



City Attorney Peter S. Holmes

- 1. What is the City seeking?** To hold opioid manufacturers accountable for the enormous harm they have caused the City of Seattle and its residents. Appropriately, Seattle has not sat idle as opioid abuse has ravaged its communities. To address the opioid epidemic defendants have unleashed, Seattle has spent and continues to spend millions of dollars of taxpayer money, including for policing, fire, paramedic, opioid abuse treatment, human services, and criminal justice services. These are sums that, but for defendants' conduct, Seattle could have devoted to other beneficial uses.
- 2. Why bring the suit now?** After reviewing the evidence, I have grown confident in these defendants' role in causing Seattle's opioid crisis and in the City's ability to prove its case at trial. I also believe that it is not enough to rely on our criminal justice system to address the "symptoms" of the opioid crisis. We need to address its "causes." Our investigation has shown that, here in Seattle, the chief causes of opioid abuse are the deceptive marketing of opioids by pharmaceutical companies.
- 3. Why file the suit in state rather than federal court?** Seattle's claims arise under state law related to consumer protection and public nuisance. The emphasis of our lawsuit is on the devastation opioid abuse has wrought locally. Defendants should answer for the harms they have caused in the courts of our state.
- 4. How many other cities and state have sued? Do they have different claims? Have any previous suits been successful, and how is that measured?** Dozens of other cities and state governments have brought suits related to the opioid epidemic, and most are in the early stages. There are differences in the lawsuits. Some focus on pharmaceutical companies' knowledge that opioids

were being “diverted” into the illicit market. Our lawsuit focuses on the deceptive manner in which opioids were marketed to well-intentioned doctors.

- 5. Are you seeking class action status for this suit? Who are the victims the City represents? Are they different in any way from other cities?** This is not a class action. And while this lawsuit advances the public’s interest, and the interests of patients who have been injured by opioids unwittingly prescribed, Seattle is seeking to redress injuries it has suffered as a municipality. No other lawsuit in the country is pursuing these damages on Seattle’s behalf.

- 6. What about personal responsibility of people taking these drugs?** The overwhelming majority of opioid use and abuse begins with opioids prescribed by doctors for the treatment of chronic pain. The pharmaceutical defendants deceived these doctors, and their patients, by overstating the benefits of opioid treatment and understating, or lying, about the risks. Patients who were prescribed opioids for chronic pain, many of whom became addicted, were not irresponsible; they were deceived.

- 7. What are the next steps in the lawsuit?** The City will aggressively pursue documents and other discovery from defendants with an eye towards trial.

- 8. What is the fee structure for the outside counsel on this lawsuit?** The City is being assisted by Hagens Berman Sobol Shapiro LLP, a Seattle-based law firm, on a contingency fee basis, with the firm paying the costs of the litigation. If the City succeeds, as we anticipate, a portion of the recovery will be remitted to outside counsel. If the City is not successful, the City will not spend a dime.

- 9. Is the City’s lawsuit the same or different than the state’s? In what ways?** The City’s lawsuit is similar in several important respects. It seeks to hold the entity that is most responsible, Purdue, accountable for the damage it caused. And it seeks to force Purdue to disgorge profits it made at the expense of the health and safety of our residents.

The City's lawsuit is also different in a couple of important respects. First of all, it seeks to hold other leading manufacturers of these dangerous products responsible for their share of the problem. Acting individually and collectively, each opioid manufacturer identified in our lawsuit has caused Seattle harm. If one manufacturer turns out to be immune from suit for whatever reason, Seattle is entitled to pursue all of the relief it seeks from the others. The City's lawsuit is also different in a couple of respects caused by legal rules. For example, in 2007 Purdue was compelled to sign a consent decree with the State requiring it to document and monitor diversion of opioids and there are remedies under the consent decree that only the State has available. Both the State and City are suing Purdue for violating Washington's consumer protection laws, but only the Attorney General can obtain civil penalties under the Washington Consumer Protection Act.