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## **MAYOR DE BLASIO ANNOUNCES LAWSUIT AGAINST NATION'S LARGEST OPIOID MANUFACTURERS AND DISTRIBUTORS**

*Purdue, Teva, Cephalon, Johnson & Johnson, Jansesen named in multi-million lawsuit to hold companies responsible for epidemic of fatal overdoses*

**NEW YORK**—Mayor Bill de Blasio and First Lady Chirlane McCray announced a the City had filed a lawsuit today in New York State Supreme Court to hold manufacturers and distributors of prescription opioids to account for their part in the City's ongoing deadly opioid epidemic. The lawsuit aims to recover half a billion dollars in current and future costs the City will incur to combat this epidemic. In 2016, more than 1,000 people in New York City died in a drug overdose which involved an opioid, the highest year on record. More New Yorkers died from opioid overdoses last year than from car accidents and homicides combined.

"More New Yorkers have died from opioid overdoses than car crashes and homicides combined in recent years. Big Pharma helped to fuel this epidemic by deceptively peddling these dangerous drugs and hooking millions of Americans in exchange for profit," said **Mayor Bill de Blasio**. "It's time for hold the companies accountable for what they've done to our City, and help save more lives."

"Today, New York City demands transparency and accountability from the nation's largest opioid manufacturers and distributors who have profited from people's pain," said **First Lady Chirlane McCray**, who leads the City's mental health and substance misuse efforts. "The greedy and reckless behavior of these companies has fueled a drug epidemic that is tearing apart families and damaging our communities. I am proud of our City's resiliency and the tremendous courage of those New Yorkers who have saved lives and offered support. It is with this kind of compassion that we will help more people understand the disease of addiction and get more people on the path to recovery."

"The opioid epidemic has destroyed the lives of too many New York families. Enough is enough, and it is time we hold manufacturers and distributors accountable. New York City makes a tremendous step forward today by filing this lawsuit as we inch closer to combating the opioid crisis. I thank the Mayor and the First Lady for their leadership on this critical issue, and I

look forward to working with them on providing closure to families affected by the opioid epidemic,” said **Speaker Corey Johnson**.

The City joins hundreds of municipalities across New York State and the nation as it seeks to hold opioid manufacturers and distributors accountable for their illegal actions. The suit charges that manufacturers’ misrepresentations of the safety and efficacy of long-term opioid use and distributors’ oversupply of opioids that enable diversion to the illegal market continue to fuel the crisis and significantly contributed to creating and maintaining a public nuisance in the City.

The lawsuit alleges that the opioid crisis caused by manufacturers’ deceptive marketing, and distributors’ flooding of prescription painkillers into New York City has placed a substantial burden on the City through increased substance use treatment services, ambulatory services, emergency department services, inpatient hospital services, medical examiner costs, criminal justice costs, and law enforcement costs. Furthermore, manufacturers sought to create a false perception that using opioids to treat chronic pain was safe for most patients and that the drugs’ benefits outweighed the risks. This was perpetrated through a coordinated, sophisticated and highly deceptive promotion and marketing campaign – including unbranded messaging to evade extensive regulatory framework governing branded communications. These communications, which began in the late 1990s, became more aggressive around 2006 and continue today.

Distributor defendants, who have both the obligation and the tools to track suspiciously large surges in opioid demand, including at the level of individual pharmacies or clinics, have failed to use these tools to warn public officials about suspicious orders, which they are legally required to do, or to reasonably exercise controls over the obvious oversupply of opioid pills.

Manufacturer named in the suit are Purdue Pharma L.P.; Purdue Pharma, Inc.; The Purdue Frederick Company, Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; OrthoMcNeil-Janssen Pharmaceuticals, Inc.; Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Endo Health Solutions Inc.; Endo Pharmaceuticals, Inc.; Allergan PLC f/k/a Actavis PLC; Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc.; Watson Laboratories, Inc.; Actavis Pharma, Inc. f/k/a Watson Pharma, Inc. The distributors are McKesson Corporation; Cardinal Health, Inc.; and AmerisourceBergen Corporation.

“The opioid epidemic has been exacerbated by the irresponsible actions of drug companies - and they need to be held responsible for their actions,” said **Deputy Mayor for Health and Human Services Dr. Herminia Palacio**. “This deadly crisis has touched the lives of thousands of New Yorkers and their families, which is why we launched HealingNYC - a comprehensive plan to prevent overdoses and save lives. We have much more work to do - but NYC has continued to take this challenge head-on by distributing thousands of naloxone kits throughout the five boroughs, increasing access to medication-assisted treatment, and running media campaigns to give New Yorkers the information and tools they need to get better. This litigation is another tool to address the opioid epidemic in New York City.”

“Defendant manufacturers for decades engaged in an aggressive and highly deceptive marketing campaign to minimize the risk of addiction and convince doctors, patients and consumers that

opioids were safe and effective for the long-term treatment of chronic, non-cancer pain, even though they knew no evidence existed to support that claim. Manufacturers' campaign to expand the market for opioids and reap blockbuster profits triggered widespread opioid over-use, misuse, addiction and a devastating public health crisis across the nation and in the City. Defendant distributors also contributed to the crisis by shirking their legal obligation to track, control and report suspiciously large opioid pill orders and thereby flooding the City with these highly addictive narcotics. Our suit seeks hundreds of millions of dollars the City has spent and will be required to spend to deal with the public nuisance created by the drug companies. Together with cities and counties across the country, we will work to hold the drug companies responsible for their actions," said **City Corporation Counsel Zachary W. Carter**.

