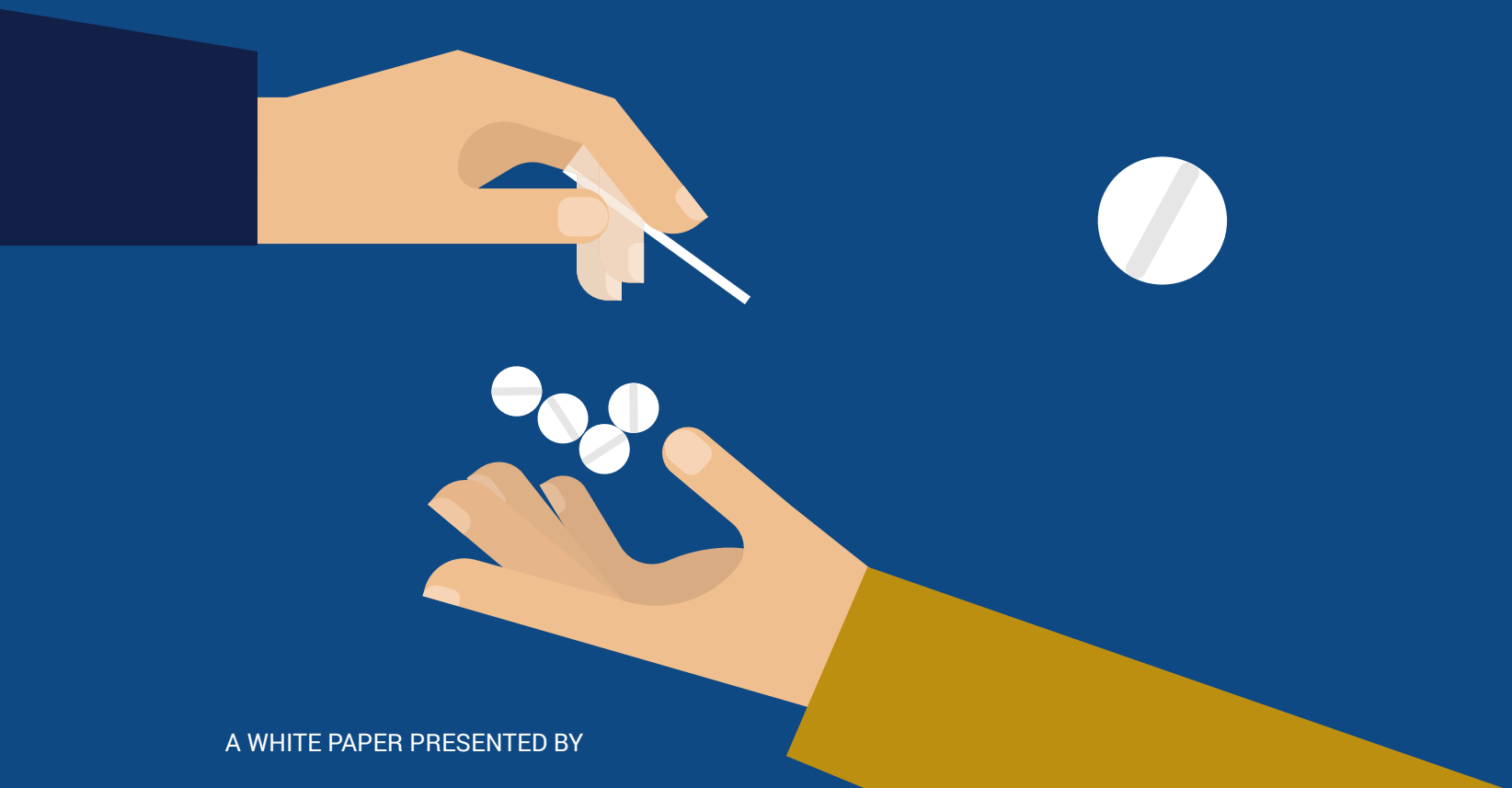


# How To Fund The War Against Opioid Addiction In Your Community



A WHITE PAPER PRESENTED BY

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# How To Fund The War Against Opioid Addiction In Your Community

It's a growing epidemic that affects all ages, ethnicities and income groups. Pharmaceutical companies have misled the nation about the dangers of opioid use. The ever-growing use of powerful and highly addictive painkillers has taken thousands of lives, destroying families and ripping apart communities across our country.

