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## Scott County supervisors vote to join opioid lawsuits

Thomas Geyer [tgeyer@qctimes.com](mailto:tgeyer@qctimes.com) Dec 28, 2017

The Scott County Board of Supervisors voted Thursday to join other Iowa counties in lawsuits that have been filed against numerous pharmaceutical companies for their alleged role in the opioid crisis.

Assistant Scott County Attorney Robert Cusack told Scott County's five-member board that the county was contacted by the Iowa State Association of Counties about joining the suits.

The statewide and nationwide litigation efforts are being led by law firms Crueger Dickinson of Whitefish Bay, Wisconsin, and Simmons Hanly Conroy of Alton, Illinois, as well as von Briesen & Roper, of Milwaukee.

More than 100 counties in eight states have joined in the lawsuits.

County Board Chair Carol Earnhardt said that 18 counties in Iowa have approved resolutions to join the suits and that more counties are expected to jump on board after the first of the year.

“It’s my understanding the only thing we have to provide is to do some data collection,” Earnhardt asked Cusack.

Cusack answered yes, adding that, “For the most part, I assume a lot of that will be available to them under the Freedom of Information Act.”

Board members wanted to know how the counties will split the money if there is some type of resolution in the way of a settlement or a trial verdict, but Cusack said those details have not been worked out except to say he assumes it will be based on the magnitude of the damages that can be proven.

“How do you know if the person became addicted from an opioid prescription or just got addicted on their own,” board member Diane Holst asked.

Cusack said that will be for the law firms to figure that out. “That’s what firms do,” he said.

According to the information provided to the county board, private attorneys will work onsite with county employees to help identify and gather pertinent information. The most affected departments will be health and human services, medical examiner, County Attorney’s Office, Sheriff and district courts.

“It’s well beyond our capacity to pursue it on our own,” Cusack said of the County Attorney’s Office. The firms, he said, will use statistics from county information as well as expert testimony to determine a lot of the particulars.

If the suit becomes too burdensome in time and money to where it will cost the county more to pursue it than what it will receive in return, “we can just dump it,” Cusack said.

He said that out-of-pocket expenses will come out of what the county will receive in a settlement or trial verdict, and that the attorneys pursuing the cases will get their money right off the top.

Cusack said the law firms are working on a contingent fee basis and will be bearing all the costs of litigation.

Earnhardt stated that the litigation could go on for years.

“Yes,” Cusack said. “But if we don’t do it and there is a recovery we would get nothing.”

Cusack added that he did not see a downside to joining the case.

“It’s about saving lives and recouping our costs,” Earnhardt said.

In a letter to the county board chairs in Iowa, Bill Peterson, executive director of the Iowa State Association of Counties, said that it is important for counties to act.

“First and foremost, your action in joining this litigation will send a clear message to citizens in your county that you recognize this as a critical issue and that you are willing to act to protect members of your community,” Peterson said in his letter.

“Second, your action in joining this litigation effort along with other counties in Iowa and counties in other states will help create a powerful force in changing the behaviors of those accountable for this crisis,” he said.

“Third, in the event of a damage award or settlement, you will have placed your county in position to recover those damages directly to the benefit of the citizens in your community. Those resources can be used for prevention and services to individuals who have been impacted,” he said.

“Fourth, the litigation team will be paid only if there is an award or settlement. You will have costs only associated with helping gather data used to identify your damages so there is little financial risk to your county for joining this effort.”

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