"Sharp increases in opioid painkiller prescribing unnecessarily exposed New Yorkers to this risky medication and facilitated today's opioid crisis," said **Health Commissioner Dr. Mary T. Bassett**. "Manufacturers and distributors need to be held accountable for their role in the opioid overdose epidemic. Today's announcement complements HealingNYC, the City's comprehensive approach to prevent overdoses, save lives and connect people to care. We will continue to educate health professionals about judicious prescribing practices, raise awareness that effective treatment for opioid addiction is available and remind New Yorkers that carrying naloxone can save a life."

The opioid crisis has had serious impacts on New York City. The number of drug overdose deaths has increased within the City in each of the last six years. Rates of drug overdose deaths in New York City more than doubled between 2010 and 2016, increasing from 8.2 per 100,000 residents in 2010 to 19.9 per 100,000 residents in 2016. DOHMH reports that while drug overdose deaths impact every neighborhood and demographic in New York City, residents of impoverished neighborhoods are the hardest hit. Roughly 2.7 million opioid prescriptions were filled within New York City each year between 2014 and 2016.

Under HealingNYC, a \$38 million initiative to address the opioid epidemic announced by Mayor Bill de Blasio and First Lady Chirlane McCray last March, the Health Department has already distributed over 60,000 naloxone kits to opioid overdose prevention programs; expanded access to medications for addiction treatment; launched *Relay*, a new peer-based program in hospital emergency departments for people who experienced an overdose; trained more than 630 clinicians to prescribe buprenorphine; offered 1:1 education on judicious opioid prescribing to 1,000 doctors; and significantly increased community outreach and public education efforts.

"The reckless decision to push highly addictive prescription pills on an unsuspecting public undoubtedly led to the heroin and fentanyl epidemic that is currently devastating Staten Island, the city, and the entire country. Given the lives, hours, and resources that have been put into this fight, it is long overdue that we hold the manufacturers and distributors accountable for the people and families that have been destroyed by opioids," said **District Attorney Michael E. McMahon**. "Many of the earliest victims of this drug epidemic fell prey to the misleading and deceptive marketing behind these pills and the unchecked supply that flooded our communities for years. Tragically, nothing can be done to bring back the loved ones we have already lost, but the actions being taken by the Mayor and First Lady will only strengthen our fight against drug abuse across the city."

**Bronx District Attorney Darcel D. Clark** said, “We deal with the human toll of the opioid crisis every day in the Bronx, as our community experiences fatal overdoses and the illegal market for these drugs breeds crime. I applaud the filing of this lawsuit and hope that recouping some of the hundreds of millions of dollars that the city spends to battle the opioid epidemic will send a message to unscrupulous manufacturers.”

**Manhattan District Attorney Cyrus Vance, Jr.** said: “Although homicide rates continue to fall in America’s safest big city, thousands of New Yorkers are dying from opioid overdoses each year. I commend Mayor de Blasio and First Lady McCray for their ongoing efforts to address every facet of this public health crisis, and applaud the Mayor’s Office for taking innovative approaches to hold accountable those who rake in profits by oversupplying the market and concealing the dangers of their drugs. Combined with expanded access to mental health treatment, the distribution of life-saving naloxone kits, and intelligence-driven efforts to take down the distributors who flood our neighborhoods with these deadly narcotics, New York is working to save lives and make our communities safer.”

**Brooklyn District Attorney Eric Gonzalez** said, “I commend the Mayor and First Lady for taking this bold step that’s part of the comprehensive and innovative approach that is needed to tackle the opioid crisis. In Brooklyn, we hold accountable those who contribute to the opioid epidemic – dealers, doctors and other medical professionals – but we will also treat dependency as a public health issue, not a crime. The CLEAR program we are launching will divert drug dependent individuals.”

**Queens District Attorney Richard A. Brown** said, "Corporations that spend millions on research and marketing cannot claim that they did not know the consequences of their actions. They should be held accountable and help fix the problems they created."

“The opioid epidemic has plagued our communities, our families and our city for too long,” said **Councilman Kalman Yeger**. “We will hold accountable those who put profit over people’s lives. I’m grateful that Mayor de Blasio is taking this vital step and I’m proud to support his efforts.”

“I applaud the Mayor for taking a stand against pharmaceutical companies whose dishonest practices have damaged our communities and hurt our families. Opioids are a nuisance in our community and a drain on our City’s health and safety resources. These companies should be held responsible for helping our communities recover and I commend the Administration for taking this bold step to end the opioid epidemic,” said **Council Member Vanessa Gibson**.

“This action is a step in the right direction to truly address a public health crisis that has impacted hundreds of thousands of Americans. Lawsuits like this are important because they can generate an influx of sorely-needed resources to fund treatment and prevention efforts for those suffering from addiction. Tragically, many people have contributed to the opioid crisis and it is past time for accountability: the pharmaceutical industry; the insurance industry, whose lack of adherence to the Federal Parity Law has created a landscape ripe for discrimination against those with substance use disorders; and the federal government, whose inaction and lack of appropriate

funding has only fueled the fire. Congress only appropriated \$500 million this year to fight the opioid crisis. In contrast, the federal government was spending \$24 billion at the height of the HIV/AIDS crisis. People in need of treatment and their families need support now,” said **Patrick Kennedy, former U.S. Representative, the founder of The Kennedy Forum.**

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