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News

Addiction-Hit Miccosukee Tribe Lawyers Up Against Big Pharma

The Miccosukee Tribe of Indians of Florida claims opioid addiction has turned many of its members into "shells of their former selves" in a lawsuit that puts 20 pharmaceutical companies on the hook for more than $100 million.

By **Raychel Lean** | February 25, 2019 at 02:18 PM

The Miccosukee Tribe of Indians of Florida has joined in the nationwide litigation revolt against opioids, seeking more than $100 million in a federal lawsuit against a slew of drug manufacturers and distributors that allegedly sent the tribe into crisis by pushing prescription painkillers.

Coral Gables lawyer **Adam Moskowitz** of the Moskowitz Law Firm filed the suit in the Southern District of Florida, calling out 12 defendants.

Among them are drug manufacturers Purdue Pharma L.P., which makes the narcotic pain reliever OxyContin; Janssen Pharmaceuticals, a branch of Johnson & Johnson; retail giant Walgreen Co. and wholesale distributor AmerisourceBergen Drug Corp.

The defendants used misleading marketing schemes to normalize opioid prescription and play down the dangers, according to the lawsuit, which seeks damages for negligence, public nuisance and violations of the Florida Deceptive and Unfair Trade Practices Act and the Racketeer Influenced and Corrupt Organizations Act.

"Opioid addiction and overdose (have) killed many tribal members and turned others into

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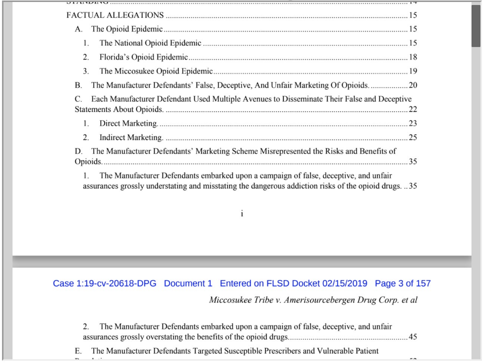
shells of their former selves," the complaint said.

Read the full complaint:



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The Miccosukee Tribe is a federally recognized Indian tribe spanning three reservations in western Broward and Miami-Dade. As a sovereign entity it governs itself and has spent tens of millions to stem the opioid epidemic with medical care, counseling, child care and law enforcement, according to the lawsuit.

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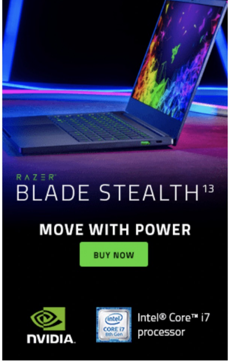
Miccosukee Tribe of Indians of Florida.

When it comes to drug overdoses, Native Americans suffer the highest death rates of any ethnic or racial group in the U.S., according to the complaint, which says historical trauma has left the group more vulnerable to substance abuse.

The tribe's remote location and lack of educational opportunities have also made its members more vulnerable to substance abuse, according to Moskowitz.

"The Miccosukee Tribe itself is physically located out near the Everglades, so it's kind of an isolated part of our community. It's harder for a young person growing up in that community to integrate and to have the opportunities that a lot of us have," he said.



Janssen Pharmaceuticals called the allegations “baseless and unsubstantiated,” claiming its marketing was appropriate and responsible, and that its labeling displayed the risks and benefits of drugs.

“Opioid abuse and addiction are serious public health issues,” a spokesperson from Janssen Pharmaceuticals said. “We are committed to being part of the ongoing dialogue and to doing our part to find ways to address this crisis.”

Gabe Weissman, vice president of communications at AmerisourceBergen, said the company is committed to combating opioid abuse, and pointed out that opioids constitute less than 2 percent of its sales.

“We are dedicated to doing our part as a distributor to mitigate the diversion of these drugs without interfering with clinical decisions made by doctors, who interact directly with patients and decide what treatments are most appropriate for their care,” Weissman said in a statement.

Walgreen Co. declined to comment on the case, while the remaining defendants did not respond to requests for comment before deadline.

The first Miccosukee Indian to have ever graduated from law school, **Curtis E. Osceola**, is also working on the case.

“They are extremely proud of him, and if anybody is going to represent them in legal affairs, of course, they would love somebody from their own tribe,” Moskowitz said. “Curtis is a wonderful role model and example for all of the tribe. … And now he’s going to dedicate his career to helping his people.”

Though Moskowitz specializes in class action lawsuits, he and Osceola plan to opt out of a class action in the Northern District of Ohio, consolidating various cases brought by Native American tribes.

“We’re doing our best to help our clients, and we believe in filing this case that’s one step,” Moskowitz said. “But our larger goal is to help the tribe in general, in terms of their welfare, their betterment and their community involvement.”

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