



The Opioid Crisis: Legal Updates on the Nationwide Lawsuit and How it May Affect Your Local Government

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Foster Swift Municipal Law News

April 24, 2018

Several municipalities in the state of Michigan (and nationwide) have filed lawsuits against drug manufacturers and distributors alleging deceptive marketing in the sale of opioids, including OxyContin and Fentanyl. The Michigan complaints have stemmed from a Michigan Attorney General investigation into opioid manufacturers and distributors.

Wayne and Oakland Counties led the charge in Michigan by filing a lawsuit last October in the U.S. District Court for the Eastern District of Michigan. The complaint alleges violations of the Michigan Consumer Protection Act and the federal Racketeer Influenced and Corrupt Organization Act along with claims of public nuisance, negligence, and unjust enrichment.

Since October, the Cities of Detroit, Lansing, Escanaba, and Grand Rapids and the Counties of Macomb, Chippewa, Delta, Grand Traverse, Genesee, Saginaw, Lenawee, Crawford, Leelanau, Mason, Manistee, Otsego, Dickinson, Wexford and Marquette (among others) have filed similar lawsuits and/or have voted to approve filing or joining such lawsuits.

Though the lawsuits are not class-actions (each are filed in their individual counties and seek their own damages), it is expected that they will eventually be consolidated and assigned to one federal judge in Ohio.

The ultimate goal identified by most municipalities is to raise awareness of the issue and force drug companies to change the way they do business, rather than seek any sort of monetary incentive.

However, most municipalities do claim money damages including recovery of overdose-related autopsy expenses, government-funded addiction treatment programs, prosecutorial and court fees for opioid cases, and other drug enforcement costs (i.e. costs associated with treatment for inmates in county jails being treated for opioid or addiction related illnesses).

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While most of the municipalities involved in the lawsuit are counties and cities, townships that have high rates of opioid use/deaths or have sustained costs associated with increased law enforcement or public safety personnel related to opioid abuse may also directly or indirectly benefit from the lawsuit, regardless of their involvement in it.

If you have any questions regarding the pending litigation, please contact Leslie Dickinson at 616.726.2232 or at ldickinson@fosterswift.com.