

# TIMES-GAZETTE

## Tennessee district attorneys sue opioid manufacturers

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By JASON M. REYNOLDS ~ jreynolds@t-g.com

See a copy of the lawsuit [here](#).



District Attorney Rob Carter

Five Tennessee district attorneys — including Bedford County’s — have sued a group of opioid producers and others, alleging a “fraudulent campaign” to flood their communities with addictive pills.

“It’s no secret the opioid issue has hit our district — and hit Tennessee as a whole — hard,” 17th Judicial District Attorney General Robert J. Carter told the Times-Gazette. “We thought it was necessary to do all we could to battle these problems.”

The district attorney generals of Tennessee’s Thirteenth, Sixteenth, Seventeenth, Twenty-Second and Thirty-First Judicial Districts jointly filed the lawsuit Wednesday in the Cumberland County Circuit Court.

Crossville was chosen for the filing location because the Cumberland Plateau communities are

the hardest hit by opioid abuse in Tennessee, Carter said. Tennessee has the second highest statewide opioid prescription rate in the nation, according to a press release from the district attorneys.

## More pills than people

“Tennessee doctors wrote more than 7.8 million opioid prescriptions in 2015,” Bryant C. Dunaway, district attorney general for Tennessee’s Thirteenth Judicial District, said in the press release. “That’s more prescriptions than Tennessee has residents — men, women and children combined.”

Unintentional overdose deaths now account for more early deaths in Tennessee than automobile accidents, suicides or homicides, and the vast majority of the state’s overdose deaths involve opioids — nearly 72 percent, as recorded in 2015, the press release says. Among the 19 counties named, more than 1 million opioid prescriptions were filled in 2016. The same region recorded 550 opioid-related overdose deaths from 2012 to 2016.

The defendants include prescription opioid producer Purdue Pharma L.P. and its related companies, along with Mallinckrodt LLC, Endo Health Solutions Inc. and its wholly owned subsidiary, Endo Pharmaceuticals Inc., and Teva Pharmaceuticals USA Inc. Additional defendants are alleged “pill mills” Montclair Health & Wellness LLC d/b/a Specialty Associates and North Alabama Pain Services LLC, plus David Florence, Mark Murphy and Nathan Paul Haskins, who are alleged to have diverted and illegally sold opioids throughout the state, the lawsuit says.

The latest suit alleges Florence, aka “DocStar” of a former reality TV show of the same name, owned and operated “pill mills” that prescribed opioids “without any legitimate medical purpose.” Florence ‘knowingly, and unlawfully,’ facilitated the distribution of the powerful and highly-addictive prescription drugs into the illicit market.”

The Purdue companies’ annual sales of OxyContin are between \$2.47 billion to \$2.99 billion a year, or 30 percent of the entire market for analgesic (painkiller) drugs, the lawsuit states.

## Demanding judgment

The lawsuit demands judgment against the defendants for damages resulting from breaches of statutory and common law, according to the press release. The suit also seeks punitive damages against the defendants for their alleged roles in flooding Tennessee with illegal opioids, seeks to award restitution to the plaintiffs, and requests an injunction to stop the flood of opioids to the

region.

It is too soon to say how long the lawsuit will take, although it will be a lengthy process, Carter said.

The suit is the third such complaint filed in Tennessee in recent months. The first was filed in June 2017 in Sullivan County Circuit Court in Kingsport, and the second was filed in September 2017 in Campbell County Circuit Court in Jacksboro. Collectively, the three complaints represent 14 district attorneys general and 47 counties in Tennessee.

## **‘Ill-gotten profits’**

The manufacturers misled doctors and the public about the need for and the addictive nature of opioids, the lawsuit claims. They turned a “blind eye” to the problems caused by addiction “and collected millions of dollars in ill-gotten profits.”

The drug manufacturers’ marketing campaign created a market for street heroin for addicts who could no longer obtain prescription opioids or afford diverted opioids, the press release says. All defendants knew of the volume of prescriptions being written and took no action to stop illegal prescriptions or diversions.

## **Impact on communities**

The lawsuit is necessary to fight the impact on Tennessee communities, Carter said. A “great number” of overdoses in the 17th Judicial District are caused by opioids.

“They overdose on this stuff all the time,” Carter said. “That’s another reason why it’s a big issue. I’m not worried about the caseload ... it is the increasing number. It is the impact on our community.”

Science shows opioids are inappropriate to treat chronic pain and are dangerous and highly addictive, the lawsuit claims, citing several studies.

The lawsuit also makes a connection between opioid use by pregnant mothers and a condition called Neonatal Abstinence Syndrome (NAS). Tennessee and border states Kentucky, Alabama and Mississippi have the highest rates of NAS in the nation, in the range of 15-20 percent per 1,000 hospital births. The Tennessee Department of Mental Health & Substance Abuse Services reports 42.3 percent of the pregnant women it serves for addictions report opioids as the primary substance of abuse.

**Branstetter, Stranch & Jennings (BS&J), PLLC**, a Nashville-based law firm, filed the lawsuit in conjunction with the district attorney generals.