

Tribune Chronicle

County retains firms in opioid lawsuit

WARREN — Trumbull County on Thursday joined several other communities and made the first move toward suing pain pill manufacturers and distributors to pay for the results of a population addicted to opioids by hiring a team of attorneys.

The same group of attorneys on Oct. 27 filed a 364-page lawsuit in Cuyahoga County Common Pleas Court, and representatives from the firms at the Trumbull County commissioners meeting Thursday said they intend to file the suit in Trumbull County Common Pleas Court to make the most impact in the legal system.

“The drug manufacturers knew very early on that the painkillers, that their drugs that they manufacture and that they are making millions in dollars in profits from, were hooking people,” said Mary Jane Trapp, an attorney with the Cleveland law firm Thrasher, Dinsmore & Dolan, and a former judge in Warren’s 11th District Court of Appeals.

With a resolution at the meeting and a contract that states the attorneys only collect payments and fees if the county wins, Trumbull County joined 45 other counties in eight states to pursue a suit with the team. The county would give up 25 percent of whatever cash a suit might generate.

“There is no risk to the county,” said Frank Fuda, Trumbull County county commissioner.

The Cuyahoga County lawsuit listed 24 defendants, including individuals and corporations in Ohio, New York, Delaware, Pennsylvania, Arizona, Utah and California.

“For too long, these manufacturers and distributors of opioid pain medications have really promoted and touted them without properly explaining the dangers of those pain medications, which as we know now, leads to addiction and overdose deaths. I think the onus is on us to hold the pharmaceutical industry accountable for the families that have lost people, and those who have gone through the scourge of addiction,” Commissioner Mauro Cantalamessa said. *“These medications were glamorized and promoted without accountability and we hope that not only can we get reimbursed on services that have cost the taxpayers money, but hold them accountable as well.”*

The funds the lawsuit could generate could go to support the increased costs certain county departments have dealt with because of the number of people addicted in Trumbull County, which is seventh in the state for accidental drug overdose rates.

The Trumbull County Mental Health and Recovery Board, the Trumbull County Coroner’s Office, drug task forces, courts, the jail and children services are some of the departments that face the crisis every day and could stand to benefit from any extra cash the suit might generate.

“This is not a problem you can simply arrest your way out of, it’s not a problem you can incarcerate your way out of, and when it comes to the corporations, it’s not a problem that you can fine your way out of. The three wholesale distributors that have 85 percent of the market, each do over \$100 billion in revenue a year. So to give you an idea, when they were fined \$150 million for violating the requirements that they were statutorily obligated to follow, their stock went up that day,” said Frank Gallucci, with Plevin & Gallucci Company.

The lawsuit also will seek to target three areas — ensure the next generation is educated about the danger of addiction to opioid pain pills; infuse drug task forces, drug courts and law enforcement with cash for programs; and focus on treatment options for those struggling with addiction, Gallucci said.

Commissioner Dan Polivka shared at the meeting personal stories of friends he knew and lost to pain pill addiction that spiraled out of control.

“This is a crisis in our county that touches all walks of life, and it starts with painkillers, that lead to heroin overdoses. Addiction to painkillers often leads to other drug use, which is devastating to the community,” Polivka said.

Cantalamessa said county officials explored other firms and teams in the interest of pursuing a lawsuit to pay for the results of the opioid addiction epidemic, before the choice was made to retain Napoli Shkolnik of New York; Plevin & Gallucci Company; Thrasher, Dinsmore & Dolan; Scott Elliot Smith; and Pasternack, Tilker, Ziegler, Walsh, Stanton & Romano.

The state of Ohio, Dayton, Parma, Lorain, Toledo and Richland County Children Services are some of the communities that have filed suit against companies in the opioid pain pill business. Napoli Shkolnik represents others in New York, Maryland, West Virginia, Kentucky, Georgia, Tennessee Louisiana, Texas and New Mexico.

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