

IN THE SUPERIOR COURT  
OF GWINNETT COUNTY, GEORGIA

STATE OF GEORGIA, )  
)  
)  
Plaintiff, )  
)  
v. )  
)  
PURDUE PHARMA L.P.; PURDUE )  
PHARMA INC.; THE PURDUE )  
FREDERICK COMPANY INC.; TEVA )  
PHARMACEUTICAL INDUSTRIES LTD.; )  
TEVA PHARMACEUTICALS USA, INC.; )  
CEPHALON, INC.; ENDO HEALTH )  
SOLUTIONS, INC.; ENDO )  
INTERNATIONAL PLC; ENDO )  
PHARMACEUTICALS INC.; PAR )  
PHARMACEUTICAL, INC.; PAR )  
PHARMACEUTICAL COMPANIES, INC., )  
F/K/A PAR PHARMACEUTICAL )  
HOLDINGS, INC.; QUALITEST )  
PHARMACEUTICALS, INC.; ALLERGAN )  
PLC; ACTAVIS, PLC; ACTAVIS LLC; )  
ACTAVIS PHARMA, INC.; ACTAVIS, )  
INC.; WATSON PHARMACEUTICALS, )  
INC.; WATSON PHARMA, INC.; )  
WATSON LABORATORIES, INC.; )  
MALLINCKRODT PLC; )  
MALLINCKRODT LLC; )  
SPECGX LLC; MCKESSON )  
CORPORATION; CARDINAL HEALTH, )  
INC.; AMERISOURCEBERGEN DRUG )  
CORPORATION; J M SMITH )  
CORPORATION; and JOHN DOE )  
DEFENDANTS 1 through 80, )

CIVIL ACTION NO.: \_\_\_\_\_

*TRIAL BY JURY REQUESTED*  
*REQUEST FOR TRANSFER TO*  
*BUSINESS COURT PENDING*  
*MATTER OF SPECIAL PUBLIC*  
*IMPORTANCE PURSUANT TO*  
*O.C.G.A. § 16-14-12*

Defendants.

**STATUTORY CERTIFICATE OF PUBLIC IMPORTANCE FOR EXPEDITED**  
**TREATMENT AND IMMEDIATE JUDICIAL ASSIGNMENT**

The State of Georgia hereby certifies that this action is brought, in part, under the provisions of the Georgia RICO Act (O.C.G.A. § 16-14-1, *et seq.*), that it is of special public

importance, and that it requires expedited treatment and an immediate judicial assignment as provided by O.C.G.A. § 16-14-12.

## I. INTRODUCTION

This case concerns what has been described as a “man-made plague, twenty years in the making. The pain, death, and heartache it has wrought cannot be overstated.”<sup>1</sup> The opioid crisis is one of the most devastating and far-reaching public health disasters in United States and Georgia history. Unlike other drug scourges, foreign drug cartels or kingpins did not cause the opioid crisis. Instead, this crisis was created in corporate boardrooms at some of the most powerful drug companies in the pharmaceutical industry. Through a carefully orchestrated marketing and distribution effort, these companies (the “Manufacturer Defendants” and the “Distributor Defendants”) created a demand for highly addictive drugs and then fed that demand (and resulting addiction) with a flood of those drugs.<sup>2</sup> At the same time, they profited beyond comprehension, by shifting the costs and burden to the State of Georgia, among others.

## II. GEORGIA’S CLAIMS

Defendants shared a common goal: to profit from the sale of opioids. They did so at tremendous cost to the State of Georgia. To achieve this goal, Defendants manipulated public and health provider opinion to create, stoke, and satisfy an artificial demand for some of the most addictive substances on the planet. They undertook a sophisticated marketing campaign to overturn and undermine decades of medical wisdom about the highly addictive nature of opioids and to falsely assure the medical industry in Georgia that opioids were safe to use in treating chronic pain. Once Defendants created this market, they aimed to satisfy it. They did so by misleading and manipulating regulators and by refusing to comply with their obligations under

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<sup>1</sup> *In re: National Prescription Opiate Litigation*, No. 1:17-md-02804-DAH, Doc. 1203, at \*38 (N.D. Ohio Dec. 19, 2018).

