

Florida's Opioid Lawsuit

WHO, WHEN, and WHERE: Attorney General Pam Bondi has filed a civil suit in state court in Pasco County on behalf of the State of Florida against **five opioid manufacturers: Purdue, Endo, Janssen, Cephalon, and Allergan, and four opioid distributors: AmerisourceBergen, McKesson, Cardinal, and Mallinckrodt.**

WHAT and HOW--Manufacturers: The complaint alleges that the **opioid manufacturers** caused the opioid crisis by, among other things:

- Engaging in a campaign of misrepresentations and omissions about opioid use designed to increase opioid prescriptions and opioid use, despite the risks.
- Funding ostensibly neutral and independent (but not) front organizations to publish information touting the benefits of opioids for chronic pain while omitting the information about the risks of opioid treatment.
- Paying ostensibly neutral medical experts called “key opinion leaders” who were really manufacturer mouthpieces to publish articles promoting the use of opioids to treat pain while omitting information regarding the risks.

Specific misrepresentations:

- That taking opioids posed a low risk of addiction.
- That behavior traditionally associated with addiction was only “pseudoaddiction.”
- That taking opioids produced long-term positive effects on a person’s lifestyle such as improving the ability to function, allowing a return to work, and increasing physical activity without disclosing the severe risks of taking opioids long-term.

Other alleged misconduct:

- Misleading veterans about the dangers of taking opioids with benzodiazepines.
- Misrepresenting the risk of addiction for the elderly.
- Promoting the use of unreliable tools to predict the risk of addiction for a patient.
- Omitting to disclose the dangers of high dose opioid treatment.

WHAT and HOW—Distributors: The Complaint alleges the **opioid distributors** repeatedly violated their duties to prevent the diversion of opioids under Florida law by:

- Failing to properly assess customers to determine the validity of orders;
- Failing to report suspicious orders of opioids despite knowing their customers' opioid orders were inordinately high;
- Continuing to fill suspicious orders for opioids from their Florida customers.
- Despite massive fines, continuing to allow diversion to occur on an enormous scale, and
- Marketing the manufacturers' opioid products to pharmacies.

Violations alleged in the complaint against the **manufacturers and distributors:**

- Florida Deceptive and Unfair Trade Practices Act
- Florida RICO Act
- common law public nuisance.

Violations alleged against the **distributors only:**

- negligence
- negligence *per se*

Relief sought by the State:

- Damages
- Restitution
- Injunctive relief
- Abatement of the public nuisance
- Disgorgement
- Civil forfeiture
- Civil penalties
- Other relief.