Costs incurred by individuals and government agencies due to the opioid crisis are quickly estimated to be in excess of *\$500 billion per year*.<sup>1</sup> To provide needed services, communities are spending precious financial resources at an alarming rate in the battle against the opioid epidemic. As a county, city or local municipality official, you can fight back by taking legal action against those responsible for this crisis.

ADDICTION

\$500 billion

# Introduction To The Opioid Crisis

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The opioid crisis has become everyone's problem in the U.S. It is not only those with opioid addiction issues (and their families) who suffer. This national public health emergency requires states, counties and local entities to pick up the increasing costs of medical treatment, emergency services and criminal prosecution in their communities.



No one is immune to the risks and costs associated with this battle. Even if you are not directly affected, you may lose access to necessary services as local, state and national resources are increasingly used to fight the epidemic. Additionally, your health insurance costs will continue to skyrocket as more people seek coverage for opioid-related treatment.

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# Who Is To Blame?

The pharmaceutical industry – including manufacturers, distributors and sellers – has been misleading the nation about the risks of opioids for years, according to legal papers and research. Through fraudulent and deceptive marketing tactics, companies have underreported the dangers of these highly addictive drugs and misrepresented the effects of their long-term use.



The U.S. Food and Drug Administration (FDA) and unsuspecting medical professionals relied on information provided by pharmaceutical companies when deciding to approve the use of opioids for patients in the U.S. Lacking knowledge of their addictive tendencies, especially with use lasting longer than three months, doctors were unwittingly overprescribing these “miracle painkillers.”



While Big Pharma companies make billions of dollars of income, communities spend millions trying to take care of those who become addicted and turn to crime to fuel that addiction.

