

Kennebec County to join nationwide lawsuit against opioids manufacturers

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By Jessica Lowell

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AUGUSTA — The Kennebec county commissioners voted Tuesday to sign on to a nationwide lawsuit against pharmaceutical companies that make and distribute opioids, a decision already made by several municipal and county governments in Maine.

Roger Katz, an attorney with the Augusta law firm Lipman & Katz and a Republican state senator from Augusta, said in a presentation to the commissioners that the lawsuit alleges the companies withheld critical information about the drugs. The lawsuit also seeks to limit the availability of the drugs that often lead to addiction.



Roger Katz, an attorney and Republican state senator, says a lawsuit Kennebec County is joining contends opioid manufacturers failed to disclose the addictive nature of their products. Joe Phelan/ Kennebec Journal

“There’s a pretty significant body of evidence that the manufacturers were aware of the addictive quality of the drugs,” Katz said, “and they did not disclose it.”

The Maine Attorney General’s Office reported last month that 418 people died from drug overdoses in 2017, up from 376 overdose deaths in 2016.

Katz likened the suit to those filed against the four largest U.S. tobacco companies, which for years denied that nicotine was addictive and that smoking cigarettes caused cancer.

Two decades ago, those suits were settled in the Master Tobacco Settlement Agreement. As part of the settlements, the companies were required to pay states for the medical costs of residents with smoking-related illnesses.

In this case, Katz said, the allegations in the lawsuit – being brought by Napoli Shkolnik PLLC of New York City and by Trafton, Matzen, Belleau & Frenette LLP of Auburn – are that the companies suppressed data on the risks of the drugs, and public entities have suffered.

“As a result of the misrepresentations of the drug companies, many people have become addicted, many have turned to illicit drugs and many have become a burden to the county – i.e., jails – because of crimes committed to support their addictions,” he said.

In his presentation to the commissioners, Katz said forensic experts would be brought in to assess the actual costs of opioid addiction to Kennebec County.

Katz said the lawsuit would be filed in state court.

“We hope the judge would find the companies liable and assess damages,” Katz said.

In December, the Waterville City Council voted to authorize city officials to engage the services of Napoli Shkolnik, as well as Trafton, Matzen, Belleau & Frenette, for prosecuting legal claims against manufacturers and distributors of opioids.

Augusta City Manager William Bridgeo said Tuesday that Augusta elected officials also are considering joining the lawsuit.

Auburn, Bangor, Biddeford, Lewiston and Portland are among the Maine cities that have agreed to be part of the lawsuit so far. Katz said most other counties also have signed on.

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