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CITY OF COVINGTON JOINS OTHER JURISDICTIONS IN COURT AGAINST OPIOID MANUFACTURERS AND DISTRIBUTORS...BUT APPROACH SEEKS A LEGAL-MEDICAL-CIVIL SOLUTION

On May 9th the City of Covington, through its attorneys at Porteous, Hainkel and Johnson LLP, filed its expected lawsuit against America's pharmaceutical industry for knowingly mislabeling and misrepresenting opiate-based drugs and creating a spiraling addiction crisis across the nation. The suit seeks to create a long-term solution to help municipalities deal with the medical, social and legal issues related to the epidemic.

"The road to solving this problem requires more than just a legal settlement," said Mayor Mike Cooper. "Any settlement needs to be focused on long-term solutions for all the opioid-related problems which, unless solved, will plague our police departments, our emergency rooms and our hospitals for generations."

There are currently hundreds of suits filed across the nation against the opioid manufacturers and distributors which have been aggregated in a multi-district litigation proceeding in Cleveland, Ohio. On May 10, the U.S. District Judge Dan Polster, who is reviewing these cases held a day of open-door conferences and settlement discussions with the various attorneys and state Attorney Generals.

"We hope suits like ours will convince the Judge that a formula litigation settlement, like in the historic tobacco cases, should be rejected. Instead of funds going to state government for distribution, we would much rather see funds directed to those on the front lines of treatment, need and service," said Attorney Bill Lozes.

On January 16, 2018, the Covington City Council gave Mayor Cooper the authority to retain Porteous, Hainkel and Johnson LLP to investigate and file a civil action against opioid manufacturers and distributors.

Porteous, through attorneys Bill Lozes and Ralph Alexis, is part of a national leadership team of attorneys called the Opioid Justice Team, which has filed a number of lawsuits, including class actions, on behalf of counties, cities, non-profit health providers, drug rehab centers, opioid-addicted babies, and Native American Tribes, all of which have borne extensive unreimbursed costs caused by the opioid epidemic.

Within the last year St. Tammany Parish saw an outbreak of heroin related deaths. Covington Police Chief Tim Lentz has joined other police chiefs and sheriffs from around the country at the White House to give a local face to the problem, since death overdoses now outpace car-related deaths 2-to-1.

"Our law enforcement and criminal justice system is on the front line of dealing with the opioid crisis, which is impacting families from every spectrum of our society, and in our community," said Mayor Cooper. "We seek to recover some of the extensive costs that the City has already incurred in dealing with this rampant problem and to secure additional funds so that

the City can create and maintain treatment programs to provide rehabilitation to those with opioid addiction problems.”

The team alleges that civil lawsuits brought against the pharmaceutical drug manufacturers, opioid drug distributors and/or wholesalers, are the only way to remedy the prescription opioid drug epidemic.

“The documented facts show that pharmaceutical manufacturers deceptively marketed their opioid products by exaggerating the benefits of opioids and by intentionally downplaying the extremely addictive nature of opioids.” said Mr. Alexis.

The lawsuits also focus on the distributors’ violation of the Controlled Substances Act by their failing to report unusual patterns associated with certain opioid purchases and use. Covington’s attorneys point to the fact that there have been on-the-record admissions of wrongdoing by some of the defendant manufacturers and distributors of opioids. A number of these target defendants have pled guilty to criminal violations and/or paid massive fines to settle charges or claims against them.

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