

ALACHUA COUNTY SUES PHARMACEUTICAL COMPANIES OVER OPIOID EPIDEMIC

By Meredith Sheldon

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Alachua County is one of the first Florida counties to sue pharmaceutical makers and distributors as a result of the opioid epidemic.

The county filed a complaint last week in circuit civil court naming more than a dozen defendants, from manufacturers to individual doctors. It alleges the defendants spent millions of dollars falsely marketing opioids as long-term, safe and non-addictive drugs.

Osceola County has also filed suit at the state level. Joseph Ciaccio, an attorney with the law firm Napoli Shkolnik, signed professional service contracts with both Alachua and Osceola counties. His firm represents about 100 other counties nationwide in state-level litigation.

From the Panhandle to South Florida, at least nine other counties are considering filing a lawsuit but have not yet done so.

Ciaccio said Alachua County's legal action is a step in ending the opioid epidemic.

"I think it would be very hard to find anywhere in Florida that hasn't been severely affected by the flooding of opioid prescriptions," he said. "Across the country, there is enough for basically every American to have a prescription."

At its Dec. 12 meeting, Alachua County commissioners discussed how it wanted to approach the epidemic and lawsuit.

The State Attorney General's Office has not yet jumped into the litigation, but Alachua County Attorney Sylvia Torres said getting ahead of the state may give the county a leg up.

"If we wait, [the state] will settle for us and not let us get involved," she said. "Getting involved before the state gives us a chance to be at the table."

If the county were to lose in court, taxpayers would not be on the hook; the contract calls for the county to pay 25 percent of the fees if it earns a settlement or judgment.

Ciaccio said he can't disclose how much money his firm and the county are looking to extract from the defendants. But millions of dollars, he said, "would be a safe assumption."

Why Alachua County?

According to the most recent Medical Examiners Commission Drug Report, about 200,000 people died from opioids in Florida in 2016. ^

The District 8 medical examiner's office, headquartered in Gainesville and covering six counties, saw a total of 96 deaths from opioids like heroin, fentanyl, methadone and others in 2016, according to the report.

"We have not had the spikes some of the other counties have had," Torres said. "We have not been hit in the way some of the communities have been hit."

Still, the county is taking precautionary action.

"If it's not here, it's going to be here," county commissioner Charles Chestnut said. "Just like any other drugs that were across the state of Florida eventually wind up in Gainesville. It's coming."

2016 opioid drug deaths

These were the types of drug overdoses the District 8 Medical Examiner's Office reported during calendar year 2016.

Oxycodone

28

Morphine

24

Hydrocodone

14

Fentanyl

13

Methadone

12

Fentanyl analogs

3

Heroin

2

District 8 consists of Alachua, Baker, Bradford, Gilchrist, Levy, and Union counties.

Source: 2016 Medical Examiners Commission Drug Report • [Get the data](#) • Created with [Datawrapper](#)

A repeat of big tobacco?

The tobacco industry took more than a \$200 billion hit in the late 1990s when 46 states successfully sued for false advertising campaigns and health-care costs.

Is the same happening with opioids?

Ciaccio said there are similarities to the cases, but from his perspective the opioid epidemic is more dramatic and severe.

"The damage caused by opioids in terms of overdoses just doesn't exist with tobacco," he said. "You don't have people overdosing and dying the first time they use tobacco."

Counties are dealing with some of the largest corporations in the country, some of which have paid massive fines to the federal government and U.S. Drug Enforcement Administration, Ciaccio said.

For example, Purdue Pharma, the manufacturer of OxyContin, paid \$600 million in fines in 2007 for misinforming doctors and regulators about risks, according to the New York Times.

McKesson agreed in 2017 to pay a \$150 million settlement for suspicious orders of drugs, according to the U.S. Department of Justice.

“There’s no one smoking gun,” Ciaccio said. “Even the company isn’t denying the damage they caused.”

For its part, Endo, one of the dozen or so companies named in Alachua County’s suit, has pushed back. Its chief legal officer, Matthew Maletta, wrote to the Ohio attorney general in November: “Your letter’s assertion that the pharmaceutical industry caused this epidemic is – at best – a stunning oversimplification.”

The lawsuit’s timeline

Ciaccio said Alachua and other counties pursuing litigation are seeking recovery for resources to end opioid addictions.

Along with costs to local healthcare and law enforcement, Ciaccio said programs for substance abuse, child services, and education are needed.

According to a Jan. 31 Bloomberg story, Judge Daniel Poster in Cleveland is monitoring all cases on the federal and state levels in hopes of solving what’s likely to be a complicated legal battle.

Ciaccio said he hopes for a speedy resolution, but also expects “this could be a battle that’s going to take several years.”