

# The “Opioid MDL”, Bellwether Cases & Amicus Brief

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# Opioid Litigation

- Opioid crisis: disproportionately impacting Indian Country.
  - In 2010, IHS Portland Area office recorded fewer than 200 patients making fewer than 500 patient-encounters for opioid-related issues
  - By 2016, those numbers skyrocketed to 2,000 patients and over 19,000 patient-encounters.

# Opioid Litigation

- Impacts to Tribes:
  - Health services have been overwhelmed.
  - Education and addiction therapy costs have substantially increased.
  - Evictions from housing for drug-related criminal activity.
  - Almost every tribal member has been affected.

# Tribal Track

- Tribal Track created to ensure Tribes have a voice in the MDL
- 2 Tribal Bellwether cases so far: Muscogee Creek & Blackfeet
  - Tribes filed Amended Complaints
  - Defendants filed Motions to Dismiss on 8/31/18
  - Plaintiffs will file Opposition to Motion on 9/28/18
  - Tribal Amicus to be filed 10/5/18

# Amicus Curiae

- “friend of the court”
- One that is permitted by the court to advise it in respect to some matter of law that directly affects the case in question

# Amicus Curiae

- Purpose: Educate the Judge, Special Master and Lawyers on the MDL Executive Committee on the impacts to tribes and the importance of tribal participation
- Amicus include an explanation of Indian Country and Indian law, impacts of opioids and recommendations

# Signing onto the Amicus

- Tribes and tribal organizations can join the amicus brief
- Similar to ACA brief where **over 350** tribes and organizations signed on
- Right now: over 50 tribes and tribal organizations and growing...

# Signing onto the Amicus

- Submit a Statement of Interest.
  - (1) Background of the Tribe
  - (2) Impact of the opioid epidemic on the Tribe
  - (3) How the Tribe is addressing the crisis.Please limit your Statement to 300 words
- Statements will be included as an Appendix to the brief



# Signing onto the Amicus

Send Statement of Interest to:

Jane Joseph [jjoseph@skikos.com](mailto:jjoseph@skikos.com) and

Tim Purdon [TPurdon@RobinsKaplan.com](mailto:TPurdon@RobinsKaplan.com)

by **Friday, September 21**

# Other ways to participate

- Talk to your legal counsel and consider joining the litigation
  - Over 60 tribes so far
- Share your expertise with the attorneys working on the bellwether case or the amicus brief

# Thank you!

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