



City of Beverly, Massachusetts

PRESS RELEASE

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City of Beverly Files Lawsuit to Hold Pharmaceutical Manufacturers and Distributors Responsible for Creating Opioid Epidemic

BEVERLY MASS. –March 5, 2019 –The City of Beverly, Massachusetts, announced that it has filed suit against the nation’s largest pharmaceutical manufacturers and distributors for their role in creating a widespread diversion of prescription opiates for nonmedical purposes. The case was filed on March 4, in federal district court in the District of Massachusetts Eastern Division (*City of Beverly v. Amerisourcebergen Drug Corp., et al.* 1:19-cv-10398).

Like communities throughout the state, Beverly has been severely impacted by the opioid crisis. In recent years, there has been a staggering increase in the number of opioid-related drug overdose incidents state-wide. Across Massachusetts, there were 1,617 confirmed opioid-related overdose deaths in 2018. In Beverly alone, there were 56 opioid-related overdose deaths of residents from 2013 through 2017.

Mayor Michael P. Cahill stated, “We know that an ever-increasing number of our friends and neighbors have been devastated by opioid addiction. Many need treatment and support and often resources aren’t available. We are combating this public health crisis on all fronts in order to change that and this suit will hold the pharmaceutical companies accountable.”

In the suit, Beverly alleges that pharmaceutical manufacturers engaged in a massive false marketing campaign designed to increase the demand for highly addictive, dangerous opioids. The suit also alleges that pharmaceutical distributors failed to take steps to identify and halt suspicious orders of opioid prescriptions thereby contributing to the diversion of prescriptions and an illegal secondary market for opioids in the community.

The manufacturer Defendants named in the lawsuit include Purdue Pharma; Teva Ltd; Janssen Pharmaceuticals, Inc. (a wholly-owned subsidiary of Johnson & Johnson); Endo Health Solutions, Inc.; Allergan PLC; and Mallinckrodt. Drugs manufactured by these companies include, but are not limited to: OxyContin, Actiq, Fentora, Duragesic, Nucynta, Nucynta ER, Opana/Opana ER, Percodan, Percocet, Zydone, Kadian and Norco.

The lawsuit also names the nation’s largest drug distributors – Cardinal Health, AmerisourceBergen, and McKesson Corp. – alleging that the companies failed to monitor, identify and report suspicious opioid shipments to pharmacies, in violation of the federal Controlled Substances Act.

The City of Beverly is working with a consortium of national and local law firms known as the Massachusetts Opioid Litigation Attorneys (MOLA), which includes the Massachusetts law firms of Sweeney Merrigan Law, Rodman,

Rodman & Sandman and KP Law. In addition to MOLA, the legal consortium hired to represent the City of Beverly includes several national law firms, which bring experience in holding the powerful pharmaceutical industry accountable. Those firms include: Baron & Budd; Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor; Greene, Ketchum, Bailey, Farrell & Tweel; Hill, Peterson, Carper, Bee & Deitzler; McHugh Fuller Law Group; and Powell & Mejestro.

“The simple truth is that the opioid epidemic has reached nearly every community throughout the state of Massachusetts. These deadly drugs are tearing apart families, neighborhoods and entire cities,” said Peter Merrigan of Sweeney Merrigan Law. “Effectively combating this crisis is going to be hard, and it is going to require substantial resources. But it isn’t right to expect the hard-working taxpayers of Beverly to bear these costs alone. MOLA, along with our national partners, is determined to hold these Fortune 500 pharmaceutical corporations responsible for the role they’ve played in causing this preventable health disaster in our state.”

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