

Summit County files lawsuit against Big Pharma

By Angelique McNaughton | ParkRecord.com | Posted March 21, 2018

Summit County became the first county in Utah on Tuesday to file a lawsuit against some of the country's largest opioid manufacturers and distributors, claiming deceptive and misleading marketing campaigns have led to the national opioid epidemic.

The suit alleges that corporate greed has caused pharmaceutical companies to put "their desire for profits above the health, well-being, and safety of Summit County residents," according to court documents. The county is seeking an unspecified amount of damages.

The 240-page complaint was filed in Summit County's 3rd District Court by the three firms retained to represent the county: Napoli Shkolnik PLLC; Dewsnup King Olsen Worel Havas & Mortensen; and Magleby Cataxinos & Greenwood. Napoli Shkolnik PLLC is a New York City-based firm representing more than 100 counties across the country in similar suits.

The lawsuit names 25 businesses and individuals from nine major opioid manufacturers and distributors, including Purdue Pharma L.P.; Endo Pharmaceuticals; Allergan; Teva; Cephalon; Janssen; AmerisourceBergen; Cardinal Health; and McKesson.

"It is a scourge. It is an epidemic and it is time to do something about it," said Colin King, counsel from Dewsnup King Olsen Worel Havas & Mortensen, during a press conference at the County Courthouse Tuesday. "The county attorney and County Council has been strongly supportive of this. Our position, along with hundreds of other counties, is that we can and will do something about this."

The lawsuit claims Summit County has been forced to spend a significant amount of money to combat the opioid epidemic locally, similar to the argument that is being made in hundreds of other cases.

For the last several years, Summit County has focused on ways to address mental health and substance abuse challenges through increased services and resources. As part of the litigation, the county plans to develop a comprehensive public health plan.

"The impacts of opioid overdoses are hitting at the county level," King said. "Counties are the ones that are enduring the brunt of the costs through the county-funded programs, including Sheriff's Departments and treatment centers."

The suit alleges doctors did not create the misuse and abuse of opioids and were, in fact, misled themselves by Big Pharma.

"The epidemic came about completely by the marketing of the defendants," King said. "They wanted to market and sell more drugs, and they did it by misinformation campaigns that were leveled in large part to doctors."

John Parker, senior vice president of Healthcare Distribution Alliance, a national organization that represents pharmaceutical companies, said in an email statement provided to The Park Record the misuse of prescription opioids is a "complex public health challenge."

"It requires a collaborative and systemic response that engages all stakeholders," he said. "Given our role, the idea that distributors are responsible for the number of opioid prescriptions written defies common sense and lacks understanding of how the pharmaceutical supply chain actually works and is regulated. Those bringing lawsuits would be better served addressing the root causes, rather than trying to redirect blame through litigation."

Healthcare Distribution Alliance represents 35 distribution companies, along with more than 130 manufacturers and 50 service providers/international members. The organization represents AmerisourceBergen, Cardinal Health and McKesson, three of the defendants named in the suit.

The three legal firms representing the county are working on a contingency fee agreement and will only be paid if the county is awarded money in the lawsuit. The legal counsel will be working closely with the Summit County Health Department throughout the course of the suit to understand the statistical impacts of the opioid epidemic on the county.

"We are looking at those kinds of specifics and data right now," King said. "But, we didn't want to wait. It wasn't necessary. It was important, though, to get this on file and move this along as quickly as possible. Litigation is expensive and difficult and it takes a long time."

Summit County Council members unanimously approved a resolution earlier this month recognizing the damaging effects of opioid addiction. County Council Chair Kim Carson said in a press release that the overuse of opioids has significantly impacted residents.

"We as a community are very concerned with the easy access to opioids and the devastating effects these drugs have on our families, friends and neighbors," she said. "All of us have been affected by the prolific distribution of these drugs and the false assurances given as to their safety. We need resources to help educate our citizens on the dangers of opioid addiction and on alternatives to their use."

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