

# OPIOID JUSTICE TEAM™

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## **TWO-THIRDS OF ALL BABIES EXPOSED OR DEPENDENT ON OPIOIDS NOW REPRESENTED IN CLASS ACTIONS FILED IN 34 STATES**

[A legal-medical partnership](#) on behalf of opioid-dependent babies and children of prescription-opioid using mothers in the United States has filed class action [lawsuits in 34 of the 48 states](#) reporting hospital births in this category since 1996.

“Since it is estimated by [our medical experts](#) that an opioid-exposed child is born to one-third of all pregnant women in the U.S., we continue to push aggressively in the federal court system and before Judge Daniel A. Polster presiding over the Multi-District Litigation concerning this epidemic caused by drug manufacturers, distributors and marketers,” said Attorney Celeste Brustowicz on behalf of the Opioid Justice Team.

Named as defendants in the class actions are an array of pharmaceutical manufacturers, distributors and retailers, all of whom netted billions of dollars due to unfair and deceptive trade practices that preyed on all Americans, including the unborn, say the representing attorneys.

“We are waving a huge red flag. The [number of babies testing positive for opioids in utero is alarming](#) and the impact these children will have on their families and other institutions who help address their long-term medical and development needs is astronomical. This issue which has been consistently under-reported since the opioid epidemic began in 1996,” added Ms. Brustowicz.

The suits seek to create a medical monitoring trust fund for these children funded by the prescription drug industry, rather than local governments, which is currently being advocated by drug industry attorneys through a lump sum settlement to cover all claims in filed litigation.

For more than a year, [Ms. Brustowicz, along with other attorneys](#) and doctors, have worked to get children born to prescription opioid-dependent and using mothers recognized as their own legal class within the national opioid litigation, just as counties, cities, hospitals, indigenous peoples, and state attorney generals are fighting to do.

Ms. Brustowicz said legal efforts on behalf of children are being opposed by the drug industry and their attorneys. She and other counsel in her team will argue for these children and their families this fall before Judge Polster.

“Understand, that the numbers we are estimating—that an opioid-dependent child is born every 19 minutes in the United States—is more than likely an under-reported number because not every state has hospital codes for these births and the numbers do not include births to mid-wives or those outside the hospital system,” said Ms. Brustowicz. “A medical

monitoring fund within the opioid settlement now being worked out would document and [address the medical problems these children will have to face for a lifetime.](#)”

She said, “There is and will be a continuous impact from the manufactured opioid epidemic on America’s children and their families, as well as the healthcare, educational and community institutions who will bear the costs of caring for these children with developmental disabilities, as well as increased risk of addictive traits of their own.”

[Statistics](#) that have been compiled by the Centers for Disease Control document that first-year Medicaid costs for opioid-exposed infants are approximately \$238,000 and the annual costs to hospital Neo-natal Intensive Care Units has increased fivefold to nearly \$316 million a year in less than a decade. These estimates do not cover costs borne by family caregivers or foster-care institutions who will care for the infants once released to homes.

Ms. Brustowicz is currently doing [town hall meetings](#) on the prescription opioid crisis with local New York attorneys and non-profit leaders in Rochester, Syracuse and Norwich between June 19 and 21.

“Recent legal developments proposed by the attorneys representing the drug industry show they are ready to pursue settlement of different aspects of this national crisis,” said Ms. Brustowicz, who has also filed suits seeking doctors to [require pregnancy tests before issuing prescription opioids women of child-bearing age](#) under their care. “But these same attorneys are trying to ignore the on-going impact of this crisis on our children, who are voiceless unless we speak up for them.

“These cases from two-thirds of the states, representing more than 112,000 of the more than 188,000 children we know this crisis has impacted, cannot be ignored. The March of Dimes, the Child Welfare League, the National Association for Children of Addiction, the Network Lobby for Catholic Social Justice and others who support and serve these families agree with us. Now is the time for the Judge to do so as well.”

The 34 states represented in the legal filings are:

Alabama, Arkansas, Arizona, California, Colorado, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin.

