

# STATE OF TENNESSEE

Sixth, Seventh, Eighth, Ninth and Tenth Judicial Districts

OFFICES OF DISTRICT ATTORNEYS GENERAL

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**FOR IMMEDIATE RELEASE**

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## **East Tennessee Attorneys General File Suit Against Opioid Manufacturers**

*Filing seeks damages for actions contributing to area's opioid epidemic*

JACKSBORO, Tenn. — The district attorneys general of Tennessee's Sixth, Seventh, Eighth, Ninth and Tenth Judicial Districts have jointly filed a lawsuit against prescription opioid manufacturer 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.

Filed in Campbell County Circuit Court in Jacksboro, Tennessee, last Friday, the lawsuit also names two additional plaintiffs known collectively as Baby Doe by and through their Guardians Ad Litem. Additional defendants named in the filing include the (now-dissolved) Tennessee Pain Institute (TPI), two former TPI employees and a convicted drug dealer.

"The Appalachia High Intensity Drug Trafficking Area (HIDTA), which includes the Sixth, Seventh, Eighth, Ninth and Tenth Judicial Districts of Tennessee, is one of the hardest-hit areas in the opioid epidemic that is plaguing the nation," says Jared Effler, district attorney general for Tennessee's Eighth Judicial District. "The 15 counties within these five judicial districts border the Interstate 75 corridor, which has long been known as a major path of transportation for the illegal opioid market. Two of these counties — Campbell County and Claiborne County — have the third- and sixth-highest per capita opioid prescription rates for a U.S. county, respectively.

"In addition to having a terrible effect on the lives of a disproportionate number of East Tennesseans, opioid addiction places an overwhelming strain on our region's finances," Effler says. "This has led to increased costs for each of our counties' policing, health care, rehabilitation, housing and criminal justice systems. We believe there is a direct correlation between East Tennessee's opioid epidemic and the actions of these opioid manufacturers, and it is our intent to hold them accountable for the damage they have inflicted upon our region."

The lawsuit alleges that:

- The manufacturer defendants directed their opioids to the 15 East Tennessee counties of the state's Sixth, Seventh, Eighth, Ninth and Tenth Judicial Districts, while the criminal defendants participated in the illegal opioid drug market throughout the same judicial districts along the Interstate 75 corridor;
- Purdue Pharma embarked on a fraudulent campaign to convince physicians that OxyContin® created minimal risk of addiction;
- As Purdue's marketing efforts demonstrated success in the form of rapid increases in opioid prescriptions, Mallinckrodt, Endo Pharmaceuticals, Teva Pharmaceuticals, and other opioid manufacturers joined Purdue in its fraudulent scheme;
- Purdue's efforts and those of the other defendants to mislead doctors and the public about the need for, and addictive nature of, opioid drugs led to an opioid epidemic, created an environment for thousands of individuals in Tennessee to become addicted to opioids, and fueled a dramatic increase in Campbell County, Tennessee, and other East Tennessee counties in the number of individuals exposed and addicted to OxyContin, Roxicodone®, Opana® ER and other opioids; and
- The manufacturer defendants knew their products were being diverted to the illegal drug market, but did nothing to stop it — choosing profit over people.

The U.S. Department of Justice's drug market analyses of the Appalachia HIDTA for 2008 through 2011 detail a steady rise in law enforcement seizures of oxycodone (primarily OxyContin) in the Tennessee illegal drug market — 1,069 dosage units of oxycodone seized in Tennessee in 2007 to 4,142 dosage units seized in 2010. In 2015, Tennessee doctors wrote more than 7.8 million opioid prescriptions — or 1.18 for every state resident, placing Tennessee second in the nation for the number of opioid prescriptions per capita. In addition, unintentional overdose deaths, which now account for more premature deaths in Tennessee than automobile accidents, suicides or homicides, increased more than 400 percent from 1999 to 2015 (the last year for which overdose deaths have been calculated). Seventy-two percent of Tennessee's overdose deaths in 2015 involved opioids.

“The opioid epidemic that is currently ravaging Tennessee, Appalachia and the entire nation did not appear overnight,” says J. Gerard Stranch, IV of Branstetter, Stranch & Jennings, PLLC, the Nashville, Tennessee-based law firm that filed the lawsuit. “Purdue Pharma and other opioid manufacturers have purposely misled the medical community and the general public about the need for opioids and their addictive nature, and spent years engaged in an aggressive and fraudulent scheme to push their products into a market of unsuspecting patients and physicians. The resulting opioid epidemic has caused incredible suffering for those who become or are born addicted to opioids, and it is costing millions of dollars to local governments forced to deal with the aftermath.”

Tennesseans' addiction to opioids has created a secondary epidemic of Neonatal Abstinence Syndrome (NAS) that has its epicenter in East Tennessee. NAS occurs when babies are exposed to opioids in utero and then show symptoms of withdrawal anywhere from a few minutes to a few days after birth. According to the Tennessee Department of Mental Health and Substance

Abuse Services, the number of Tennessee babies born with NAS increased tenfold between 2000 and 2010. In 2016, 26 of every 1,000 East Tennessee babies were born with NAS.

So prevalent is NAS in the counties served by the five judicial districts that the number of babies born with the condition at East Tennessee Children's Hospital doubled from 2010 to 2011. The hospital, located in Knoxville — the largest city along the Appalachia HIDTA, developed a new set of protocols in 2011 for treating NAS newborns that has been recognized across the country.

According to the Tennessee Department of Mental Health and Substance Abuse Services, the average cost of care for babies born with NAS is roughly 10 times more than babies born without NAS. The average cost to stabilize an NAS newborn is nearly \$63,000, while the average cost for a non-NAS newborn is approximately \$7,200. For the entire state of Tennessee, the care for 660 babies born with NAS cost \$41.5 million for most of 2013, compared to \$4.79 million for the same number born without NAS.

The lawsuit demands judgment against the defendants for damages resulting from breaches of statutory and common law, seeks to award restitution to the plaintiffs, and requests an injunction to stop the flood of opioids to the region. The suit is the second complaint filed in Tennessee this year against Purdue Pharma and additional pharmaceutical companies. The first was filed in June in Sullivan County Circuit Court in Kingsport, Tennessee.

Background information, including contact information, related bios, complaint documents and media coverage of this issue, is available on [www.tnbabydoe.com](http://www.tnbabydoe.com). This site serves as an information portal and is updated frequently. Media may tag the site and associated social media in postings to be included in future updates.

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