

Strongsville may join litigation against makers and distributors of opioids

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STRONGSVILLE, Ohio - The city may join ongoing litigation against drug manufacturers and distributors over the nation's opioid epidemic.

Under a proposed ordinance, which City Council placed on first reading last week, the city would hire Climaco, Wilcox, Peca & Garofoli Co. LPA, a Cleveland law firm, and Napoli Shkolnik PLLC in New York City to represent Strongsville in the legal action.

"This is something we've been looking at," Strongsville Law Director [Neal Jamison](#) said. "Manufacturers, distributors and marketers of opioids have created a public nuisance for our community by putting out these highly addictive painkillers, and it has cost the city money and resources."

If council approves the ordinance, Strongsville would follow in the footsteps of Broadview Heights, which earlier this year hired Climaco Wilcox and Napoli Shkolnik to represent that city in the opioid litigation.

John Climaco, of Climaco Wilcox, said he filed a lawsuit on behalf of Broadview Heights earlier this month in Cuyahoga County Common Pleas Court. He expects the lawsuit, like other opioid cases, to be moved to federal court.

U.S. District Judge [Dan Polster](#) is presiding over more than 200 lawsuits - filed by governmental entities in Alabama, California, Illinois, Ohio, Washington and West Virginia - blaming drug manufacturers and distributors for the opioid crisis.

The lawsuits say that drug makers overstated the benefits and downplayed the risks of using opioids, and that distributors failed to monitor suspicious orders of prescription opiates. Their actions have led to overdose deaths across the country, the lawsuit says.

The lawsuits ask the courts to make drug manufacturers and distributors pay governments for costs associated with the opioid epidemic and to punish the companies for creating a public nuisance.

The amount of money governments are seeking has not been determined, but one lawsuit estimated that the opioid crisis has cost them "tens of millions" of dollars. Polster is urging all parties to settle.

According to the [National Institute of Drug Abuse](#), more than 90 Americans die each day after overdosing on opioids, including prescription pain relievers, heroin and synthetic opioids such as fentanyl.

But [at least one opioid manufacturer](#) has said the lawsuits fail to identify even one physician who prescribed an opioid medication when it was medically unnecessary, or who prescribed such a medication due to misleading marketing or promotional materials.

Meanwhile, pharmaceutical industry lawyers have stated that the federal government has determined their painkillers are safe and effective when used properly.

Jamison said opioid overdoses have cost Strongsville's safety forces money in increased emergency runs by paramedics.

In August, [the Strongsville Police Department was one of 130 law enforcement agencies in Ohio that received grant money](#) to create and maintain drug abuse awareness and prevention programs, including D.A.R.E., PALS (Prevention through Alternative Learning Styles), Too

Good for Drugs and Stay on Track. Strongsville's grant amount was \$32,839.

"Police Chief (Mark) Fender and the Safety Director (Charles Goss) have set up a special detail to help people who overdose and get them on the right path," Jamison said.

Strongsville, under its contract with Climaco Wilcox and Napoli Shkolnik, would not pay a legal fee unless it wins a monetary award. The city would give attorneys 10 percent of any amount awarded before the complaint is filed; 20 percent to 25 percent after legal briefings are submitted; 33 percent after a final pretrial, if the lawsuit reaches that point; and 40 percent once a trial begins.

Other local municipalities, including Parma, Lorain and Elyria, have already filed lawsuits, and those cases have been consolidated in Polster's courtroom. [Cleveland](#) and [Brunswick](#) filed lawsuits March 6 and last month, respectively.

Also in February, [the state of Ohio sued four opioid distributors](#), accusing them of unsafe practices. Cuyahoga County filed a lawsuit last year.

[The U.S. Justice Department](#) in early March filed a "statement of interest" in the opioid lawsuits being heard in Cleveland, but hasn't decided whether to intervene.

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