***Opioid Distributors Cleared of Liability to Georgia Families Ravaged by Addiction***

The case illustrates the enormous challenges that victims of the opioid crisis have had in getting compensation from the pharmaceutical industry, despite its pledge of billions of dollars to state and local governments.

Top of Form

Bottom of Form

**By**[**Jan Hoffman**](https://www.nytimes.com/by/jan-hoffman)

Published March 1, 2023Updated March 2, 2023, 7:18 a.m. ET

Over the past month in a southeast Georgia courtroom, three generations of families testified about how their lives had been savaged by addiction to prescription opioids: A young man recounted huddling in a locked room with his brothers, while his father, waving a shotgun, ransacked the house for pills. A mother described holding her granddaughter, while her dopesick daughter rammed a car into the house. A young woman told of her rape at age 14 by a drug dealer, while her mother nodded out.

They ticked off overdose deaths: grandparents, parents, siblings, spouses. And a baby, whose mother injected Dilaudid throughout her pregnancy and who shook uncontrollably throughout his monthlong life.

It was the first lawsuit to come to trial brought by individual victims of the opioid epidemic against pharmaceutical companies. On Wednesday afternoon, the victims lost.

After deliberating barely a day and a half, the jury found that the companies — two of the country’s largest medical distributors, McKesson and Cardinal Health, and a third regional one — were not liable. The plaintiffs — 21 relatives from six families — had filed suit under a rarely used state law that permits relatives of people addicted to drugs to sue drug dealers.

The outcome of the case underscores a startling reality. The pharmaceutical industry has committed more than $50 billion so far to settle lawsuits over its role in the opioid epidemic, but the families of people who died or who still struggle with addiction have gotten almost none of it.

The money pledged by manufacturers (like Purdue Pharma and Johnson & Johnson), distributors (AmerisourceBergen as well as McKesson and Cardinal) and national pharmacy chains (like CVS and Walgreens) is earmarked for prevention and treatment programs in the states, municipalities and tribes that filed thousands of opioid-related cases. Those cases were propped up to a large degree by the suffering and statistics of families hit by the opioid crisis.

 “It has been so hard to explain to families over the years why a lawsuit against the manufacturers, never mind distributors, is so difficult to win,” said Jayne Conroy, a lawyer who reached a settlement with Purdue Pharma in 2007 for 5,000 people who took OxyContin as prescribed but became addicted, and is now a lead lawyer for many local governments in the nationwide opioid litigation.

The Georgia trial provided a brutal and often unbearably intimate picture of how prescription opioids — and eventually, heroin, meth and fentanyl — crushed entire households. But the proceedings also showed how challenging it is to draw a direct line between a company in a complex distribution chain and the misfortunes of individual people.

The Georgia law says that relatives of drug users can sue drug dealers for harms they endured from the “individual drug abusers.” Even so, defense lawyers for the distributors often turned the case into a referendum on addiction, saying that relatives suffered at the hands of people who chose pills over family.

**Fentanyl Overdoses: What to Know**

Card 1 of 6

**Devastating losses.**Drug [overdose deaths](https://www.nytimes.com/2021/11/20/nyregion/fentanyl-opioid-deaths.html?action=click&pgtype=Article&state=default&module=styln-opioid&variant=show&region=MAIN_CONTENT_1&block=storyline_levelup_swipe_recirc), largely caused by the synthetic opioid drug fentanyl, [reached record highs in the United States in 2021](https://www.nytimes.com/2022/05/11/us/politics/overdose-deaths-fentanyl-meth.html?action=click&pgtype=Article&state=default&module=styln-opioid&variant=show&region=MAIN_CONTENT_1&block=storyline_levelup_swipe_recirc). Here’s what you should know to keep your loved ones safe:

**Understand fentanyl’s effects.**Fentanyl is a potent and fast-acting drug, two qualities that also make it highly addictive. A small quantity goes a long way, so it’s easy to suffer an overdose. With fentanyl, there is only a short window of time to intervene and save a person’s life during an overdose.

