

Matt Conn

FRIEDMAN

DAZZIO, ZULANAS & BOWLING, P.C.

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INTRODUCTION

- More than 42,000 Americans died of opioid-related overdoses in 2016, a 21% increase over 2015.
- Deaths due to heroin were up nearly 20 percent, and deaths from other opiate painkillers, such as hydrocodone and oxycodone, were up 14 percent.
- Two-Thirds of all drug overdose deaths in the United States are from opioids

OPIOID TIME LINE

- In the 1990s, American pharmaceutical companies experimented with various types of “contin” (continuous) painkillers from synthetic opioids.
- The most prominent among the painkillers was a drug originally researched in Germany in WWI as a substitute for morphine and heroin known as oxycodone. (Bayer Pharmaceutical Company)
- Purdue Pharma developed a time release version of oxycodone in 1995 which it called OxyContin. This drug has generated over \$35 Billion Dollars in revenue for Purdue in less than twenty (20) years time.



2000 Industry executives blame “recreational drug users” for widespread opioid painkiller abuse.

2001 Purdue to Congress: “People are abusing the product.” Congress is not convinced. FDA ramps up enforcement.

2002 “Oxycontin not addictive” – Congressional testimony from Pharmaceutical representative.

2002 DEA found Purdue’s aggressive methods helped to cause widespread drug abuse.

2004

Oxycontin time release proven more dangerous than regular Oxycontin

Sales of Oxycontin exceed Viagra in America.

Purdue refuses to concede it posed any risk.

Industry denies problems with oxycodone.

FDA: “grossly overstating the safety profile of Oxycontin” without risks.

FDA warns statutory safeguards in distribution system are not working.

DEA urges corporate crackdown necessary and complains about misleading advertising by drug manufacturers.

- 2006 “Misbranding marketing with intent to defraud or mislead”
Paul Hanly Lawsuit filed in NYC on behalf of 5,000 opioid patients. Addicted to Oxycontin after prescribed by MD. Safety statements from marketing, not medical “they just made stuff up.”
- \$75 Million Dollar Settlement (with a confidential order precluding the distribution of information).
- 2006 Virginia Criminal Case
DEA crackdown on Pharma - \$39 Million in fines
- Sen. Arlen Specter says verdict is “expensive license for Oxycontin marketing criminal misconduct.”
- 2010 Oxycontin is replaced and reformulated as “abuse deterrent.”
In reality, Purdue just re-patented the same product and claimed it was now “crush resistant” to keep its patent longer.

FDA Lawsuit

The lawsuit noted that the companies and three physicians tied to them recognized that “blockbuster profits would continue indefinitely” if the companies could sell opioids for long-term pain relief instead of the drugs’ original role as a short-term treatment option.

To achieve that goal, “they would need to convince doctors and Patients that long-term opioid therapy was safe and effective,” the complaint states.

2011 Reports and Statistics of Opioid Problem

- An addicted baby is born every 30 minutes.
- Elderly addiction issues emerge from prescriptions administered in hospitals and retirement homes.
- Crime related to opioid abuse at “emergency” levels according to National Sheriff’s Association.
- 48,000 women died of prescription pain reliever overdoses between 1999 and 2010. Prescription pain reliever overdose deaths among women increased more than 400% from 1999 to 2010.

2012 259 million opioid prescriptions were written, which is more than enough to give every American adult their own bottle of pills.

2014

Overdoses killed more people than guns or car accidents, and are doing so at a pace faster than the HIV epidemic at its peak, The New York Times reported.



7.8 billion hydrocodone pills distributed nationwide.

4.9 billion oxycodone tablets distributed nationwide.

2015

- American Medical Association recognizes opioid epidemic
- 20,101 overdose deaths related to prescription pain relievers
- Drug overdose is leading cause of accidental death in US (52,404 drug overdoses - 63.1% by opioids).
- Average of 91 opioid overdose deaths each day in America.
- 276,000 adolescents were current non-medical users of pain relievers, with 122,000 categorized as “addicted”

2017

Three pharmaceutical executives plead guilty in federal court in Abingdon, Virginia to criminal charges they intentionally misled regulators, doctors and patients about the risks of addiction and danger from opioids.

