

Questions & Answers

How much are the lawyers being paid?

The attorneys are going to pay all expenses to litigate the case. The county has to pay nothing in the litigation. The attorneys will get reimbursed for reasonable expenses as awarded and approved by the courts. The attorneys will receive a percentage of those monies recovered in the lawsuit.

Don't we have a city or county attorney who could do this? Why do we need outside lawyers?

The county does have attorneys, but the prosecution of these types of cases may involve the investment of millions of dollars of resources for expert analysis and scientific and medical data that the county does not have. We have engaged outside counsel and they have agreed to pay all costs associated with the litigation. The Buncombe County will be obligated to pay no taxpayer dollars under this arrangement. Should the litigation be successful, the attorneys will be entitled to reimbursement of reasonable expenses and an agreed upon attorneys' fee. All of which must be approved by the court.

What will you do with the money from a verdict or settlement?

We are seeking damages to cover the costs of services including, but not limited to: medical care and treatment for patients suffering from opioid-related addiction or disease; treatment of infants born with opioid-related medical conditions; costs associated with caring for children whose parents suffer from opioid addiction; and law enforcement and public safety services related to the opioid epidemic.

Why file the lawsuit now?

The focus on the role of Wholesale Distributors is something that has only recently come to our attention. We have moved quickly to take this action. Many other cities, counties and states and of course now, the federal authorities, are doing exactly what we are. We expect more of our colleagues across the nation will be following this course of action.

What is this legal theory of Public Nuisance? Has it been used before?

There is no question prescription opioids have caused economic blight in our community. Addiction rates are at an all-time high, overdose calls are a regular occurrence, crime associated with opioids is off the charts, and our loved ones are dying. Public Nuisance is a centuries old concept that requires offenders to clean up the harm or the blight it caused. This lawsuit is designed to take the economic opioid burden off the taxpayer of treating our addicted, educating our children about the dangers, and keeping our citizens safe. Instead it is placed on the responsible party – opioid distributors.

The Trump Administration and AG Jeff Sessions have announced an aggressive approach to the Opioid problem. Are you committed to working together with them in this effort?

This problem is indeed a problem that faces our entire nation. We need all hands on deck, all oars in the water, all of us pulling together to fight for the lives of our next generation. The future of our children and grandchildren rests in the balance. We are committed to working with all who are dedicated to cleaning up this pervasive epidemic.

Isn't the real problem an epidemic of heroin and fentanyl use? Why would these companies be responsible for that?

About half of the 33,091 deaths from opioid overdose in 2015 were due to illegal street drugs like heroin and fentanyl. But many users of heroin and fentanyl began their addiction on prescription opioids. Our claim is that the wholesale distributors knew that the victims of opioid addiction would eventually lose their insurance coverage, jobs or other source of prescription drugs and inevitably turn to the cheaper more easily accessible illicit drugs like heroin and fentanyl.