**Stick to licensed pharmacies.**Prescription [drugs sold online or by unlicensed dealers](https://www.nytimes.com/2022/05/19/health/pills-fentanyl-social-media.html?action=click&pgtype=Article&state=default&module=styln-opioid&variant=show&region=MAIN_CONTENT_1&block=storyline_levelup_swipe_recirc) marketed as OxyContin, Vicodin and Xanax are often laced with fentanyl. Only take pills that were prescribed by your doctor and came from a licensed pharmacy.

**Talk to your loved ones.**The best way to prevent fentanyl use is to [educate your loved ones](https://www.nytimes.com/2022/05/19/well/live/what-is-fentanyl.html?action=click&pgtype=Article&state=default&module=styln-opioid&variant=show&region=MAIN_CONTENT_1&block=storyline_levelup_swipe_recirc), including teens, about it. Explain what fentanyl is and that it can be found in pills bought online or from friends. Aim to establish an ongoing dialogue in short spurts rather than one long, formal conversation.

**Learn how to spot an overdose.**When someone overdoses from fentanyl, breathing slows and their skin often turns a bluish hue. If you think someone is overdosing, call 911 right away.

**Buy naloxone.**If you’re concerned that a loved one could be exposed to fentanyl, you may want to buy naloxone. The medicine can rapidly reverse an opioid overdose and is often available at local pharmacies without a prescription.

F. Lane Heard, III, a Cardinal lawyer, noted that Brandy Turner, a mother of four daughters, took methadone from her mother in payment for doing household chores and watched her father sell drugs. Ms. Turner stole from her children and often left them with a great-grandmother who beat them until blood ran down their legs.

“How do you hold a wholesale distributor responsible for that kind of history and activity?” Mr. Heard asked the jurors.

Repeatedly during cross-examination and in closing arguments, he and others bore down on personal responsibility.

“Brandy Turner always had a choice,” Mr. Heard said, noting that on the stand, her daughters, aunt and sister, exposed to the same turmoil, explicitly said they had chosen not to take drugs.

The trial took place in Brunswick, Ga., a small coastal city surrounded by farmland and one-store towns, in an area that became well known as a hot spot along the “blue highway”— so-named for the color of oxycodone 30 milligram pills.

The lawsuit, first filed in 2019, asserted that for over a decade, the distributors eagerly shipped to five local pharmacies, which ordered vastly outsize quantities of opioids for the tiny communities, often dispensing them in dangerous combinations. The lead plaintiff was Joseph Poppell, a paramedic firefighter captain whose parents died from overdoses and who rescued his nieces from foster care, while his sister, their mother, remained addicted.

Under the Georgia law, called the Drug Dealer Liability Act, the plaintiffs had to prove, by clear and convincing evidence, a high bar, that the distributors violated state and federal laws regulating controlled substances. Then they had to show that an “individual drug abuser” in a family had filled opioid prescriptions at pharmacies to which the distributors shipped. Finally, they had to show that the relatives were harmed by the person who used those drugs.

The plaintiffs’ chief lawyer, Jim Durham, a former acting U.S. attorney for the Southern District of Georgia, argued that all three companies had sidestepped their regulatory obligations.

“They picked this community to dump and flood their drugs,” Mr. Durham said in closing arguments. “They found willing pharmacies, and they turned on the faucets. Why? Because there were millions of dollars of sales to be had.”

Distributors, he continued, ignored flame-red flags: notorious “Trinity” prescriptions — such as OxyContin, Xanax and muscle relaxers — written by out-of-state pill mill doctors 100 miles away; customers paying in cash; pharmacy parking lots filled with people swapping and selling pill baggies.

**The Opioid Crisis**

Opioids, whether in the form of powerful pharmaceuticals or illegally made synthetics, are fueling a deadly drug crisis in America.

