

City of New Bedford joins lawsuit to hold pharmaceutical manufacturers, distributors responsible for creating opioid epidemic

The City of New Bedford announced that it has filed suit against the nation's largest pharmaceutical manufacturers and distributors for their role in creating a widespread diversion of prescription opiates for nonmedical purposes. The case was filed on June 6, 2019 in federal district court in the District of Massachusetts Eastern Division (City of New Bedford v. AmerisourceBergen Drug Corp. et al., Civil Action No: 1:19-cv-11266).

Along with other municipalities across the country, the City of New Bedford has struggled to manage drug overdose cases, whose volume has increased significantly since 2000. The suit alleges that an excessive number of opioid prescriptions have been dispensed and that a significant number of residents have reported drug dependence and non-medical use of pain relievers.

According to the Massachusetts Department of Public Health, the number of opioid-related deaths throughout the state has risen dramatically in recent years. From 2000 to 2015 alone, Massachusetts saw a 372 percent increase in overdose fatalities. In 2015, there were 1,724 Massachusetts overdose deaths, up from 463 Massachusetts overdose deaths in 2000. In 2012, the state logged 742 opioid related deaths and by 2016, the number of deaths caused by opioids rose to 1,933.

"The opioid epidemic affects everyone, whether directly or

through friends and loved ones battling addiction that has cost lives and deeply affected families. Like other cities across the country, New Bedford has felt the crisis acutely, and taxpayers have had to shoulder the enormous cost of trying to manage this public health crisis. It is not right to expect our city's residents to bear the financial burden of this crisis alone," said Mayor Jon Mitchell.

In the suit, the City of New Bedford alleges that pharmaceutical manufacturing companies promoted highly addictive, dangerous opioids, falsely representing to doctors that patients would only rarely succumb to drug addiction. The suit also alleges that pharmaceutical distributors breached their legal duties to monitor, detect, investigate, refuse and report suspicious orders of prescription opioids. Additionally, the suit alleges that several the national retail pharmacies were or should have been aware of numerous red flags of potential suspicious activity and diversion related to opioid prescriptions.

The companies named in the suit include Purdue Pharma; Endo Pharmaceuticals, Inc.; Par Pharmaceutical, Inc.; Janssen Pharmaceuticals, Inc.; Johnson & Johnson; Noramco, Inc.; Teva Pharmaceutical Industries, Ltd.; Cephalon, Inc.; Allergan PLC; Watson Pharmaceuticals, Inc.; Actavis Pharma, Inc.; Insys Therapeutics, Inc.; Mallinckrodt, PLC; SpecGX, LLC; Cardinal Health, Inc.; McKesson Corporation; AmerisourceBergen Drug Corporation; CVS Health Corporation; RiteAid Corporation; Walgreen Co.; Walmart Inc., and H.D. Smith Wholesale Drug Co.

The City of New Bedford is working with a consortium of national law firms and local law firms known as the Massachusetts Opioid Litigation Attorneys (MOLA), which includes the Massachusetts law firms of Sweeney Merrigan Law, LLP, Rodman, Rodman & Sandman and KP Law. In addition to MOLA, the legal consortium hired to represent the City of New Bedford includes several national law firms, which bring experience in holding the powerful pharmaceutical industry

accountable. Those firms include: Baron & Budd; Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor; Greene Ketchum Bailey Farrell & Tweel; Hill, Peterson, Carper, Bee & Deitzler; McHugh Fuller Law Group; and Powell & Mejestro. The consortium is being paid on a contingent fee basis for its work on the lawsuit.

“Like many other cities and towns across the state, the City of New Bedford has been hurt by giant drug companies that acted with disregard for the consequences of dispensing opioids throughout the United States. What is truly tragic is that the opioid epidemic these companies created was completely preventable,” said Peter Merrigan of Sweeney Merrigan Law. “Our team intends to hold these drug companies responsible so that communities can get the help and resources it desperately needs to combat this crisis.”