A Country Under Siege: Robbins Geller Continues to Lead the Fight Against the Nationwide Opioid Crisis

Practice Areas

Consumer Fraud

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The nationwide opioid epidemic has killed hundreds of thousands of Americans and is widely considered a public-health emergency. According to the Centers for Disease Control and Prevention, in 2016, more than 40% of all opioid-related overdoses in the United States involved a prescription opioid – which means that more than 46 people died every day that year from a prescription opioid-related overdose. This epidemic has been plaguing the country for years, and now that hundreds of lawsuits have been filed against the pharmaceutical manufacturers, distributors and retail pharmacies responsible for creating and perpetuating this tragedy, the legal battle has begun.

Robbins Geller has spearheaded the fight against these corporations (including Purdue Pharma, Teva Pharmaceuticals USA Inc., Johnson & Johnson and Endo Health Solutions Inc.), and has been hired to represent numerous municipalities, as well as Taft-Hartley Plans, across the nation. To date, the Firm has been retained by numerous cities and counties in Michigan (Wayne, Oakland and Monroe counties), Maryland (Talbot County and Rockville), California (the City of Los Angeles, Marin County and San Francisco), Arizona (Phoenix), and Florida (Broward County and Delray Beach).

Additionally, founding partner Paul J. Geller was appointed by the Honorable Dan Aaron Polster to the team of elite lawyers spearheading more than 900 coordinated lawsuits in the multi-district litigation, In re National Prescription Opiate Litigation. The litigation team, including Geller, “reads like a ‘Who’s Who’ in mass torts,” according to The National Law Journal. Geller is also part of a smaller appointed group of negotiators that Law360 reported is “split into two camps: seven attorneys representing local governments that allege grievous financial harm from
the opioid crisis, and 11 attorneys representing opioid manufacturers and distributors. Their assignment is daunting: broker a quick and meaningful deal that earmarks money for health care and law enforcement, while also helping to curb opioid prescribing and abuse.”

“The defendants’ massive nationwide campaign of false marketing and their failure to report suspicious sales as required by law, resulted in dramatic increases in prescribing which advanced in lockstep with overdose deaths,” said partner Aelish M. Baig who, along with Geller, leads the Robbins Geller opioid team.

Overdose-related deaths involving prescription opioids were “five times higher in 2016 than 1999,” according to the Centers for Disease Control and Prevention. In 2012 alone, doctors wrote more than 255 million prescriptions for opioid painkillers. In fact, between 1999 and 2016, “more than 200,000 people died in the U.S.” as a result of opioid-related overdoses, with the highest overdose death rates from prescription opioids being found in West Virginia, Maryland, Maine and Utah.

“Our firm is committed to holding opioid manufacturers and distributors accountable for their fraudulent marketing of opioids, which has fueled the worst drug scourge ever,” said partner Mark J. Dearman.

Talbot County Attorney Anthony Kupersmith noted that when selecting Robbins Geller, he and Assistant Attorney Mary O’Donnell looked for “experience, a track record of successful outcomes in these larger litigation cases, a firm that has the resources to fight this fight against a group that has very deep pockets and that has representation from their firm on the settlement committee and the executive committee of the MDL.”

“I believe that [Robbins Geller attorneys] have what we need to be successful,” Maryland’s Talbot County Council Vice President Corey Pack told The Star Democrat after retaining Robbins Geller. “This problem is not going to go away. It’s not all about dollars and cents, but it’s about holding those companies accountable for the fraud they’ve
perpetrated on the American people.”

Counties affected the most by opioid-related deaths deal with significant financial consequences as a result of opioid over-prescription and addiction. These include increased law enforcement and judicial expenditures, increased jail expenditures, increased substance abuse treatment and diversion plan expenditures, increased emergency and medical care services expenditures, and lost economic opportunity. For instance, according to a recent study by Urban Institute, “Between 2011 and 2016, spending on Medicaid-covered prescriptions used to treat opioid addiction and overdoses increased from $394 million to $930 million, an average annual increase of 19 percent. Spending grew faster in later years, with a 30 percent increase between 2015 and 2016.”

“We see the devastation every day in our hospitals, in our jails and at the morgue, and it’s getting worse. There has to be a price to be paid when corporations show such disregard for human life,” said Wayne County, Michigan Executive Warren C. Evans. Wayne County alone suffered 506 opioid-related deaths in 2015. In 2016, that number reached 817 – more than 32 overdose deaths for every 100,000 residents.

In fact, a group of 44 hospitals has requested permission to file a brief that rebuts motions to dismiss that were filed by the drug manufacturers and distributors responsible for the epidemic. The hospitals’ bellwether lawsuit was initially brought by Florida-based West Boca Medical Center, which argued that hospitals should not have to “bear the costs” of the care they continue to provide as a result of the conduct of the defendants.

Recently, Judge Polster selected six of the lawsuits in the multi-district litigation to serve as “bellwether” cases, placing them on an expedited schedule. Three of the six involve Robbins Geller clients – Broward County, Florida, Monroe County, Michigan, and the Cleveland Bakers and Teamsters Pension Fund. Judge Polster has scheduled trial for three of the cases next year while eagerly pressing for a settlement that addresses this national dilemma.
“The opioid epidemic is a public health crisis, and fighting the manufacturers and distributors who are largely responsible for it will be a privilege,” said Geller. “Every day, Americans are dying from an opioid overdose. It’s time to put an end to that.”

Robbins Geller partners Paul J. Geller, Mark J. Dearman, Aelish M. Baig, Thomas E. Egler and Matthew S. Melamed, along with associates Dory P. Antullis, Carissa J. Dolan, Ricardo J. Marenco, Sabrina E. Tirabassi and Bailie L. Heikkenen, are leading the Firm’s efforts in prosecuting these important cases and constructing a lasting solution to this unprecedented disaster.

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