

Five states announce new suits over prescription opioids

May 16 2019, by Anthony Izaguirre And Geoff Mulvihill



This Feb. 19, 2013, file photo shows OxyContin pills arranged for a photo at a pharmacy, in Montpelier, Vt. Five state attorneys general announced lawsuits Thursday, May 16, 2019, seeking to hold the drug industry responsible for an opioid addiction crisis that has become the biggest cause of accidental deaths across the country and in many states. The new filings in Iowa, Kansas, Maryland, West Virginia and Wisconsin mean 45 states have now taken legal action in recent years against Purdue Pharma, the maker of OxyContin. Some of the states are also suing Richard Sackler, a former president and member of the

family that owns the Connecticut-based firm. (AP Photo/Toby Talbot, File)

Five more state attorneys general announced legal filings Thursday seeking to hold the company that makes OxyContin responsible for an opioid addiction crisis that's now the leading cause of accidental deaths across the country and in many states.

The company, Connecticut-based Purdue Pharma, blasted the claims, saying they're based on "stunningly overbroad legal theories, which if adopted by courts, will undermine the bedrock legal principle of causation."

The new filings in Iowa, Kansas, Maryland, West Virginia and Wisconsin mean 45 states have now taken legal action in recent years against Purdue. Michigan announced last week that it's looking for law firms to help it sue the industry, too. And Idaho sent notices to lawyers for Purdue and the family that owns it last week that the state intends to file an administrative action.

All the new filings but the one in Kansas also named Richard Sackler, a former company president and a member of the family that owns Purdue, as a defendant. Maryland named other members of the Sackler family in its administrative action.

Some states have also sued other drugmakers or distributors.

"There's far too much senseless death in West Virginia and many ruined lives," that state's Attorney General Patrick Morrisey said Thursday.

"We cannot and will not tolerate companies that allegedly use false and misleading information to deceive medical personnel and patients."

States' suits are among the highest-profile claims in flood of litigation over the crisis. Opioids, including prescription painkillers and related drugs such as heroin and fentanyl, were involved in nearly 48,000 deaths in the U.S. in 2017—more than AIDS killed at the peak of that epidemic and more than auto accidents kill annually. The death toll since 2000 is 391,000.

The states and about 2,000 local and tribal governments that have sued assert that Purdue and other companies downplayed the addiction dangers of the drugs and used sales representatives to encourage doctors to prescribe even more of them.

But the legal cases are complicated. Purdue notes that the majority of the recent deaths are linked to heroin or fentanyl—not prescription drugs. States say most users, though, start with prescription pills, whether prescribed or diverted.

A North Dakota judge last week dismissed all of that state's claims against Purdue, perhaps the company's biggest court win. In a written ruling that the state says it will appeal, Judge James Hill questioned the idea of blaming a company that makes a legal product for the deaths. "Purdue cannot control how doctors prescribe its products and it certainly cannot control how individual patients use and respond to its products," the judge wrote, "regardless of any warning or instruction Purdue may give."

A Purdue lawyer, Mark Cheffo, said he's hoping other judges will reach similar conclusions as they delve into the cases.

All the state governments' cases except one are working their way through state courts. Alabama's case is among about 1,500 in federal court and being overseen by one federal judge based in Cleveland. He has rejected arguments to dismiss the suits and has scheduled an initial

trial in October for the claims of two Ohio counties.

The looming trial could put pressure on Purdue and other companies to settle the cases—something the judge has said he wants to see.

In March, Purdue and the Sackler family settled with Oklahoma for \$270 million. Purdue also settled with Kentucky in 2015 for \$24 million. Some other companies have entered deals with states in the last few years, including drug distribution firms that have agreed to pay West Virginia a total of \$84 million.

Pennsylvania Attorney General Josh Shapiro, one of the leaders of a multistate investigation of the opioid crisis, announced a lawsuit earlier this week against Purdue, saying the company wasn't working in good faith on a settlement. Iowa Attorney General Tom Miller also said lack of progress in talks was a factor in filing a lawsuit now. "There was a hope that the negotiations would yield a settlement for all the states," he said. "And may still."

Cheffo, the Purdue lawyer, disputed that in a phone interview Thursday. "While we recognize the complication of a resolution process involving so many different parties and interests and certainly cannot get into the details of them, we remain optimistic and believe that both sides are participating in good faith in an effort to try to reach some resolution that is in the best interests of the parties and the public health."

A lawyer representing members of the Sackler family has said the family would also like to settle.

For some states, there's a political element in deciding to join the litigation now.

Wisconsin didn't sue earlier because Republican Attorney General Brad

Schimel opted to join a multistate investigation instead. Schimel argued that it would be a faster way to hold them accountable. But Schimel was defeated in November by Democrat Josh Kaul, who campaigned on a platform that included filing opioid lawsuits.

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