* **Georgia Lawsuit:**A jury [found two opioid distributors not liable](https://www.nytimes.com/2023/03/01/health/opioid-victims-trial-georgia.html?action=click&pgtype=Article&state=default&module=styln-opioid&variant=show&region=MAIN_CONTENT_3&block=storyline_top_links_recirc) in the first lawsuit brought by individual victims of the opioid epidemic against pharmaceutical companies.
* **Narcan:**The overdose-reversing nasal spray is [safe to sell over the counter without a prescription](https://www.nytimes.com/2023/02/15/health/narcan-nalaxone-drug-stores.html?action=click&pgtype=Article&state=default&module=styln-opioid&variant=show&region=MAIN_CONTENT_3&block=storyline_top_links_recirc), two F.D.A. advisory panels recommended.
* **Tranq Dope:**A veterinary tranquilizer called xylazine is infiltrating street drugs, deepening addiction and causing wounds so severe that [some result in amputation](https://www.nytimes.com/2023/01/07/health/fentanyl-xylazine-drug.html?action=click&pgtype=Article&state=default&module=styln-opioid&variant=show&region=MAIN_CONTENT_3&block=storyline_top_links_recirc).
* **In New York City:**A rising tide of deaths that began during the pandemic is the “new normal” for the city’s medical examiner’s office. [By far the largest factor is drug overdoses, mostly from fentanyl](https://www.nytimes.com/2023/02/20/nyregion/sudden-deaths-overdoses-fentanyl-nyc.html?action=click&pgtype=Article&state=default&module=styln-opioid&variant=show&region=MAIN_CONTENT_3&block=storyline_top_links_recirc).

In 2011, for example, Mr. Durham said, Cardinal sold 290,000 oxycodone pills to Darien Pharmacy. Darien, Ga., has a population of about 1,700.

Even though companies presented increasingly tough monitoring policies to the D.E.A., Mr. Durham said, they did not act on them.

Lawyers for the companies argued that the opioid thresholds were established each year by the D.E.A. The companies, they said, were prohibited from examining a pharmacy’s prescribing data for glaring problems. In hindsight, they added, given what is now known about opioids’ powerful addictive properties, perhaps the distributors would have been much quicker to challenge the pharmacies’ outsize requests. But for years, doctors were urged to aggressively treat pain with prescription opioids. And, the lawyers said, it was not the responsibility of wholesale distributors to second-guess prescribers or ferret out bad ones.

The company lawyers cited many other factors to blame for the families’ incontrovertible suffering: street drug dealers; alcohol; other drugs; the Sacklers, owners of Purdue Pharma; the Food and Drug Administration; greedy pharmacists and doctors. (Before trial, the independent pharmacies settled for an undisclosed amount. Many of the pill mill doctors lost their licenses and served federal sentences.)

And the lawyers emphasized each family’s own patterns of dysfunction, including generational substance abuse, sexual predation, domestic violence, mental health disorders and the women’s terrible choices in male companionship.

In a statement, McKesson called the jury’s verdict “the right outcome based on the law and evidence presented at trial.” Cardinal said the decision “confirms that a law meant to apply to street dealers of illegal drugs cannot be used in a misguided attack on D.E.A.-registered wholesale distributors of F.D.A.-approved medications.”

Lawyers for the plaintiffs did not respond to requests for comments.

Elizabeth C. Burch, an expert on mass torts at the University of Georgia School of Law, said that plaintiffs take on great personal risk to go to trial. She applauded their determination and that of their lawyers.

“Without a trial, you wouldn’t have known about the number of pills going into the area, and we also wouldn’t have known about this really sad part of people’s lives,” she said.

She noted that the individuals themselves paid a price by exposing their lives to such public scrutiny. “But I think it’s important for the public to understand what the scope of the opioid destruction looks like and for it to be recorded for history.”

Jan Hoffman writes about behavioral health and health law. Her wide-ranging subjects include opioids, tribes, reproductive rights, adolescent mental health and vaccine hesitancy. [@JanHoffmanNYT](https://twitter.com/JanHoffmanNYT)