://www.npr.org/2019/10/21/701101000/opioid-trial-settlement-report)), saying the drugs had survived intense Food and Drug Administration scrutiny and carry warning labels explaining the addictive risks.

Ohio has been particularly hard hit with overdose deaths. Federal data for 2017 alone ranked the state second in the nation for overdose deaths, with 4,293 reported deaths, a rate of 39 per 100,000 people. That compares to a national rate of 14.6 such deaths per 100,000.

Many of the recent deaths in the heroin epidemic are largely attributed to fentanyl made in China. That became apparent beginning in about 2014 in Ohio, when overdose rates not only started increasing, but at a fast rate. In just three years, fentanyl-related deaths in Hamilton County jumped 1,000% ([/story/news/2018/06/06/opioid-fentanyl-dwarfs-heroin-cincinnati-drug-supply-killing-more/610804002/](https://www.cincinnati.com/story/news/2018/06/06/opioid-fentanyl-dwarfs-heroin-cincinnati-drug-supply-killing-more/610804002/)).

Since the epidemic's onset, communities including those in Southwest Ohio and Northern Kentucky have added programs to try to help allay some of the deaths and the spread of disease due to injection drug use.

Communities that had long avoided needle exchanges got them.

Northern Kentucky Health Department records show that 92 lives were saved ([/story/news/2019/07/08/needle-exchange-narcan-naloxone-opioid-addiction-overdose-saves-92-lives-kentucky-covington-newport/1621649001/](https://www.cincinnati.com/story/news/2019/07/08/needle-exchange-narcan-naloxone-opioid-addiction-overdose-saves-92-lives-kentucky-covington-newport/1621649001/)) by a program handing out naloxone at needle exchange sites in their first year.

Hamilton County announced a plan to increase its naloxone distribution by 400% in 2017 ([/story/news/2017/09/07/hamilton-county-boost-narcan-400-percent-fight-overdose-deaths/624288001/](https://www.cincinnati.com/story/news/2017/09/07/hamilton-county-boost-narcan-400-percent-fight-overdose-deaths/624288001/)), and attributed a drop in overdose deaths the next year, in part, to that effort.



A little girl who's been in and out of foster care sits on a bed at St. Joseph's Orphanage in 2018. (Photo: The Enquirer/file photo)

Hamilton County Heroin Coalition leaders believe that settlement money should come directly to communities ([/story/news/2019/09/02/ohio-could-get-millions-federal-opioid-lawsuit-who-should-decide-how-spend-it/2138948001/](https://www.cincinnati.com/story/news/2019/09/02/ohio-could-get-millions-federal-opioid-lawsuit-who-should-decide-how-spend-it/2138948001/)) that are fighting the crisis. That's the plan, according to the plaintiffs' attorneys.

Terms of a deal involving McKesson Corp., Cardinal Health Inc., AmerisourceBergen Corp. and Teva Pharmaceutical Industries Ltd. were to be announced later in the day. Cuyahoga County lawyer Hunter Shkolnik says the settlement amounts to \$260 million.

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"The proposed settlement will make significant progress to abate the epidemic by providing resources for and applying funds directly to necessary opioid-recovery programs," said the plaintiffs' executive committee co-lead attorneys Paul J. Hanley, Jr., of Simmons Hanly Conroy, and Paul T. Ferrell Jr., of Greene, Ketchum, Farrell, Bailey & Tweel, LLC., and Joe Rice of Motley Rice LLC.

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