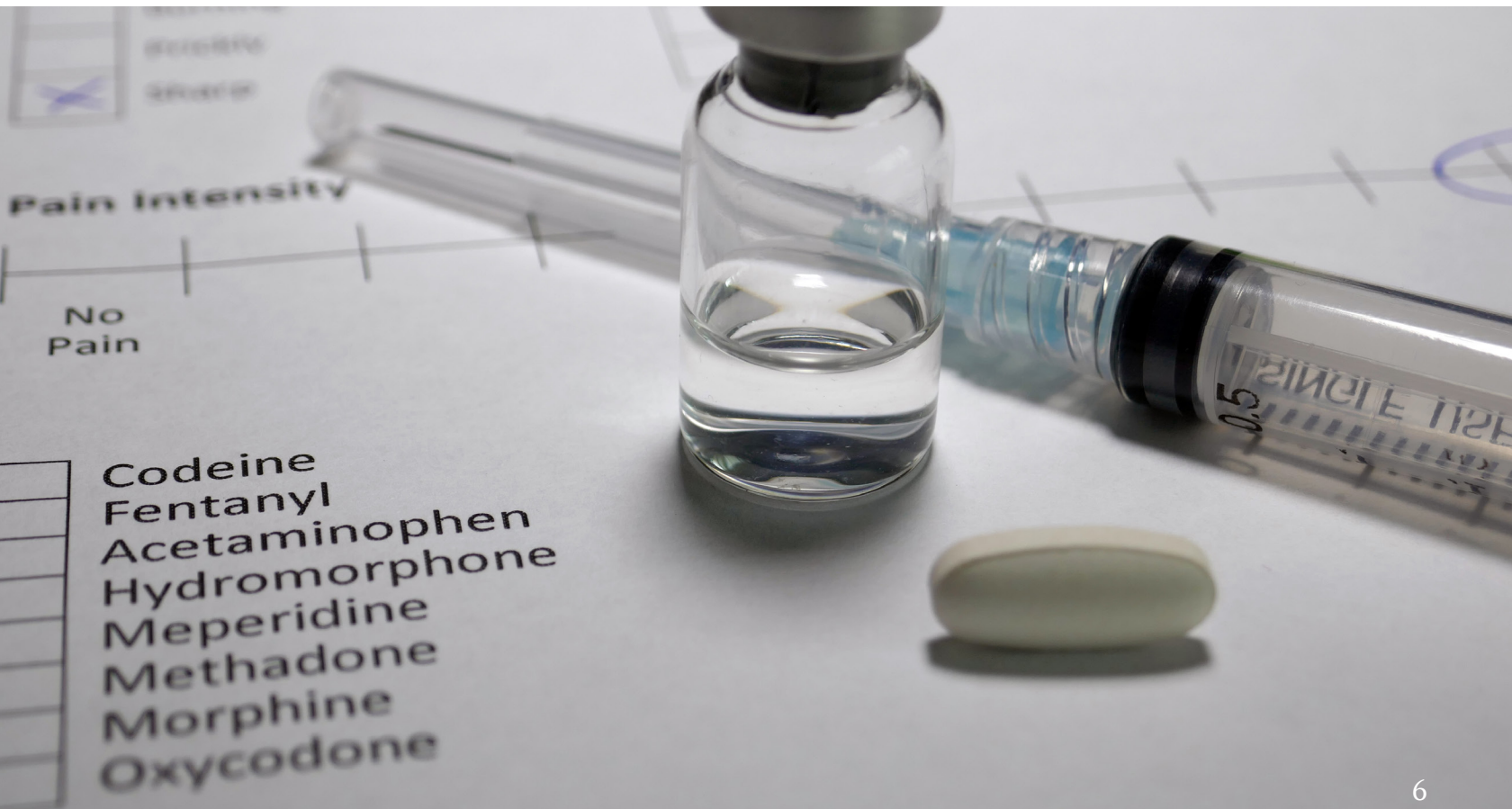




# How Do Opioid Painkillers Work?

Painkillers are the most common over-the-counter and prescription medications. People seek to alleviate their aches and pains with anything from aspirin to morphine to street drugs, depending on the severity of the pain. Opioids are the strongest types of painkillers. They come in many forms and have many names, depending on the manufacturer. They are natural or chemically modified extracts<sup>iii</sup> from the opium poppy or completely manmade to mimic these extracts.

Once introduced into your body – by mouth, skin patch, intravenous drip, injection or another way – opioids are easily absorbed and affect brain function. Opioids do not cure the source of pain; they merely mask your brain’s ability to sense pain. Depending on how the drug is taken, pain relief can be felt in as little as 10 minutes to 90 minutes. Effects include slowed breathing, feelings of euphoria and, of course, pain relief.





## Why Are Opioids So Dangerous?

The danger lies in the fine line between “just enough” and “too much.” The more an opioid is used, the less effective it becomes, requiring higher doses to reach the same level of pain relief. The higher the dose, however, the lower your respiratory rate. A desire for fast relief can easily lead to an overdose that stops your breathing<sup>™</sup> altogether.

The worst aspect is that opioids are highly addictive. Taking an opioid medication for more than a short time can quickly turn into an addiction. As patients become addicted, they seek higher quantities. When they are unable to refill their prescriptions, many will try to get new prescriptions from other medical professionals (doctor shopping), while others turn to illegal suppliers to get what their bodies crave.

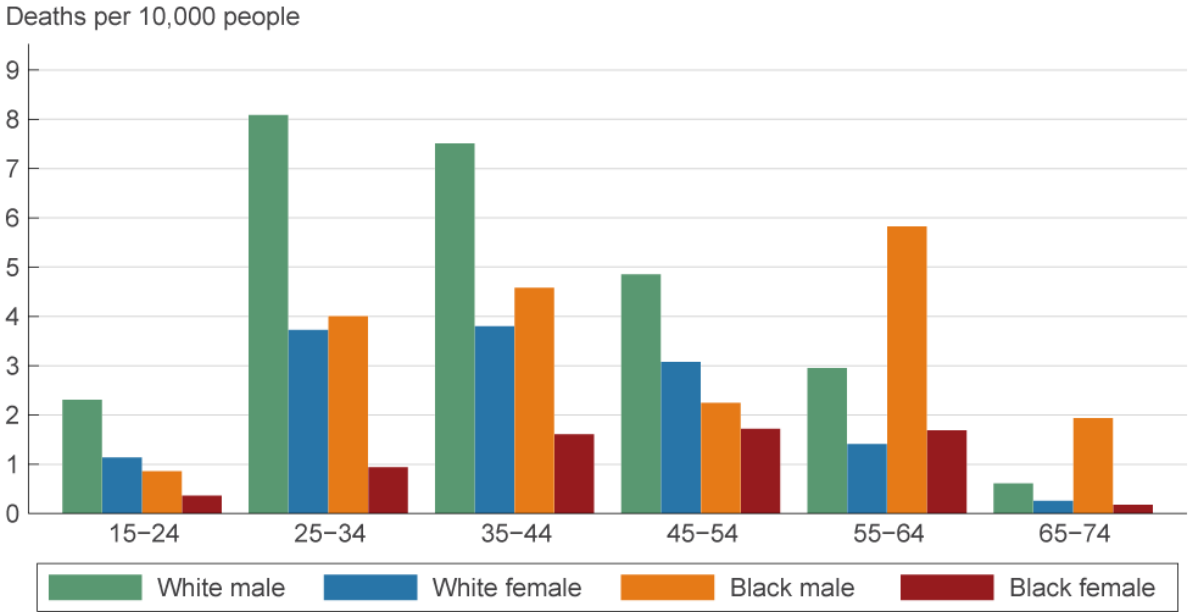
# How Are Ohio Residents Affected By The Opioid Crisis?

