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# CALIFORNIA STATE-COURT OPIOID LITIGATION | Fact Sheet

Brought by the Santa Clara County Counsel, Orange County District Attorney,  
Los Angeles County Counsel, and Oakland City Attorney

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## Background

In May 2014, the Santa Clara County Counsel's Office, along with the Orange County District Attorney's Office, filed the nation's first government-initiated lawsuit to hold opioid manufacturers accountable for their role in creating the opioid epidemic. The Oakland City Attorney and Los Angeles County Counsel joined the lawsuit in 2018.

Brought on behalf of the People of the State of California, the lawsuit alleges that the opioid manufacturers engaged in a sophisticated and deceptive marketing campaign to promote opioids for use in treating chronic non-cancer pain, overstating the benefits while knowingly downplaying the risks, leading to an explosion of opioid prescriptions and widespread opioid addiction and abuse. The lawsuit seeks injunctive relief to prevent such practices in the future, civil penalties, and abatement of the public nuisance.

## Quotes by Prosecuting Officials

### Santa Clara County Counsel James R. Williams

*"We are proud to have filed the nation's first government-initiated lawsuit against opioid manufacturers for their role in creating the crisis of opioid addiction, abuse, and overdose death that plagues our communities. Defendants deceived the public about the real dangers of opioids, putting profit before the public's health. After seven years of hard-fought litigation, we look forward to proving our case at trial, holding these manufacturers accountable, and securing much needed relief to address the ongoing opioid crisis in our communities."*

### Oakland City Attorney Barbara J. Parker

*"The opioid epidemic is real—and it's no accident. This crisis was ignited and has been fueled by opioid manufacturers, among others, valuing profits over people's lives. Make no mistake: this crisis is more urgent now than ever before. The opioids epidemic has surged in the past year, as the COVID-19 global pandemic has multiplied the existing opioid epidemic's decimating effects on historically marginalized people and communities. In California alone, the CDC recently revealed that fatal drug overdoses increased by 40% last year. Addressing this crisis is not optional, and the defendants who contributed to the epidemic must be part of the solution. We can and will address this crisis through treatment, first responder, and preventive services and programs—but only if these defendants pay their fair share to abate the catastrophe they helped create."*

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## AT-A-GLANCE | CA State-Court Opioid Litigation

- **Trial Schedule:** Bench trial held entirely remotely.
  - Opening arguments began on **April 19, 2021**.
  - Trial proceedings are on Mondays, Tuesdays and Wednesdays each week, 9 a.m. to noon and 1:30 p.m. to 4:30 p.m. PT (with a 15-minute break midmorning and midafternoon).
  - Link to view proceedings: <https://occourts-org.zoom.us/j/84717880966?pwd=YnZNSUhJMDY5S2gyd3hrejF1VUx3Zz09#succes>
  - Court media relations contact information:
    - Phone number: (657) 622-7097
    - Website: <https://www.occourts.org/media-relations/>
- **Case:** *People of the State of California v. Purdue Pharma, et al.*, Case No. 30-2014-00725287-CU-BT-CXC.

- Orange County Superior Court [Docket Search](#): 30-2014-00725287-CU-BT-CXC
- **Court:** Orange County Superior Court
- **Judge:** Hon. Peter J. Wilson
- **Plaintiff:** The People of the State of California, acting by and through the Santa Clara County Counsel, Orange County District Attorney, Los Angeles County Counsel, and Oakland City Attorney
- **Defendants:** Opioid manufacturers Johnson & Johnson, Endo, Teva, and Allergan. [Full list of parties](#) can be found in the People’s operative complaint.
- **Claims/Causes of Action:**
  - **Public Nuisance** – *The People allege that Defendants’ deceptive marketing scheme created a public nuisance—i.e., the opioid epidemic—in California and particularly in the Counties of Santa Clara, Los Angeles and Orange, and the City of Oakland.*
  - **False Advertising** – *The People allege that Defendants made and disseminated false and/or misleading statements about the use of opioids to treat chronic, non-cancer pain.*
  - **Unfair Competition** – *The People allege that Defendants engaged in unlawful, unfair, and fraudulent business practices in the marketing and sale of opioids.*
- **NOTE: This is a state-court case brought by local prosecutors on behalf of the People of California.**
  - The California state-court litigation is separate from the hundreds of other ongoing cases in other state and federal courts with similar claims against major players in the opioid industry. Please review the “Other Opioid Litigation Matters” section below for more information.

## About the Opioid Epidemic

- The opioid epidemic is one of the worst public health crises in U.S. history. According to the CDC, [130 Americans die every day due to opioid-related drug overdoses](#).
- The Council of Economic Advisers estimates that in [2015 the epidemic resulted in a national cost of over \\$500B or 2.8% of GDP](#).
- Automation of Reports and Consolidated Orders System (ARCOS) data from the Drug Enforcement Administration (DEA) shows over 100 billion opioid pills were distributed across the U.S. between 2006-2014.
  - **Over 10.5 billion opioid pills were distributed in California during that time period.**
  - In California, opioid overdoses resulting in hospital visits increased by [25%](#) from 2011 to 2014.

