Opioid Litigation FAQs

**Does this lawsuit forgo our ability to settle or mean we are withdrawing from the multi-state investigation?**

Filing this lawsuit does not mean we are withdrawing from the investigation or settlement negotiations in partnership with our sister states. Filing this lawsuit does not preclude a possible settlement with any of the distributors or other manufacturers.

**How long is this going to take? Who is going to litigate?**

Purdue and the other manufacturers and distributors are well financed and are represented by competent law firms. This litigation could take a long time. The State is currently represented by the Attorney General’s Office, but we do have an RFP (Request for Proposal) ready to go, and we will be looking for outside counsel.

**What is the status of the RFI? What does that mean in anticipation of the RFP?**

An RFI is a Request for Information, typically a short document with specific questions about willingness to bid, fee structure, and ability to comply with the State’s statute governing contingent fee contracts. The RFI will close on June 8.

An RFP is a Request for Proposal and is a far lengthier document. If someone agrees to the RFP’s parameters, it describes in detail how that contract would look. Once we have responses to the RFI, we will make any necessary changes to the RFP and send it out. When we have the responses to the RFP, we will start the process of selecting outside counsel. We anticipate that process to take 2 to 3 months.

**What are the causes of action?**

Five causes of action.

1. Claim under the Consumer Sales Practices Act – deceptive and unconscionable acts or practices.
2. Claim of Public Nuisance – any activity that threatens the health, morals, safety, comfort, convenience, or welfare of a community.
3. Negligence – Purdue knew or should have known the potential harm it created when it placed its products in the stream of commerce, but ignored that harm and moved forward.
4. Unjust Enrichment – Purdue took the revenues from its products while passing many of the costs on to the State and its taxpayers.
5. Fraud – Purdue made false representations, which were relied on by doctors and patients. The State has borne the costs of those misrepresentations.

**With the State filing, how does this affect cities/counties that have filed a lawsuit? Will these be combined? How does the State’s lawsuit affect rights of counties?** The Attorney General’s Office met with many county attorneys and advised them they needed to do what was in their counties’ best interest. Our lawsuit will neither affect nor be combined with the county lawsuits. The counties have independent causes of action that they are pursuing. The county lawsuits will be combined for pre-trial activities with claims by other cities, counties, and American Indian nations from around the country in a multidistrict litigation proceeding in Ohio. The case filed today will not be part of that proceeding.

**What has the State done regarding the opioid epidemic up until now?**

We’ve been involved in the multi-state process for the last year and a half. We are actively involved in leadership in the investigation of opioid distributors. We have participated with the other 41 states in the multi-state investigation in reviewing documents and formulating strategy and proposals.

*See attached list of action the State of Utah has taken in the fight against opioids.*

**How is Utah leading in the opioid fight?**

Through the multi-state process, Utah has worked with opioid manufacturers and distributors to identify and gather information that is essential in resolving our claims, whether by settlement or by trial. The State of Utah has been a main voice on the distributor side of the multi-state investigation. As part of the process, we have received hundreds of thousands of documents and have conducted sworn interviews which have been beneficial. This lawsuit is the next step in achieving resolving these claims.

Ultimately, our question will always be “What is best for Utah?” The decisions that we’ve made about the opioid settlement, and now litigation, have been our best answer to this question.