

BFA Files Amicus Briefs in the Opioids Litigation in the Sixth Circuit on Behalf of Local Governments, Public Health Officials and Public Nuisance Scholars Defending Plaintiffs' Ohio Jury Verdict

The opioid crisis represents one of the greatest threats to public health in our lifetime. From 2010 to 2015, over 63% of the 52,404 drug overdose deaths recorded by the Centers for Disease Control and Prevention (CDC) involved an opioid. And the death toll has only risen from there. In 2021, 107,000 people died from drug overdoses—two-thirds involving opioids.

On November 24, 2021, a jury in Ohio ruled that three major pharmaceutical chains bore responsibility for the opioid epidemic in two Ohio counties. The civil case, brought in federal court against CVS (CVS), Walmart (WMT) and Walgreens, marks the first time pharmacies were found responsible in the nationwide epidemic.

Defendants promptly appealed to the Sixth Circuit. BFA, together with appellate firms Deutsch Hunt PLLC, Gupta Wessler PLLC and Cecer PLC, filed amicus briefs with the Sixth Circuit, arguing on behalf of public entities that the scourge of opioids addiction has overwhelmed public resources. On behalf of non-profit healthcare providers, BFA argued that the abatement remedy the jury provided can and should fund prevention and treatment measures. And on behalf of legal scholars, BFA argued that the jury's finding that the pharmacy defendants here shared responsibility for "unreasonable interference" with public health and safety is fully consistent with black letter tort principles and does not threaten unbounded liability in future cases.

BFA is honored to support the fight for liability of these defendants and to preserve the jury's work in seeking to remedy, if only in part, the deep public trauma inflicted on plaintiffs by the opioids epidemic.