



# APACHE COUNTY

## COUNTY ATTORNEY'S OFFICE

245 West 1st South  
St. Johns, Arizona 85936

### **FOR IMMEDIATE RELEASE**

**June 18, 2019**

Contact: **Michael Whiting**  
**County Attorney**  
245 West 1st South  
St. Johns, Arizona 85936

(928) 337-7560 (office)

**Jeff Reeves, Esq.**  
THEODORA ORINGHER PC  
535 Anton Boulevard, Ninth Floor  
Costa Mesa, California 92626-7109  
Email: [jreeves@tocounsel.com](mailto:jreeves@tocounsel.com)  
Telephone: (714) 549-6155

### **Apache County Files Lawsuit Against Opioid Manufacturers, Distributors and Prescribers File in State Court for Damages to Apache**

---

**Apache**—The County Attorney's Office for the County of Apache released the following statement related to the County of Apache filing a state court lawsuit against the manufacturers, distributors and prescribers of opioids.

“Yesterday, the County of Apache filed a lawsuit in Apache County Superior Court seeking damages for the societal and financial harm it has suffered at the hands of those responsible for the opioid crisis—the manufacturers, distributors and prescribers of opioids. The County is seeking a return of taxpayer dollars lost as a result of the opioid crisis and other relief to support the residents of Apache County.

As every Apache resident knows, our community has suffered as a result of the opioid crisis. By filing this lawsuit, the County is making it clear that our community will not simply stand by as the residents

of Apache suffer while the defendant manufacturers and distributors continue to profit from their sales and distribution of highly addictive drugs.

Apache has retained, at no expense to the County or its taxpayers, a coalition of law firms to prosecute this action on its behalf. The litigation will be led locally by the Arizona firm of Fennemore Craig. Lead trial counsel will be the litigation boutique law firm of Theodora Oringher PC. Theodora Oringher will be joined by Andrews & Thornton. Apache County Attorney, Michael B. Whiting and the Apache County Attorney's Office will assist throughout the litigation.

The County is filing in Apache County Superior Court, instead of in the federal courts in Cleveland, because the case is rooted in Arizona state law, and because the County believes it is important that an Arizona jury and judge decide the facts that are unique to Apache. The filing alleges the following:

- Each of the Defendants in this action engaged in an industry-wide effort to downplay the dangerous and deadly potential effects of the misuse of prescription opioids. Simply put, these Defendants put their desire for profits above the health and wellbeing of Apache's residents. Apache and its citizens have paid dearly as a result.
- The Manufacturer Defendants engaged in a scheme designed to increase the number of opioid prescriptions written across the state of Arizona, specifically in Apache. The Defendants' scheme was particularly well-suited to Apache because it is home to a multitude of economically and medically vulnerable populations that Defendants knew were uniquely predisposed to opioid addiction, including the elderly and veterans.
- These Defendants succeeded in dramatically increasing the number of opioid prescriptions in Apache by (1) concealing the truth about the risk of addiction and death associated with long-term use of their products, and (2) pressuring their respective sales forces to deceive (and bribe) local physicians, physician assistants, and nurse practitioner prescribers to flood Arizona—and Apache—with far more opioid prescriptions than were medically necessary.
- The Distributor Defendants shipped prescription opioids throughout the country, including to addresses in Apache. Rather than meet their obligations under Arizona law to report suspicious orders of opioids, these Defendants willfully ignored impossibly large orders shipped into Apache and across Arizona. They failed to report any suspicious shipments despite being under clear statutory and common law obligations to do so, and in contravention of their own internal policies and procedures. The Distributor Defendants' breaches of their respective reporting obligations were willful, motivated by their desire to maximize profits by any means necessary, and were committed without consideration of the cost to Apache or its citizens.
- The Prescriber Defendants facilitated the Manufacturer and Distributor Defendants' scheme by passing out opioids discount cards to vulnerable patients, increasing patients' opioid dosages without regard for the serious health risks and/or improperly compounding, prescribing, dispensing, selling, possessing or maintaining opioids in violation of applicable Arizona laws and regulations.

A link to the filing may be accessed here: <http://bit.ly/2XkKFjd>

The County and its residents are well aware of the harm we have suffered and the numerous steps the County has undertaken to mitigate that harm. The County has made great strides in its efforts to combat the opioid crisis but has suffered a significant financial burden in the process. And the costs will keep coming for at least another generation. It is time to get relief directly from those who created this crisis, to ease the burden on the County's coffers and taxpayers that Apache has been forced to shoulder due to the malfeasance of the opioid manufacturers, distributors and prescribers."