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Ogdensburg joining mega-lawsuit to hold drug companies accountable for opioid crisis

By [LARRY ROBINSON](#)
LROBINSON@OGD.COM
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OGDENSBURG — City Council unanimously voted Monday to enter into an agreement with the law firm of Napoli Shkolnik, PLLC to represent Ogdensburg in a coordinated legal action by counties and cities against the manufacturers and distributors of opioids.

The vote means the city is joining dozens of other government jurisdictions across the state in a bid to recoup money from the pharmaceutical companies that many say are responsible for the country's continuing opioid addiction problem.

Lawyers for Napoli Shkolnik, of New York City, are planning to argue in court that so-called "big pharma" should shoulder the financial burden encumbered by counties, cities and other municipalities that have been severely affected in recent years by spiking addiction levels.

Ogdensburg City Councilor Daniel E. Skamperle offered strong words of support for the lawsuit at Monday's meeting, saying it is his belief that the companies that created a new generation of opioid pain relief medications in recent years should be held accountable for the lingering damage caused by over prescribing the pills. He referred to a power point presentation provided to council by the law firm handling the suit.

"It mentions in the power point that the government itself allowed the companies to market their product to citizens, to create the crisis, and then the same companies reveal they have an antidote which they turn around and sell via taxpayer dollars to the government," Mr. Skamperle said. "I mean it is a terrible scam going on here and the taxpayers are paying the price. And the government's involved of course. How come there is nothing holding the government accountable, right? They didn't enforce the laws and then they had no standards for marketing that enabled the companies to do this."

Councilor David G. Price said he too supported joining the lawsuit, pointing out that the Narcan and naloxone products now being used to reverse an opioid overdose, come at yet another financial cost to local governments and first responders.

"In a lot of cases, the municipality is required to carry the Narcan and give it away free," Mr. Price said.

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Ogdensburg City Manager Sarah Purdy said she has spoken to the principal lawyers handling the case, and said there is no cost to join the suit.

“Any costs will be paid for through settlement proceeds at the conclusion of the litigation,” Ms. Purdy said.

Ms. Purdy said that specifically, the retainer agreement being entered into calls for 25 percent of the gross proceeds to be allocated to the law firm, and that there is no estimate at this time of what the settlement proceeds might be. She said the first New York trial is scheduled for March of 2020.

The resolution authorizing Ms. Purdy to sign the retainer agreement said in part that the municipality’s decision to join the litigation is based on claims that opioid manufacturers and distributors have violated state consumer protection acts and fair business practices, have created a public nuisance, have been negligent in failing to report suspicious opioid orders and have committed fraud.

“As a result, cities, counties and New York State spend millions of dollars each year to provide and pay for health care and addiction treatment costs as well as criminal justice and victimization costs,” the resolution says.

The gist of it

- WHAT: Ogdensburg to join lawsuit against drug companies
- WHY: To seek damages related to spiking opioid addictions
- WHO: New York City firm leading the charge against ‘big pharma’
- MONEY: No cost for Ogdensburg to join the suit, amount of potential damages unknown

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