

# Auburn files complaint in class-action lawsuit against opioid manufacturers, distributors

Dan Orzechowski | Jul 24, 2019



Auburn has officially joined multiple New York municipalities in filing legal complaints as part of a class-action lawsuit against opioid manufacturers and distributors.

Image: Associated Press

Napoli Shkolnik PLLC, a law firm representing the city and about 250 other municipalities nationwide, filed a complaint and court summons on behalf of Auburn at Cayuga County Supreme Court last month. The lawsuit accuses 90 defendants of actions that have allegedly fueled the opioid crisis.

Many of the named defendants are opioid manufacturers, distributors and big-box pharmacies; however, eight members of the Sackler family, the family who owns the pharmaceutical giant Purdue Pharma, were also individually named. A Napoli Shkolnik attorney told The Citizen Tuesday that lawsuits will be consolidated, with a trial that will include Auburn's case scheduled to be held in Suffolk County Supreme Court in March.

Auburn Assistant Corporation Counsel Nathan Garland is working directly with Napoli Shkolnik, which has offices on Long Island and in nine other states and Washington, D.C.

At the beginning of the 312-page complaint filed in Cayuga County, Napoli Shkolnik said the case is "about one thing: corporate greed." The firm added that profits were wrongfully put before the well-being of Auburn consumers.

According to the complaint, the defendants knew that providing opioid painkillers to patients was a short-term, "last resort" solution to chronic pain, yet they continued to deceptively market opioids as low-risk answers to pain to both patients and doctors.

An ongoing, "highly deceptive and unfair marketing campaign" that began in the 1990s spent millions of dollars on developing "seemingly truthful scientific and educational materials and advertising that misrepresented the risks and benefits of long-term opioid use," the complaint said. The complaint specifically accuses the defendants of deploying sales representatives to deliver these allegedly misleading messages to doctors and prescribers, as well as recruiting prescribing physicians as paid speakers to extend the message to other physicians.

New York municipalities aren't the first to take on Purdue Pharma. Other states, counties and cities have filed complaints for the same reasons against the pharmaceutical company. One of those states was North Dakota.

North Dakota's case was dismissed in May, though, when Burleigh County District Judge James Hill ruled that because Purdue's opioid medications and promotions of those medications are FDA-approved, the state's consumer laws had not been violated.

Although Purdue — and many of the other listed defendants — have secured FDA approvals for their products, Napoli Shkolnik's complaint counters that the agency's approval has little meaning. The complaint quoted Janet Woodcock, the director of the Center for Drug Evaluation and Research, when she wrote in a 2013 letter, that at that time, data on long-term opioid use and addiction had been inconclusive.

Additionally, Salvatore Badala, a partner and general counsel with Napoli Shkolnik, told The Citizen Tuesday that North Dakota's case was an "outlier" and that it somehow veered off onto a labeling debate rather than a marketing one.

Auburn's no-cost special counsel agreement with Napoli Shkolnik was authorized by city council in May. However, if a monetary sum was to be awarded through litigation, any legal fees that Auburn owes Napoli Shkolnik would come out of that award.

Purdue Pharma did not respond to a comment request from The Citizen.