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Rockdale joins legal action against opioid manufacturers, distributors

By Larry Stanford

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CONYERS — Rockdale County has joined the growing list of municipalities across the country in retaining legal counsel for possible lawsuits against opioid pain medication manufacturers and distributors.

At its Nov. 14 meeting, the Board of Commissioners approved a contract with Napoli Shkolnik PLLC of New York to serve as the county's attorney in any legal action related to the opioid epidemic.

"This is a contract which enables the Board of Commissioners to pursue and protects the interests of the citizens by outside counsel and a special counsel agreement to address the opioid epidemic that we're learning about on a national level," County Attorney M. Qadar A. Baig told the BOC. "This contract allows outside counsel to serve as our plaintiffs attorney, and also the county will not receive any kind of bill for this. It is purely a contingency fee based contract."

According to an email from Napoli Shkolnik shared by Rockdale County with the Citizen, the law firm currently represents nearly 20 municipalities nationwide.

Fulton County has already joined other governments using Napoli Shkolnik to file a lawsuit. Fulton County wants to hold pharmaceutical companies accountable for the government costs associated with publicly funded treatments for problems associated with opioids.

The email notes a few points regarding the damage caused by opioids:

- Opioids claimed 175,000 American lives from 1999-2013, and this number has continued to grow.
- From 1999 to 2010, a four-fold increase in opioid sales paralleled a more than four-fold increase in prescription opioid overdose deaths.

- In the United States, prescription opioid abuse costs are about \$55.7 billion annually, according to data from the CDC.
- Ninety-one Americans die every day from opioids overdose.

The claims against the manufacturers of opioid pain medications include claims of deceptive business practices, false advertising, public nuisance, violations of social services/Medicaid law, fraud, and unjust enrichment. The claims involve the deceptive practices of the manufacturer defendants in using both branded and unbranded marketing to reach prescribers and patients.

Governments are also bringing negligence claims against wholesale distributors of opioids. Under both federal and state law, wholesale distributors have a duty to report suspicious or alarming orders of opioid pharmaceuticals. The evidence shows that these defendants failed to meet this duty despite overwhelming evidence that these drugs were being abused, diverted, and misused based on the size of the orders.

The lawsuits will seek to achieve financial recovery for each municipality for the costs associated with this epidemic, including substance abuse programs, insurance/Medicaid, lost productivity, foster care costs, Narcan training and supplying, and increased law enforcement.

"It is our hope that these lawsuits will help the municipalities receive funding to help in the fight against this epidemic," stated Napoli Shkolnik in the email.

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Born and raised in Decatur, Ga. Graduated from Shorter College in Rome, Ga. in 1979 with B.A. in Communications. Worked in community newspapers for 25 years. Started at Rockdale Citizen/Newton Citizen in January 2016.