Drug overdose is the No. 1 cause of death for people under the age of 55 in Ohio, exceeding the numbers of those who die from cancer, heart disease, suicide, car accidents and homicide.

Ohio is one of the hardest-hit states, and every county has seen an increase in overdose deaths with each passing year. Even worse, death rates do not tell the whole story.

Experts estimate that 92,000 to 170,000 Ohioans were abusing or addicted to opioids in 2015. As these people run into health issues stemming from opioid use, they need higher and higher levels of medical care and treatment for addiction. Crime levels are also on the rise as addicts grow more desperate to find access to the only drugs that can stop their pain or satisfy their needs.

## Opioid-Related Overdose Deaths in Ohio, 2015



Source: Ohio Department of Health; Ohio Resident Mortality Data.



# The Cost Of The Opioid Crisis In Ohio

In Ohio, the annual cost of opioid abuse, addiction and overdose deaths ranges from \$6.6 billion to \$8.8 billion.<sup>v</sup> These expenses are crippling Ohio counties, cities, towns and other local municipalities at an alarming rate as they try to provide the services needed to deal with the crisis.

Expenses incurred by private and public organizations, municipalities and communities can be divided into a few main categories:



**Fatal and non-death-related costs:** Medical care and treatment, ambulance and emergency department services, inpatient and outpatient addiction treatment, indigent funeral expenses and coroner services



**Loss of productivity:** Loss of expected lifetime earnings, contributions to the community and social value by current opioid abusers and those who die from drug overdoses



**Criminal justice costs:** Law enforcement, prosecution, defense and court expenses



**Social services:** Family and child services, foster care for children whose parents can no longer provide for them, victim care and neighborhood safety

These expenses do not take into account increases in health insurance rates and the additional burdens on individual family members who provide in-home care or have to fill in for the lack of income from the addicted or deceased person.

# Ohio Is Not Keeping Up With The Cost Of The Epidemic

The state has only about 20 to 40 percent of the infrastructure it needs to combat the opioid crisis.<sup>vi</sup> Those living in rural areas have extremely limited access to adequate care and treatment services. This puts more people at risk of opioid abuse and addiction.

The most effective treatment for opioid addiction – and reducing the number of overdose deaths – is medication-assisted therapy. Methadone, buprenorphine and naltrexone are the most common medications used to combat withdrawal symptoms, reduce cravings and prevent relapses.



- **Methadone requires daily doses, which can only be administered at a certified methadone treatment center.** However, there are only 26 such centers in Ohio, and they are primarily located in urban areas.
- **To prescribe buprenorphine, a physician must obtain a special certification.** But even if every certified doctor in the state treats the maximum number of patients allowed, only 10 to 20 percent of those who need treatment have access.<sup>vii</sup>
- **Naltrexone treatments also require a certified physician, and the cost is twice as much as other medication-assisted treatments (at \$14,000 per year).** Another catch to naltrexone is that the patient must have already completed the medically assisted withdrawal process, which requires the use of methadone or buprenorphine.

# Is An End To The Opioid Epidemic Possible?

Finding a cure to the opioid epidemic is possible, but it will cost a lot of money -- money that is not currently available to the organizations that need it.

