



Orange County Government
Office of County Executive Steven M. Neuhaus
NEWS RELEASE

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**Orange County files lawsuit against drug companies over opioid
addiction epidemic**

Goshen, N.Y. – Orange County has filed a lawsuit against pharmaceutical companies and physicians over aggressive and fraudulent marketing of prescription opium-like painkillers (opioids) that has led to significant public health concerns and the expenditure of taxpayer funds in Orange County. Orange is the fourth county in New York to file a lawsuit over the opioid epidemic. Suffolk, Broome, and Erie counties have filed similar actions.

“I have met people across the County who have shared their stories about how opioids have caused addiction related problems for themselves or their friends and families,” Orange County Executive Steven M. Neuhaus said. “As a County, we are working with non-profits and physicians to bring heightened awareness to this issue. At the same time, we want those responsible to compensate the taxpayers for the public funds the County has had to pay to address opioid addiction.”

The law firm of Simmons Hanly Conroy, working in conjunction with Orange County Attorney Langdon Chapman, will prosecute the litigation. Simmons Hanly Conroy is similarly representing Suffolk, Erie, and Broome Counties. In the complaint filed Thursday, May 11 in the New York Supreme Court, Orange County seeks relief including compensatory and punitive damages for the millions of dollars it spends to combat the public health issue created by the drug companies’ deceptive marketing campaigns that misrepresent the safety and efficacy of long-term opioid use.

“The opioids epidemic has resulted in great losses and injury to Orange County and its residents,” said Simmons Hanly Conroy Shareholder Paul Hanly, who will serve as lead counsel for Simmons Hanly Conroy in this case. “This action seeks to hold opioid manufacturers and others responsible for their conspiratory and fraudulent actions, including the manufacture, promotion and marketing of opioids that has omitted critical, long-accepted information about the drugs’ addictive qualities and other risks associated with their prolonged use.”

The lawsuit alleges deceptive acts and practices, false advertising, public nuisance, violation of New York Social Services laws, fraud and unjust enrichment against defendants Purdue Pharma L.P.; Purdue Pharma Inc.; The Purdue Frederick Company, Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals Inc.; Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals; Endo Health Solutions Inc.; and Endo Pharmaceuticals, Inc.; as well as physicians Russell Portenoy, Perry Fine, Scott Fishman and Lynn Webster, who allegedly were instrumental in promoting opioids for sale and distribution nationally and in Orange County.

The six causes of action in the civil lawsuit against the Defendants include:

- Violations of NYS General Business Law Section 349 in relation to deceptive acts and practices in the conduct of business, trade, or commerce;
- Violations of NYS General Business Law Section 350;
- Public Nuisance;
- Violations of NYS Social Services Law 145-b;
- Fraud;
- Unjust Enrichment;

According to the complaint for Orange County, the New York State Department of Health recorded 943 opioid-related emergency department admissions in Orange County in 2014, an increase of 17.5 percent since 2010. In 2015, 44 Orange County residents died from overdoses involving opioid pain relievers.

Commonly known by brand names including OxyContin and Percocet, opioids are considered an appropriate treatment for certain types of short-term pain and for

palliative end-of-life care. Substantial evidence exists that opioid drugs are ineffective to treat chronic pain and actually worsen patients' health. In addition, opioids are derived from or possess properties similar to opium and heroin and are highly addictive and dangerous, which is why the U.S. Food and Drug Administration regulates them as controlled substances.

The lawsuit alleges the defendants sought to create a false perception in the minds of physicians, patients, health care providers and health care payers that using opioids to treat chronic pain was safe for most patients and that the drugs' benefits outweighed the risks. This was allegedly perpetrated through a civil conspiracy involving a coordinated, sophisticated and highly deceptive promotion and marketing campaign. Beginning in the late 1990s, the campaign remained unbranded to evade the extensive regulatory framework governing branded communications. Around 2006, it became more aggressive and is ongoing. Specifically, the complaint details how the defendants allegedly poured significant financial resources into generating articles, continuing medical education courses and other "educational" materials, conducting sales visits to doctors, and supporting a network of professional societies and advocacy groups. All of these measures were successful in the intended purpose of creating a new and phony "consensus" supporting the long-term use of opioids.

The National Institutes of Health also identifies drug companies' "aggressive marketing" as a major contributor to the nation's opioid abuse problem. Despite a lack of scientific evidence that supports the use of opioids for long-term pain management, since 1999, the amount of prescribed opioids in the United States has nearly quadrupled to 254 million prescriptions in 2010 – enough to medicate every U.S. adult around the clock for a month. In 2012, opioids generated \$8 billion in revenue for drug companies.

Simmons Hanly Conroy shareholders Paul Hanly and Jayne Conroy have held court-appointed leadership roles of national scope in litigation against pharmaceutical companies brought by consumers harmed by dangerous drugs. In 2006, Hanly and Conroy successfully resolved litigation against Purdue Pharma LLP and Abbot Laboratories, Inc., alleging that 5,000 clients' addictions to OxyContin was a result of the manufacturer's fraudulent marketing campaign that claimed the drug was not as addictive as alternative drugs.

“Families across America, including here in Orange County, have been impacted by opioid related addictions,” Neuhaus said. “When families suffer, that often costs the taxpayers money – be it for treatment or law enforcement. This litigation is part of our efforts to avoid more opioid addiction and also to hold pharmaceutical manufacturers and those who have aided them in the sale and distribution of these highly addictive drugs accountable.”

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