

Edmonton

City of Grande Prairie files proposed \$10B class-action lawsuit against opioid companies

Lawsuit claims opioid crisis has taxed emergency response systems, led to increased homelessness

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In a proposed class-action lawsuit filed Wednesday, the City of Grande Prairie claims its community, like other municipalities across Canada, has been "ravaged by the national opioid crisis." (Graeme Roy/Canadian Press)

The City of Grande Prairie has filed a proposed \$10-billion class-action lawsuit against opioid manufacturers and distributors that seeks to recoup municipal costs associated with the opioid crisis.

Filed Wednesday in Court of Queen's Bench, the lawsuit says the city is the representative plaintiff on behalf of all Canadian municipalities that have been "ravaged by the national opioid crisis."

The lawsuit states that in the third quarter of 2019, there were 19 opioid-related deaths in Grande Prairie. It also says use of the city's supervised consumption site increased by roughly 30 per cent over the previous quarter, and that more than 100 people entered local methadone treatment programs.

"There were 286 EMS responses to opioid related issues in [the third quarter] of 2019, taxing the city's ambulances and fire services," the lawsuit continues. It claims the city's rates of crime and homelessness are also increasing, and that "by far the most common cause" of homelessness is substance abuse.

"The opioid crisis also indirectly affected the city's budget by decreasing property values, decreasing productivity of its citizenry, and thereby eroding its tax base and income," the lawsuit states.

More than 40 companies are named as defendants, including manufacturers Apotex and Johnson & Johnson, and distributors Shoppers Drug Mart and Jean Coutu.

A news release issued by Guardian Law Group, the Calgary firm representing the city, said claims against OxyContin maker Purdue Pharmaceuticals will be dealt with separately.

The lawsuit alleges manufacturers of prescription opioids "engaged in a massive false marketing campaign to drastically expand the market for such drugs and their own market share," and both manufacturers and distributors "reaped enormous financial rewards by refusing to monitor and restrict the improper distribution of those drugs."

None of the allegations in the city's statement of claim has been proven in court. For the lawsuit to proceed as a class-action lawsuit, it must first be certified and approved by the Court of Queen's Bench.

In a news release, Grande Prairie Mayor Bill Given said participating in the lawsuit "is a logical continuation in our community's response to the opioid crisis.

"Each one of us in Grande Prairie has been impacted in some form by the opioid crisis, and we can recognize the very real human cost the issue has," Given's statement said.

"It also has a very real financial toll in the form of increased costs for local governments in areas ranging from policing and emergency response services, to social programs needed to address treatment and prevention and even into less expected operational areas such as parks and transit operations."

Given said the city is participating on a contingency fee basis, which means it will not pay any fees if there is no settlement.

Potentially first of its kind in Canada

"This action is about damage to communities," said Mathew Farrell, one of the lead lawyers on the file.

"The point is that we are all connected and when you harm one of the pillars of our community, the whole structure feels the strain," he said. "And ultimately, communities and local governments should not be on the hook; taxpayers should not be on the hook."

[IMAGE]

Farrell said his firm is in contact with other municipalities that are considering supporting the claim, which he believes is unique in Canada.

"This has been litigated a number of times in the United States but this is the first of its kind in Canada, so far as I am aware," he said.

Guardian Law Group is working with a U.S. law firm, Napoli Shkolnik PLLC, on the file. In October, Napoli Shkolnik reached a \$260-million settlement with three opioid distribution companies and one manufacturer on behalf of an Ohio county.

Alberta joined B.C. lawsuit last year

In 2018, the B.C. government filed a proposed class-action lawsuit against dozens of pharmaceutical companies, alleging they falsely marketed opioids as less addictive than other pain drugs and helped trigger an overdose crisis that has killed thousands.

B.C.'s lawsuit also targets pharmacies and claims they should have known the quantities of opioids they were distributing exceeded any legitimate market.

Last October, the Alberta government announced it will sign on to that lawsuit. Ontario, New Brunswick, Newfoundland and Labrador, and Saskatchewan are also joining the claim.

- [Alberta government joins B.C. lawsuit to recover costs related to opioid crisis](#)

Farrell said while his firm hopes to work with some of the lawyers who filed claims on behalf of provincial governments, "we are talking about the cities and the cost that cities bear."

"We need one city to stand up and say, 'This isn't right ... and we are an example of how the actions of the pharmaceutical industry are hurting communities. And use us as an example.'"

"So that is what the City of Grande Prairie has stood up and done," he said.

An Alberta government opioid surveillance report found that in 2019, Grande Prairie had the highest rate of apparent drug poisoning deaths related to the opioid fentanyl.

The same report said that from 2018 to 2019, all of the province's largest municipalities had a "noticeable decrease" in the rate of fentanyl poisoning deaths — except Grande Prairie.