



## **Pennsylvania county files lawsuit against opioid manufacturers**

OCTOBER 17, 2017 09:56:39 AM

### **Lindsay Offutt**

Pennsylvania's **Beaver County** [official website] filed a **lawsuit** [text, PDF] on Monday against opioid manufacturers.

The lawsuit, filed in the **Beaver County Court of Common Pleas** [official website], accuses manufacturers and doctors of deceptive acts, fraud, unjust enrichment, negligence, misrepresentation and public nuisance, seeking in return compensatory damages, punitive damages and the county's legal costs.

The complaint describes the state of the opioid epidemic in Beaver County, noting it spends millions annually in response to the opioid crisis, including expenses for emergency responses, police overtime, and increased incarceration and treatment. The first 10 pages of the 83-page complaint set forth support for the county's claim, citing to national and county-wide opioid-related statistics. According to the complaint, deaths associated with opioid use have tripled in Beaver County from 1999 to 2015, causing it to incur the highest rate of fatal overdoses in Pennsylvania in 2017 at 59.9 per 100,000 people.

The majority of the text concentrates on manufacturers' alleged strategy and tactics which caused and continue to cause addiction, illness, and death to users. As described

in other similar lawsuits, these plaintiffs accuse manufacturers of promoting the sale and use of opioids through third-parties, many of whom are doctors:

Recognizing that doctors are gatekeepers for controlling access to prescription drugs, not surprisingly, manufacturers focused the bulk of their marketing efforts ... on the professional medical community. As a controlled substance with significant regulatory barriers limiting access, Defendants knew doctors would not prescribe opioids to patients with common chronic pain complaints unless doctors were convinced that opioids had real benefits and minimal risks. Accordingly, Defendants concealed from prescribers, patients, and the public that evidence in support of their promotional claims was inconclusive, non-existent and unavailable. Instead, each Defendant disseminated misleading and unsupported messages that caused the target audience to believe those messages were corroborated by scientific evidence. As a result, Beaver County doctors began prescribing opioids long-term to treat chronic pain—a treatment choice that most if not all never would have considered prior to Defendants' campaign.

Named defendants in the lawsuit include four allied physicians, and manufacturers and some subsidiaries of Purdue Pharma, Teva Pharmaceuticals, Cephalon, Johnson & Johnson, Janssen Pharmaceuticals, Endo Health Solutions, Allergan, Actavis, Watson Pharmaceuticals, McKesson, Cardinal Health, AmerisourceBergen.

Beaver County is the third county in the state and first in Western Pennsylvania to sue major manufacturers for effects of the opioid epidemic. The two other lawsuits were filed in counties of Lackawanna and Delaware. Pittsburgh attorney Robert Pierce of Robert Peirce & Associates is representing the county, along with New York firm Marc J. Bern and Partners.