

## Phila. Engages Private Firms to Take on Pharma Over Opioid Crisis

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The [opioid](#) epidemic has come at a high cost to the Philadelphia region and city officials have sued several leading pharmaceutical companies in an effort to hold them accountable for their alleged role in the [crisis](#).

The city of Philadelphia on Wednesday filed suit against five major drug companies, including Johnson & Johnson and Allergan, alleging that the companies used deceptive marketing tactics to increase sales of opioids, and failed to properly warn about the risks for addiction.

The suit, which was filed in the Philadelphia Court of Common Pleas, asks that the drug companies be made to pay for detoxification treatment of residents suffering from opioid addiction attributable to prescription drugs, and seeks recovery of the money it has spent on municipal services to combating the opioid crisis, including emergency response, health and court services. The lawsuit also seeks an injunction to bar the companies from promoting opioid painkillers as a safe medication.

“This public health crisis harms public safety, order and economic productivity,” City Solicitor Sozi Pedro Tulante said in a statement to the press. “City agencies have incurred large, burdensome, unnecessary and avoidable costs to address the crisis. It is our duty to devote all resources we can to help protect the public from further perils and to finally put an end to the practices which are the root of this epidemic.”

The city Law Department is not acting alone in filing the lawsuit, which city officials stressed is different than the lawsuits several other municipalities have recently filed over the growing opioid crisis. Five Philadelphia law firms are working with the city to pursue the claims. Those firms are Berger & Montague, Dilworth Paxson, Sheller P.C., Sacks Weston Diamond, and Young Ricchiuti Caldwell & Heller. Temple University’s Beasley School of Law professor David Kairys is also representing the city in the case.

During a press conference Wednesday, Tulante said the firms are all working on a contingency fee basis, with the fee expected to be about 33 percent of the city’s total recovery. He said the firms brought a lot of experience to the case, and that the lawsuit was not the type of litigation the Law Department could handle on its own.

Philadelphia is not the first municipality to sue prescription opioid manufacturers for their alleged role in the growth of opioid addiction around the country. Cities like [Chicago](#) and [Indianapolis](#) have already done so.

But, according to city officials, this lawsuit is different because it focuses exclusively on the toll the epidemic has taken on Philadelphia, which, according to city Health Commissioner Dr. Thomas Farley, has the highest rate of overdose deaths of any large city in the country. The lawsuit also focuses in part on the city’s nuisance laws and its fair practices ordinance.

Tulante said he has been in contact with officials in cities with suits already in progress, but there likely will not be any formal efforts to consolidate with any litigations already in progress.

A spokesman for Purdue Pharma said the company denies the allegations and looks forward to the opportunity to present its defense.

“We are deeply troubled by the prescription and illicit opioid abuse crisis, and are dedicated to being part of the solution,” spokesman John Puskar said. “As a company grounded in science, we

must balance patient access to FDA-approved medicines, while working collaboratively to solve this public health challenge.”

The other defendants, Allergan, Janssen Pharmaceuticals, Endo Pharmaceuticals and Cephalon, which was purchased by Teva, did not return requests for comment.

<https://www.law.com/thelegalintelligencer/sites/thelegalintelligencer/2018/01/17/phila-engages-private-firms-to-take-on-pharma-over-opioid-crisis/?sreturn=20180017202732>