<sup>2</sup> See generally, the Factual Allegations section of the State’s Complaint.

Georgia law to prevent the diversion of controlled substances. In so doing, Defendants flooded the State of Georgia and the nation with massive quantities of opioids, leading to profits for them, but heartbreak, tragedy, and significant costs to Georgia.

There would be no opioid crisis without Defendants' actions. The State has suffered significant and widespread increased costs associated with this historic crisis, including, but not limited to: healthcare (response, addiction treatment, therapy, hospital services, education, training, Medicaid, and other medical-related costs); child and family services (including those related to resulting increased foster and at-risk children whose parents died or are undergoing treatment from addiction); elevated crime; law enforcement response (including response costs, personnel, training, education, and supplies); increased incarceration rates; judicial resources (to manage opioid-related incarcerations and legal processing); diminished tax base; loss of tax revenues; community-monitoring; and impact to economic development. Moreover, the State will continue to incur costs and losses into the future in personnel, supplies and other infrastructure to combat the crisis, which includes the State's growing heroin and fentanyl epidemic.

Defendants acted in concert to achieve their unlawful goals, in violation of Georgia's RICO statute, O.C.G.A. § 16-14-4, and caused damage to the State when they did so.<sup>3</sup> In addition, Defendants are liable to the State for their negligence,<sup>4</sup> negligence *per se*,<sup>5</sup> civil

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<sup>3</sup> See the State's Complaint, Section VII and Counts I and II.

<sup>4</sup> *Id.* at Count IV.

<sup>5</sup> *Id.* at Count VIII.

conspiracy,<sup>6</sup> false advertising,<sup>7</sup> breach of statutory duty,<sup>8</sup> and unjust enrichment.<sup>9</sup> Furthermore, Georgia now suffers from an unprecedented public nuisance created by Defendants.<sup>10</sup>

### III. REQUEST FOR IMMEDIATE JUDICIAL ASSIGNMENT AND AN EXPEDITED TRACK

Recognizing the special public importance of this case, this Certificate is filed with the Clerk of Court pursuant to O.C.G.A. § 16-14-12. The State respectfully requests that:

- (a) This Certificate and the Complaint be furnished directly by the Clerk to the chief (or presiding) judge to facilitate an immediate judicial assignment for this matter; and
- (b) That the assigned Judge expedite this matter and set a scheduling hearing as soon as practicable to ensure this vitally important case goes to trial without delay.

Contemporaneous with this request for immediate judicial assignment, the State further requests assignment of this case to the Business Case Division of the Superior Court of Gwinnett County Business Court (“Business Court”). (See Complaint at ¶¶383-386). Assignment to the Business Court is proper because this case involves business tort claims of racketeering, conspiracy, breach of statutory duties imposed by state law (including the Controlled Substances Act), false advertising, public nuisance and unjust enrichment, among others, against some of the world’s largest pharmaceutical companies.<sup>11</sup> All of the factors established by the Business Court weigh heavily in favor of assignment, including the number of parties, the amount in controversy (which well exceeds the \$1,000,000 threshold established by the Business Court Rules), the

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<sup>6</sup> *Id.* at Count VI

<sup>7</sup> *Id.* at Count VII.

<sup>8</sup> *Id.* at Count IX.

<sup>9</sup> *Id.* at Count V.

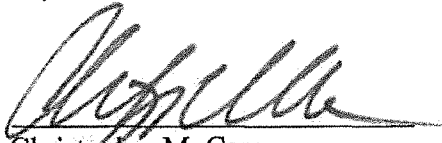
<sup>10</sup> *Id.* at Count III.

<sup>11</sup> See Atlanta Judicial Circuit Rule 1004, as set forth by the Supreme Court of Georgia on July 14, 2016, establishing the Metro Atlanta Business Case Division (which includes the Business Court of Gwinnett County).

extensive discovery required, and, most importantly, the complexity of the issues of law and facts involved.

Respectfully submitted, this 3rd day of January, 2019.

Christopher M. Carr  
*Attorney General*

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