Purdue Pharma pays **\$600 Million** in fines.

McKesson Corp pays **\$150 Million** in fines.

On October 26, 2017, President Trump declared a national public health emergency to combat the opioid crisis.



CIVIL SETTLEMENTS

- Teva: \$85 Million to State of Oklahoma (2019)
- Purdue Pharma: \$270 Million to State of Oklahoma (2019)
- McKesson: \$37 Million to State of West Virginia (2019)
- Cardinal Health: \$20 Million to State of West Virginia (2017)
- AmerisourceBergen: \$16 Million to State of West Virginia (2017)
- Purdue Pharma: \$24 Million to State of Kentucky (2015)

MULTI-DISTRICT LITIGATION

- Thousands of Cases Consolidated in December 2017
- Northern District of Ohio
- Judge Dan Polster
- Trial Set for October 2019
- Settlement Framework Approved

OPIOID LITIGATION

On Behalf Of

Counties, cities, municipalities and public hospitals who have been financially affected by the opioid epidemic.

Claims/Damages

- Compensation for past/future damages;
- Abatement of ongoing public nuisance caused by opioid epidemic;
- Restoration of impacted communities to make them functional, safe, and free of the opioid crisis; and
- Care for addicted victims and the children of addicted parents.

Representation

- Contingency fee basis and we pay all up front costs.
- You owe nothing unless there is a recovery on your behalf.

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STATE OF GEORGIA

COUNTY OF _____

LEGAL SERVICES AGREEMENT

The undersigned, on behalf of the City of _____, Georgia (referred hereinafter as “City” or “Client”) does hereby retain the firm of Friedman Dazzio (“Attorneys”), and such other firms as may be necessary, to represent the City to pursue damages incurred as a result of the illegal sale distribution and marketing of opioids and opioid derivative drugs in the City.

The City agrees to employ Attorneys pursuant to Georgia law, which provides that a municipal corporation organized under the laws of the State of Georgia is authorized to bring causes of action such as the claims contemplated in the subject litigation. The City is invested with the powers afforded to municipal organizations under Georgia law to “sue and be sued” and is responsible for the public health, safety and welfare of its citizens. The City will not be obligated for any costs or expenses of the litigation if there is no recovery. The City will not pay any attorney’s fees unless there is a paid judgment or settlement of the case.

In consideration of the parties’ mutual covenants hereunder, City and Attorneys agree and acknowledge as follows:

Attorneys are authorized to file a lawsuit in the name of the City, which may be joined with other Georgia Counties/Cities represented by Attorneys, as part of the national opioid litigation pending in the Federal Multi-District Litigation in Cleveland, Ohio.

Client agrees to be available for consultation, investigation, trial preparation, and do necessary work as Attorneys direct, and City will do nothing to impair the value of the case. Attorneys will provide experts to calculate damages and to prove the elements of the City’s right to make a recovery of past and future damages.

Client agrees to pay Attorneys for such services in said lawsuit a sum equal to 1/3 of the total amount recovered from judgment or settlement of the lawsuit.

Client understands that many cases may not be settled prior to a trial, and that there is no guarantee that this case will settle.

If nothing is recovered, then City will not owe any legal fees, costs or expenses.

Case costs and expenses will be advanced by Attorneys. Examples of typical expenses include court filing fees, investigation, auto mileage, photocopies, court reporters, obtaining records, interest on any money Attorneys may borrow for expenses, accounting services, expert witness fees, airfare, evidence collection and storage, etc. If a recovery is obtained, Client will reimburse Attorneys for reasonable expenses from Client's share of the total recovery.

Client is aware of and is in agreement that the Attorneys' fees may be shared among other attorneys associated to work on this matter, but this will not increase the amount of the Attorneys' share of the fees.

This written agreement comprises the whole of the agreement between the parties and no other agreement is pending unless in writing and appended hereto.

Dated this the ____ day of _____, 2019.

READ CAREFULLY BEFORE SIGNING

(name)

(title)

The above employment is hereby accepted on the terms stated, and I agree to make no charge for professional services unless recovery is had in this matter. We agree to make no settlement without the consent of our client.

Attorney, Jeff Friedman
On behalf of all attorneys representing
The City in this litigation