

Judge overseeing opioid lawsuits orders release of some data

July 16 2019, by Mark Gillispie

A look at how the opioid crisis grew and spread may be much clearer soon after a federal judge overseeing nearly 2,000 lawsuits filed against manufacturers, distributors and retailers of prescription painkillers ordered the release of data showing where those drugs were distributed nationally before 2013.

Cleveland-based U.S. District Judge Dan Polster said in the Monday filing there is "clearly no basis" for shielding older data collected and maintained by the Drug Enforcement Administration.

The order comes a month after a federal appeals court in Cincinnati vacated Polster's July 2018 decision that local and state governments that were provided the data should not make it public. A three-judge panel for the 6th U.S. Court of Appeals said Polster went too far in blocking the release of data that government attorneys argued could compromise DEA investigations. The lawsuits overseen by Polster were filed by city, county and tribal governments.

Polster asked attorneys from both sides Monday to suggest how DEA data collected after 2012 should be protected.

A group of plaintiff attorneys applauded Polster's decision, calling it a "positive and transparent step forward" in a statement Monday.

"The data provides statistical insights that help pinpoint the origins and spread of the [opioid](#) epidemic—an epidemic that thousands of

communities across the country argue was both sparked and inflamed by opioid manufacturers, distributors and pharmacies," the statement said.

Opioids killed more than 47,000 Americans in 2017, according the U.S. Centers for Disease Control and Prevention. Opioids are a category of drugs that include prescription painkillers such as OxyContin and street drugs such as heroin and fentanyl.

The attorney group said the pre-2013 data has been provided to The Washington Post and HD Media, which both went to court seeking to have the data released publicly. HD Media is the owner of the Charleston Gazette-Mail newspaper, which used data released in 2016 by the West Virginia [attorney](#) general for a Pulitzer Prize winning investigation showing 780 million opioid pills were distributed between 2007 and 2012 in a state of 1.8 million people.

The first scheduled trial before Polster is scheduled for October in lawsuits filed by Ohio's Summit and Cuyahoga counties, areas that have been hit particularly hard by the ongoing [opioid crisis](#). It is considered a bellwether trial that could force the defendants to reach a global settlement for all of the lawsuits.

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