

Haine Files First Major Opioid Lawsuit Against McKinsey

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EDWARDSVILLE - Madison County State's Attorney Tom Haine announced Friday that Madison County has filed a civil action against McKinsey & Company, the management consultancy, for civil conspiracy regarding its role advising pharmaceutical manufacturers regarding the sales and marketing of opioids. This is the first such lawsuit against McKinsey filed in Illinois, and among the first in the country.

"Madison County seeks to hold McKinsey accountable for its role in coldly wrecking so many lives through opioid over-prescription and addiction," Haine said. "McKinsey designed and implemented the strategies that lead to a 'turbocharge' of opioid prescriptions even at the height of the opioid epidemic. McKinsey's partners working on opioid issues even suggested destroying evidence relating to its work. Now McKinsey needs to pay. It won't bring people back or repair families, but it will be some measure of justice. And any funds recovered can then be put towards local drug mitigation programs and to combat the scourge of mental health that is so related to addiction in the first place."

Haine has appointed attorney Ann Callis and a team of private attorneys to handle this litigation. "We made sure the taxpayers and citizens of Madison County got a great deal here," Haine said. "I don't like frivolous litigation and outrageous attorney's fees. Madison County has a bad history in that department. But, we are turning over a new leaf, and approaching litigation in a responsible way, negotiating hard on behalf of taxpayers. Here, not a dime will be paid by Madison County while this litigation proceeds. And Ann and her team have agreed to our proposed contingent fee arrangement, which is very low."

The complaint details the following facts: In October 2020, Purdue pleaded guilty with the Department of Justice for felony civil conspiracy for its role in marketing OxyContin after their previous 2007 guilty plea. Although Purdue's co-conspirators are not named in the guilty plea, the "covered conduct" which was the basis for Purdue's criminal liability directly implicates McKinsey. The guilty plea states, for instance, that "Purdue, in collaboration with , implemented many of recommendations."

But in fact, McKinsey's work with Purdue began as early as 2003 and continued through at least November of 2017. McKinsey developed and implemented strategies based on its own analytical methodology to maximize OxyContin sales. Purdue adopted these strategies, and McKinsey seconded employees to Purdue in order to implement them. McKinsey worked alongside senior management and the sales and marketing team at Purdue, and provided routine updates to Purdue's board of directors.

Then, in 2013, at the height of the opioid epidemic, McKinsey proposed, and Purdue adopted a strategy dubbed Project Turbocharge. That same year, thanks to the ongoing deployment of McKinsey's marketing strategy, OxyContin sales would peak. McKinsey's strategy entailed taking a "granular" approach to increasing OxyContin sales wherein McKinsey identified specific physicians (those who already prescribed large amounts of opioids) and then encouraged Purdue to aggressively target those prescribers with a sustained marketing blitz conducted by Purdue's newly expanded and incentivized (per McKinsey's strategy) sales representative force. Purdue spent hundreds of millions implementing McKinsey's strategy, and in the process tripled sales of OxyContin.

Recent research published in the Journal of the American Medical Association has indicated that the specific tactics that McKinsey urged Purdue to adopt – namely, increasing marketing interactions between sales representatives and prescribing physicians – are associated with elevated opioid overdose mortality.

Then, on the Fourth of July in 2018, McKinsey's key personnel working on the Purdue Pharma account realized it may face liability for its actions. The proposed solution: covering up their vital role, sending an office email reading "Just saw in the that Judy Lewent is being sued by states attorneys general for her role on the Purdue board. It probably makes sense to have a quick conversation with the risk committee to see if we should be doing anything other than eliminating all our documents and emails. Suspect not but as things get tougher there someone might turn to us."