

Simmons Hanly Conroy files lawsuit for New York's Schenectady County against drug companies over opioid epidemic and addiction

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NEW YORK – [Simmons Hanly Conroy](#), one of the nation's largest law firms focused on consumer protection and mass tort actions, has filed a lawsuit on behalf of New York's Schenectady County against pharmaceutical companies and physicians over aggressive and fraudulent marketing of prescription opium-like painkillers (opioid) that has led to a drug epidemic in the county.

Schenectady is the eighth New York county to sue over the opioid epidemic. Similar lawsuits filed by Simmons Hanly Conroy are pending on behalf of [Seneca and Sullivan](#) (June 7, 2017), [Dutchess](#) (June 6, 2017), [Orange](#) (May 11, 2017), [Broom and Erie](#) (February 2017), and [Suffolk](#) (August 2016) counties.

In the complaint filed today in the New York Supreme Court, Schenectady County seeks relief including compensatory and punitive damages for the millions of dollars it spends each year to combat the public nuisance created by the drug companies' deceptive marketing campaign that misrepresents the safety and efficacy of long-term opioid use.

“We are seeing a groundswell of litigation among jurisdictions around the state that are coming to the same conclusion about the conspiratory and fraudulent actions of drug companies concerning the opioid abuse epidemic,” said Simmons Hanly Conroy Shareholder [Paul Hanly](#), lead counsel for Schenectady and the other New York counties in these cases. “The defendants in these cases for Schenectady and the other New York counties have long known about the addictive qualities and other risks associated with prolonged use of opioids and they must be held accountable for the misrepresentations and the harms to society that have resulted.”

Hanly said he likens these actions to the landmark tobacco industry litigation of the 1980s that alleged that cigarette manufacturers knew – but did not warn consumers – that smoking caused lung cancer and that cigarettes were addictive.

According to the complaint for Schenectady County, the New York State Department of Health recorded 327 opioid-related emergency department admissions in Schenectady County in 2014, which was nearly double the number of similar admissions in 2010. Located in the central eastern portion of the state, Schenectady has a population estimated in 2016 at 154,553, according to the U.S. Census Bureau.

The lawsuit for the county also points to criminal activity, including murder and drug-trafficking offenses, as well as costs the county has incurred and continues to incur related to opioid addiction and abuse, such as those covering health care, criminal justice and victimization, social aspects and lost productivity.

The lawsuit alleges deceptive acts and practices, false advertising, public nuisance, violation of New York Social Services laws, fraud and unjust enrichment against defendants Purdue Pharma L.P.; Purdue Pharma Inc.; The Purdue Frederick Company, Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals Inc.; Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals; Endo Health Solutions Inc.; and Endo Pharmaceuticals, Inc.; as well as physicians Russell Portenoy, Perry Fine, Scott Fishman and Lynn Webster, who allegedly were instrumental in promoting opioids for sale and distribution nationally and in Orange County.

Commonly known by brand names including OxyContin and Percocet, opioids are considered an appropriate treatment for certain types of short-term pain and for palliative end-of-life care. Substantial evidence exists that opioid drugs are ineffective to treat chronic pain and actually worsen patients' health. In addition, opioids are derived from or possess properties similar to opium and heroin and are highly addictive and dangerous, which is why the U.S. Food and Drug Administration regulates them as controlled substances.

The lawsuit alleges the defendants sought to create a false perception in the minds of physicians, patients, health care providers and health care payors that using opioids to treat chronic pain was safe for most patients and that the drugs' benefits outweighed the risks. This was allegedly perpetrated through a civil conspiracy involving a coordinated, sophisticated and highly deceptive promotion and marketing campaign. Beginning in the late 1990s, the campaign remained unbranded to evade the extensive regulatory framework governing branded communications. Around 2006, it became more aggressive and is ongoing. Specifically, the complaint details how the defendants allegedly poured significant financial resources into generating articles, continuing medical education courses and other "educational" materials, conducting sales visits to doctors, and supporting a network of professional societies and advocacy groups. All of these measures were successful in the intended purpose of creating a new and phony "consensus" supporting the long-term use of opioids.

The National Institutes of Health also identifies drug companies' "aggressive marketing" as a major contributor to the nation's opioid abuse problem. Despite a lack of scientific evidence that supports the use of opioids for long-term pain management, since 1999, the amount of prescribed opioids in the United States has nearly quadrupled to 254 million prescriptions in 2010 – enough to medicate every U.S. adult around the clock for a month. In 2012, opioids generated \$8 billion in revenue for drug companies.

Simmons Hanly Conroy shareholders Paul Hanly and [Jayne Conroy](#) have held court-appointed leadership roles of national scope in litigation against pharmaceutical companies brought by consumers harmed by dangerous drugs. In 2006, Hanly and Conroy successfully resolved litigation against Purdue Pharma LLP and Abbot Laboratories, Inc., alleging that 5,000 clients' addictions to OxyContin was a result of the manufacturer's fraudulent marketing campaign that claimed the drug was not as addictive as alternative drugs.

About Simmons Hanly Conroy, LLC

Simmons Hanly Conroy LLC is one of the nation's largest mass tort law firms. Primary areas of litigation include asbestos and mesothelioma, pharmaceutical, consumer

protection, environmental, sexual abuse litigation and personal injury. The firm's attorneys have been appointed to leadership in numerous national multidistrict litigations, including Vioxx, Toyota Unintended Acceleration, the BP Deepwater Horizon Oil Spill, the Volkswagen Emission Scandal and DePuy Pinnacle. The firm also represents small and mid-size corporations, inventors and entrepreneurs in matters involving business litigation. Offices are located in New York City, Chicago, San Francisco, Los Angeles, St. Louis, and Alton, Ill. Read more at www.simmonsfirm.com.