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CHEROKEE NATION FILES LANDMARK LAWSUIT TO HOLD PHARMACIES, OPIOID DISTRIBUTORS ACCOUNTABLE

*McKesson, Cardinal Health, AmerisourceBergen, CVS Health, Walgreens and Wal-Mart named
in lawsuit*

*Pharmacies and distributors profited from diversion of opioids to the communities of the
Cherokee Nation*

TAHLEQUAH, Oklahoma—Today, the Cherokee Nation filed a lawsuit against McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen, CVS Health, Walgreens Boots Alliance, Inc., and Wal-Mart Stores, Inc., charging the companies with failing to prevent the flow of illegally prescribed opioids to men, women and children in the Cherokee Nation.

This lawsuit is the first of its kind filed in the United States, as it seeks to hold distributors and retailers responsible for perpetuating the opioid crisis in the 14 counties in northeast Oklahoma that comprise the Cherokee Nation. Experts expect other jurisdictions to file similar claims as communities grapple with the financial and social burdens of the opioid epidemic.

“Tribal nations have survived disease, removal from our homelands, termination and other adversities, and still we prospered. However, I fear the opioid epidemic is emerging as the next great challenge of our modern era,” said Cherokee Nation Principal Chief Bill John Baker. “As we fight this epidemic in our hospitals, our schools and our Cherokee homes, we will also use our legal system to make sure the companies, who put profits over people while our society is crippled by this epidemic, are held responsible for their actions.”

Pharmacies and opioid distributors, under federal law, have a responsibility to alert regulators of suspicious orders and illegitimate prescriptions. Suspicious activities would include: when a distributor fills a single pharmacy’s orders that are suddenly thousands of pills above the average or are disproportionate to the size of the area’s population; patterns of employee theft; and pharmacy customers seeking opioids for nonmedical purposes. When suspicious orders are filled, highly dangerous controlled substances are diverted into the hands of unauthorized users and the illegal black market, fueling the opioid epidemic.

According to the DEA, over 2.75 billion milligrams of opioids were distributed in Oklahoma in 2015. An estimated 845 million milligrams were distributed in the 14 counties of the Cherokee Nation. That averages out to between 360 and 720 pills per year for every prescription opioid user in the Cherokee

Nation. Based on CDC reports, deaths from opioid-related overdoses more than doubled within the Cherokee Nation between 2003 and 2014. For adults within the Cherokee Nation, overdose deaths now outnumber deaths due to car accidents.

“These companies must be held accountable for their gross negligence, which has fueled the opioid epidemic. We deserve better,” said Cherokee Nation Attorney General Todd Hembree. “They enabled prescription opioids to fall into illicit distribution channels, failed to alert regulators of extreme volume, and incentivized sales of these drugs with financial bonuses. We will not stand by while children are born addicted to opioids and our citizens die.”

The Cherokee Nation is represented by special counsel Richard Fields of Fields PLLC and Boies Schiller Flexner partners Steve Zack and William Ohlemeyer.

“The defendants will need to answer for turning a blind eye to the grave harm they are causing individuals, their families and communities, which are left to pick up the pieces,” said Fields.

“We look forward to presenting this evidence to the Cherokee tribal court so that the citizens most harmed by the opioid epidemic can get the justice they deserve,” said Ohlemeyer.

The full complaint, which was filed in Cherokee Nation tribal court, can be found here:
<http://bit.ly/2qeRqzn>

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