

ITHACA

Gratiot County joins in statewide opioid lawsuit

By Sean Bradley

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Gratiot County has joined a statewide lawsuit against opioid manufacturers and retailers that sell them.

The county commission voted unanimously at its meeting Tuesday to pass a resolution to join the lawsuit, joining a group of townships, cities and counties across the state that is asking for restrictions on opioid distribution and for municipalities to be reimbursed for law enforcement and public health-related costs in fighting the problem.

“The Gratiot County Board of Commissioners view litigation as an appropriate vehicle for holding manufacturers and distributors accountable for their marketing and distribution practices,” the Feb. 6 resolution stated. “The manufacturers of opioids know, or should know, that the overprescribing of opioids, as encouraged by the manufacturers’ deceptive and irresponsible marketing and distribution conduct, has contributed to the opioid epidemic as witnessed on a daily basis by the emergency responders, law enforcement personnel, emergency room staff, corrections officers, substance abuse counselors, family members and victims of the addicted.”

Between 2009 and 2015, there were 278,694 opioids prescribed in the county, according to the Michigan Automated Prescription System.

The resolution also appoints the firms of Weitz and Luxenberg PC, the Sam Bernstein Law Firm PLLC and Behm and Behm as special counsel to represent the county’s interests in the litigation.

In the multi-district litigation,

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the plaintiffs are the municipalities such as cities, counties and townships, and the defendants are opioid manufacturing companies such as Janssen Pharmaceuticals and large retailers such as Rite Aid and CVS.

Commissioners have stated their stances on the lawsuit, both on Tuesday and in the past; in December, the county was first presented with the opportunity to join it.

"As peoples' representative, it's not a question of

definitively whether the merits of our case is better than the opioid industry. If it goes to trial, all the facts will come out," said Tim Lambrecht, District Four Commissioner.

He, and District One Commissioner Russell Bongard, both stated they believe the lawsuit will be settled at some point.

Commission Chair George Bailey asked the commission to meet with other entities such as the county sheriff, Mobile Medical Response, and others before deciding to join.

"Now that I know everybody's on board, I feel more comfortable," said

Bailey, District Five Commissioner.

The commission was briefed last month by attorneys Mark Bernstein, of the Sam Bernstein Law Firm, and Michael Behm of the law firm Behm and Behm.

It would cost the county no money to be apart of the lawsuit but no more than 35 hours of staff time would be needed.

The lawsuit is in the discovery phase and is assigned to U.S. District Judge Dan Polster for the Northern District of Ohio.

Now that the county has joined, its part of the lawsuit will be filed in the U.S. District Court for the

Eastern District of Michigan then transferred to the federal Northern District of Ohio.

If the lawsuit is successful, damages would come to the county in, most likely, a single amount. The county would decide what to do with the damage award.

Any costs by the firm put into the lawsuit would be reimbursed if the firms wins.

For example, for every \$1 in damages awarded, 10 cents would be reimbursed to the law firm, 30 cents in fees would be taken from the award, and the other 60 percent would go to the plaintiffs.