**Santa Clara County** has experienced a [30%](#) increase in opioid-related overdose deaths from 2017 to 2019 alone.

In **Los Angeles County**, prescription opioid-related hospitalizations increased [30%](#) from 2006 to 2013; prescription opioid-related emergency department visits increased [171%](#) in the same time period.

**Oakland’s** Fire Department and other paramedics administered Narcan more than [500](#) times per year from 2015-2017 to help prevent opioid overdoses from resulting in fatalities.

  - Opioid addiction is now the primary reason Californians seek substance abuse treatment, and admissions to drug treatment facilities in California more than [doubled](#) from 2006-07 to 2010-11.
  - The overprescribing of opioids has also resulted in a [dramatic rise](#) in the number of infants in California who are born addicted to opioids due to prenatal exposure and suffer from neonatal abstinence syndrome.
- To California and localities around the country decimated by the opioid epidemic, litigation is a vital tool to secure the resources they need now to implement specific programs required at the local level to abate the crisis and sustain the costly, decades-long recovery process ahead.
- Through the litigation, the People seek to do the following:
  - Bring much-needed resources directly into the areas harmed by the epidemic, particularly to Santa Clara County, Orange County, Los Angeles County, and Oakland; and
  - Hold opioid makers accountable and pursue long-term reforms in corporate governance to prevent further harm to communities.

## Other Opioid Litigation Matters

- **Overview:** The entire opioid supply chain is facing litigation. Among the allegations asserted by states and communities are that prescription opioid **manufacturers** deceptively marketed their products and misled the public about their highly addictive properties and failed to monitor diversion; opioid **distributors** failed to properly monitor orders of those drugs; and **pharmacies** saw but failed to act on overprescribing and over-ordering. The Defendants’ alleged actions created an ongoing public nuisance, which continues to endanger American lives, safety, and health.
- **Federal Multidistrict Litigation (MDL):** The California State-Court case is independent from the federal opioid litigation proceeding, [National Prescription Opiate Litigation \(NPOL\)](#), formed in December 2017, in which federal opioid cases brought by over 2,800 American cities, towns, counties and more are consolidated before Hon. Dan Polster of the U.S. District Court for the Northern District of Ohio. Trials in the NPOL are organized into case tracks or “bellwethers” that serve as test cases to help reach resolutions for various claim, plaintiff, and defendant types. There are currently several case tracks moving toward trial.
  - **Case Track One:**
    - Case Track 1A: Plaintiffs were Summit County and Cuyahoga County, Ohio. Defendants were AmerisourceBergen, Cardinal Health, McKesson, Teva Pharmaceuticals, and Henry Schein. Status: Defendants agreed to settle with the plaintiffs for a total of \$260M before trial on October 21<sup>st</sup>, 2019.
    - Case Track 1B: Plaintiffs are Summit County and Cuyahoga County, Ohio. Defendants are CVS, Rite Aid, Walgreens, HBC, and Discount Drug Mart. Status: Trial date is pending.
  - **Case Track Two:** Plaintiffs are Cabell County and City of Huntington, West Virginia. Defendants are AmerisourceBergen, Cardinal Health, and McKesson. Status – [Trial to be held in Huntington, WV, Southern District of West Virginia Federal Court](#) starting on **May 3, 2021**.
  - **Case Track Three:** Plaintiffs are Lake County and Trumbull County of Ohio against CVS, Rite Aid, Walgreens, HBC Giant Eagle, and Walmart. The case will examine pharmacy chains’ liability for creating a public nuisance as both distributors and dispensers of opioids. Trial is set to begin **October 4, 2021** in Cleveland, Ohio with Judge Polster presiding.
  - **Additional Case Tracks:** *City and County of San Francisco et al. v. Purdue Pharma L.P. et al;* *City of Chicago v. Purdue Pharma L.P. et al;* and *Cherokee Nation v. McKesson Corporation et al.* Status – Remanded to transfer courts (i.e. regional federal court venue).
- **Other State-filed litigation:** Many other cases are being prepped for trials including New York state, Suffolk and Nassau Counties, Tennessee, Ohio, and Washington state.
- **Bankruptcy:**
  - Purdue Pharma L.P. filed for Chapter 11 bankruptcy on September 15, 2019 in the United States Bankruptcy Court for the Southern District of New York. Due to this bankruptcy proceeding, all opioid litigation claims against Purdue are currently stayed. A proposed bankruptcy plan was filed on March 16, 2021.
  - Mallinckrodt PLC filed for Chapter 11 bankruptcy on October 12, 2020 in the United States Bankruptcy Court for the District of Delaware. Due to this bankruptcy proceeding, all opioid litigation claims against Mallinckrodt are currently stayed.

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