

Nation targets opioid manufacturers, distributors in suit

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Purdue Pharma, Endo, McKesson, Cardinal Health, AmerisourceBergen, CVS Health, Walgreens, and WALMART named in lawsuit

WINDOW ROCK, Ariz. — The Navajo Nation, the largest Indian tribe in the United States, filed a lawsuit against the opioid supply chain April 11, starting with top manufacturers Purdue Pharma L.P., Purdue Pharma Inc., Purdue Frederick Company, and Endo Health Solutions Inc., as well as distributors McKesson Corporation, Cardinal Health, Inc. and AmerisourceBergen Corporation, and pharmacies CVS Health Corporation, Walgreens Boots Alliance, Inc, and Wal-Mart Stores, Inc.

The suit describes how the companies created a market for these highly addictive drugs, and also failed to prevent the flow of illicit opioids in Arizona, New Mexico and Utah. From 2014-2016—as these companies reaped enormous profits—Navajo citizens died from opioid overdoses, Navajo children were placed in non-Native custody, and the Navajo Nation suffered enormous financial losses because of the opioid epidemic.

Leaders of the Nation offered statements.

“For generations, Native Americans have disproportionately suffered during health crises, and the opioid crisis is no different,” Navajo Nation President Russell Begaye said. “We aren’t going to sit back and let our community be torn apart while our children are suffering.”

“The Navajo Nation will not stand by and watch its people, its culture, and its heritage be destroyed by the scourge of the opioid epidemic,” Navajo Attorney General Ethel Branch said.

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“The Navajo Nation is bringing this action to help lead the way for all Indian nations in America.”

“A generation of children are going to grow up without their parents, and, for far too many of them, also outside of the Navajo Nation,” Navajo Nation Vice President Jonathan M. Nez said. “The loss of their family and their culture will have a profound impact on their lives.”

Jonathan Hale, chair of the Health, Education and Human Services Committee of the 23rd Navajo Nation Council, said, “The Committee supports the filing of this lawsuit to hold the opioids supply chain actors accountable for their reckless disregard for the impacts opioid addiction would have on our families, children, and communities.”

Since bringing prescription opioids to the market, manufacturers have falsely represented the risk of using the drugs to treat chronic pain, in patent violation of their legal responsibilities. Worse yet, pharmacies and opioid distributors have ignored their responsibilities under federal law to investigate and to alert regulators about suspicious orders and illegitimate prescriptions. When suspicious orders are filled, highly dangerous controlled substances are diverted into the hands of unauthorized users and into the illegal black market, fueling the opioid epidemic.

The Navajo Nation is represented by Native American law specialists Sonosky Chambers partners Lloyd Miller and Don Simon, and by special counsel Richard Fields of Fields PLLC, and Scott Gilbert and Richard Shore of Gilbert LLP.

“Distribution of opioids across the country has been grossly excessive and especially in Indian Country,” Fields said. “The CDC death rates show a strong correlation over time with the increase in opioid volumes being distributed and dispensed across the country, and this is particularly true for Native American tribes.”