

J&J Opioid Ruling Provides Clues to How Much Others Could Pay

Co-Founder and Managing Partner [Harry Nelson](#) weighs in on the recent opioid ruling on August 26th in an interview with [Bloomberg News](#). According to the ruling, Johnson and Johnson must pay \$572 million to the state of Oklahoma due to the corporation's wrongful marketing of opioid drugs. [Harry was recently interviewed by the Associated Press](#) regarding the \$270 million Purdue Pharma Settlement to five Oklahoma counties. Though there are major differences between the cases many attorneys agree that the Johnson and Johnson lawsuit settlement provides insight on the multi-district trial scheduled for October.

At the 2019 Addiction Leadership Conference in Sacramento, California, Harry gave his insight regarding the Purdue Pharma settlement and provided his prediction for the future of the pending opioid lawsuits.

"In the face of so many lawsuits, the threat of Big Pharma bankruptcies is credible and motivating enough to bring settlement demands down from the stratosphere," commented Nelson, "In addition, the Oklahoma Judge's refusal to postpone the trial date forced Purdue to bridge the gap. The combination of financial concerns and sticky trial dates are the essential recipe for a big settlement in 2019."

From the article:

Judge Thad Balkman Aug. 26 ruled that Johnson & Johnson must pay \$572 million to Oklahoma for wrongfully marketing opioid drugs in the case in Oklahoma state's District Court for Cleveland County. The Ohio jury trial is slated to begin Oct. 21.

The two cases are in different types of courtrooms (state vs. federal); have different defendants (one drugmaker vs. the entire supply chain); and focus on different aspects of law (Oklahoma's unique public nuisance law vs. multiple legal theories, including racketeering).

The biggest clue Oklahoma offers for the Ohio case comes down to the payout.

"No opioid manufacturer has gone to verdict in a case like this, and we have only seen a handful of manufacturer settlements," said David Noll, a law professor at Rutgers University. "The district court's judgment in Oklahoma provides important information about the general settlement value of opioid cases."

Harry Nelson, founder of Los Angeles-based health-care firm Nelson Hardiman, agreed, saying a J&J win in Oklahoma would have been a "rebuke to the public nuisance theory that will drive other settlements down."

But an order to pay any part of the \$17.5 billion sought is bad news for the defendants in Ohio. "I think the other pharmaceutical companies will be running in fear in terms of opening up more funding" for a settlement, he said.

[Read the full article](#)