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## Tompkins County to join statewide legal effort against big pharma

By Nick Reynolds 1 hr ago



Tompkins County may join a statewide coalition of counties attempting to sue the pharmaceutical industry for a practice, officials say, of deceptive marketing that had a role in compounding the rise of the opioid crisis.

In a meeting of the county's Government Operations Committee on Wednesday, members of the legislature discussed the logistics of joining the effort, which would make Tompkins County one of dozens of counties to file against drug companies for, what a standardized complaint is expected to argue, purposefully misleading doctors and the public on how addictive their medications actually were.

Damages to be recovered from those parties will likely come in the form of the total cost of increased social services, policing, treatment, incarceration and other expenditures.

Wednesday's resolution, which would authorize the county to sue for damages from a number of companies resulting from abuse of opioid pharmaceuticals, is actually fairly late-coming: counties across the state began filing lawsuits far earlier in the year, with Suffolk County in Long Island among the first to file. (nearby counties, such as Broome County, filed a lawsuit in February and Onondaga County filed its version of the lawsuit over the summer.)

Tompkins County is attempting to hurry into the litigation in order to maintain momentum of the suit in the state courts: The original eight county coalition **began proceedings** in a Central Islip courtroom on Sept. 27.

Different from a class action lawsuit, the effort is more-or-less a template-based form of justice, with most of the counties that have joined the effort deciding between one of two law firms – Napoli Shkolnik PLLC and Simmons Hanly Conroy LLC – to represent them in order to somewhat standardize their efforts. Tompkins County attorney Jonathan Wood said the county would likely be working with one of these two.

While there would be no upfront cost in this relationship, there would, eventually, be costs incurred at the close of the period of discovery. There is no estimate what that cost would potentially be to Tompkins County.

The lawsuits, which are playing out concurrently, have named a number of different opioid manufacturers as defendants, including Purdue Pharma LP, Johnson & Johnson, Teva Pharmaceutical Industries Ltd and Endo International Plc. Counties have argued that claims the drugmakers made through deceptive marketing and other means misrepresented the dangers of long-term opioid use to doctors, pharmacists and patients, leading to unneeded costs incurred by municipalities in terms of emergency response, health care, law enforcement response and other sectors working to respond to the opioid crisis.

The suit, itself, is complicated. To be able to be compensated for damages, each county would have to first prove that it did incur damages and costs directly related to their allegations, which poses "some challenges," as Dan Klein, the committee chair, noted on Wednesday. So far, according to committee member Will Burbank, there has so far been little enthusiasm from the county's various department heads because of the complicated nature of evidence gathering needed to comply with requests from the lawyers, concerned with both the effort and staff time that would be required to gather pertinent information and materials needed to prove harm. Legislator Rich John, who is an attorney, said that the determination of damages would likely come later in the legal proceedings: first, the lawyers would need to prove liability, and damages would be determined later.

Given a number of articles, books and other research on the pharmaceutical industry's role in the opioid crisis, John, who supports the measure, said he believes this should not be a problem.

"I don't think there's any question we have real economic impacts from the stuff these pharmaceutical companies have done," said John. "That's I believe is the essence of the claim... there is a real wrong that has been done here."

## Other County Notes:

### County contemplates renaming the county's human services building after Elizabeth Beebe

Though it wasn't up for a vote on Wednesday, Tompkins County Historian Carol Kammen appeared before the Government Operations Committee on Wednesday to endorse the idea of naming the Tompkins County Human Services building after Elizabeth Beebe, a woman who, in the 19th Century, laid what could be considered the foundation of social services in Tompkins County.

Appointed City Missionary in 1890, Beebe – who was recruited, in part, on the urging of a Reverend Hawkins one decade earlier to "get a woman to do this job" – Beebe was selected to become the city missionary because of her age, because she was educated and respected and because she was divorced, which Kammen described in a 2014 article in the Ithaca Journal as a "socially awkward position at the time," however one that gave her ample time to work.

Her efforts supported by the Ladies Union Benevolent Society, Beebe was known for her work in helping those in Ithaca's troubled Rhine neighborhood located along the inlet as well as "wherever she was needed," providing everything from food and clothing to health care and religion, whether it was in the slums or in the jail. According to **Kammen's research**, Beebe was known to go to local business leaders to request funds to support her efforts. Usually, she got what she wanted.

Though in the years after her death in 1905 many of the duties she provided had been taken over by state-mandated social service agencies, it is arguable that Beebe was the first true provider of such charitable services in Tompkins County's history and – even though her efforts were focused solely on Ithaca – Kammen argued her efforts were the only true prerequisite for the spirit of social services today.

### County Administrator search nearing a conclusion

According to County Officials on the search committee, Tompkins County is currently in the interview stage of hiring a new county legislator to replace the retiring Joe Mareane.

The new hire is expected to be announced sometime next month.

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