Already, more than 400 lawsuits have been filed by states, counties, Native American tribes and local municipalities against those responsible for the opioid crisis: Big Pharma. Judge Dan Aaron Polster of the U.S. District Court in Cleveland has been assigned to handle all of the opioid cases for the nation.



**Big Pharma has been sued by more than 400 state, county and local entities from across the nation. Hundreds of additional claims are expected as communities band together to make opioid manufacturers, distributors and retailers pay for their deceptive marketing practices.**



Individual plaintiffs – like towns or state governments – cannot take on the multibillion-dollar drug industry by themselves. However, banding together provides a unified opposition, much like what eventually proved effective against the tobacco industry. By consolidating similar cases into what is called multidistrict litigation (MDL)<sup>viii</sup>, these matters can be resolved more efficiently and cost-effectively for all involved, especially the plaintiffs and the judicial system.

The community plaintiffs are receiving support from the U.S. Justice Department, which intends to file a statement of interest in the MDL. Attorney General Jeff Sessions announced that a task force has been created to determine how the federal government can assist plaintiffs in their fight against “opioid manufacturers and distributors for allegedly using false, deceptive and unfair marketing of opioid drugs.”<sup>ix</sup>



# Take Legal Action For Your Community

The bottom line is this: Your city, county, tribe or town may be entitled to compensation for expenses incurred because of the opioid epidemic in your community. Those who caused the epidemic should be held responsible for funding its cleanup. This can include paying for treatment centers, additional medical and enforcement personnel, and other remedies.

Take action to fight for your community's right to compensation. The consolidated MDL process has already begun. With more than 3,000 local governments in Ohio, municipalities, townships and other independent communities must take immediate action to receive a portion of the compensation from a final decision.



# What You Can Expect

- 1** Your entity has zero financial risk in filing a lawsuit with the assistance of the law firm of Kelley & Ferraro, LLP. We handle opioid claims on a contingency basis only, which means you pay no attorney fees unless you win. We offer a competitive contingency rate for opioid epidemic lawsuits. Additionally, our trial lawyers are working in conjunction with our partner office in Miami, Florida, The Ferraro Law Firm.
- 2** Once you retain our firm, we will file a lawsuit on your behalf with the U.S. District Court in Cleveland. When the court allows discovery to begin, we will review your entity's records, calculating the extent of your damages that are attributable to the opioid epidemic. Your losses may include ambulance services for overdose situations, prosecution and jail expenses for opioid violations, administrative time, etc.
- 3** Kelley & Ferraro, LLP, and The Ferraro Law Firm currently represent many municipalities in Ohio and Florida, and we have the experience needed for handling large claims.





## SOURCES

<sup>i</sup> <https://www.marketwatch.com/story/how-much-the-opioid-epidemic-costs-the-us-2017-10-27>

<sup>ii</sup> Big Pharma companies include a number of drug manufacturers (Allergan, Endo Health, Janssen Pharmaceuticals, McKesson Corporation, Purdue Pharma, Qualitest Pharmaceuticals and Teva Pharmaceuticals) and drug distributors (Abbott Laboratories, AmerisourceBergen Corporation, Cardinal Health, McKesson Corporation.)

<sup>iii</sup> <http://www.nsc.org/RxDrugOverdoseDocuments/opioid-painkillers-how-they-work-and-why-they-are-risky.pdf>

<sup>iv</sup> When opioid painkillers are taken at the same time as anti-anxiety medications (benzodiazepines like Valium and Xanax), the sedation and reduced breathing effects are greatly enhanced. Over sedation can lead to brain damage due to lack of oxygen, coma and shutdown of vital organs. <https://americanaddictioncenters.org/prescription-drugs/dangers-of-mixing/>

<sup>v</sup> The C. William Swank Program in Rural-Urban Policy, [Taking Measure Of Ohio's Opioid Crisis](#), October 2017.

<sup>vi</sup> The C. William Swank Program in Rural-Urban Policy, [Taking Measure Of Ohio's Opioid Crisis](#), October 2017.

<sup>vii</sup> The C. William Swank Program in Rural-Urban Policy, [Taking Measure Of Ohio's Opioid Crisis](#), October 2017.

<sup>viii</sup> <https://www.nytimes.com/2018/03/05/health/opioid-crisis-judge-lawsuits.html>

<sup>ix</sup> <https://www.nytimes.com/2018/02/27/us/politics/justice-department-opioid-lawsuit.html>

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