



News Release

Office of the Attorney General

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Statement on Opioid Litigation

Attorney General Herbert H. Slatery III filed motions to intervene in three lawsuits brought by district attorneys general against several opioid manufacturers and health care providers. This Office moved to intervene to protect the interests of the entire state and its citizens while fulfilling our statutory duty to direct the opioid litigation in the state.

“Because of the devastating effects this epidemic is having in Tennessee and across the country, we are pursuing a dual track: conducting multiple investigations while also exploring settlement options,” said General Slatery. “We want a global resolution that will provide comprehensive injunctive relief as well as remediation to assist with prevention, treatment, and education efforts.”

The Tennessee Attorney General’s Office is leading a coalition of approximately 40 states actively investigating opioid manufacturers and distributors. The coalition is currently engaging in settlement discussions with certain manufacturers and distributors in connection with the federal opioid multi-district litigation pending in Cleveland, Ohio. Intervention enables the Attorney General’s Office to provide a coordinated and centralized statewide response to the opioid crisis.

“Although this coordinated approach makes the State’s claims stronger and more efficient by addressing them in a statewide manner, the ultimate goal is to maximize a recovery in order to address the epidemic in every community, particularly those hardest hit,” General Slatery said.

We share the District Attorneys objectives of resolving a devastating epidemic and holding those responsible accountable. But, the Office disagrees on who should represent the State and assert the State’s claims. The role of District Attorneys is traditionally in the criminal field, and we respect that role. These claims are civil claims, not criminal charges. District Attorneys are seeking remedies for judicial districts when the Attorney General is in the best position to get injunctive relief for the entire state. This intervention protects the interests of our state as a whole. The District Attorneys might do so only for their judicial districts. Further, many of these issues may be eventually negotiated, and it is not practical to have 14 District Attorneys



and the Attorney General represent the State's position. Each state cannot bring 14 people to the table and expect to accomplish anything.

Both this Office and the District Attorneys General have the duty to faithfully follow our laws yet, the District Attorneys have hired outside counsel without following the statutory requirements. By statute the Governor and Attorney General approve engaging outside counsel. That approval was neither sought nor given and in these cases proves problematic. Our consistent position has been that all recoveries go to the state and affected areas, not to outside attorneys. In addition, in one case, the District Attorneys General challenged the constitutionality of a statute. The District Attorneys General are under an affirmative duty to defend the constitutionality of our laws, not challenge them.