

Pharma Cos. Sued Over Children Born Addicted To Opioids

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Law360 (November 16, 2018, 9:46 PM EST) -- A proposed class of ill children hit more than 20 pharmaceutical companies with a suit alleging the companies sought to expand the market for opioids to increase their profits while ignoring regulations intended to keep opioids out of the black market.

Jodi Shaffer, caretaker of one of the ill children, launched the 95-page complaint Thursday in West Virginia federal court on behalf of children born with Neonatal Abstinence Syndrome, in which infants who become addicted to drugs in the womb suffer from withdrawal.

"We think that children who are truly the most innocent victims of the opioid scourge need to be protected," said counsel for Shaffer, Marc Dann of [The Dann Law Firm](#).

According to the complaint, the number of children born with NAS increased nationally from 1.2 per 1,000 children in 2000 to 5.8 in 1,000 in 2012. By 2017, Shaffer wrote, the West Virginia [Department of Health and Human Services](#) reported more than 50 cases per 1,000 live births.

Children with NAS have medical needs that persist throughout the child's development, Shaffer wrote, saying the pharmaceutical companies hurt the children and their families by forcing them to incur the costs of those medical needs.

Shaffer alleged opioid makers and distributors, including [Purdue Pharma LP](#) and [Johnson & Johnson](#), failed in their duty to secure and monitor opioids by filling suspicious orders that should have been red-flagged, reported and stopped.

"Defendants' wrongful conduct has allowed billions of opioid pills to be diverted from legitimate channels of distribution into the illicit black market in quantities that have fueled the opioid epidemic in West Virginia," Shaffer wrote in the complaint. "As a result, unknowing patients and unauthorized opioid users have ready access to illicit sources of diverted opioids."

While the makers and distributors had an ability and responsibility to reduce opioid diversion, Shaffer said they "woefully failed" in this duty by consciously ignoring problems in their supply chains.

According to the complaint, the companies expanded the range of diseases and conditions that could be prescribed opioids such as morphine and oxycodone, and failed to keep those drugs out of the hands of crooked physicians, pharmacies and drug dealers.

"Acting against their common law and statutory duties, defendants have created an environment in which opioid diversion is rampant," she wrote.

In the suit, she is seeking compensation, injunctive relief and medical monitoring necessary to care for children born with NAS.

Representatives for the pharmaceutical companies could not immediately be reached for comment Friday.

The proposed class is represented by Thomas E. McIntire of Thomas E. McIntire & Associates, J.K. Weston and Andrew Sacks of [Sacks Weston Diamond LLC](#), and Marc Dann of The Dann Law Firm.

Counsel information for the pharmaceutical companies was not available.

The case is Shaffer et al. v. Purdue Pharma LP et al., case number [2:18-cv-01448](#), in the U.S. District Court for the Southern District of West Virginia.

--Editing by Michael Watanabe.

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