



STATE OF NEBRASKA  
**Office of the Attorney General**

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**DOUGLAS J. PETERSON**  
ATTORNEY GENERAL

April 30, 2018

Lynn Rex, Executive Director  
League of Nebraska Municipalities  
1335 L Street  
Lincoln, NE 68508

Larry Dix, Executive Director  
Nebraska Association of County Officials  
1335 H Street  
Lincoln, NE 68508

Dear Lynn and Larry:

The opioid crisis in America continues to be front-page news. Fortunately, both local and national efforts in the last year have had a significant impact in curbing the amount of opioids prescribed. In our state, we have developed the Nebraska Coalition to End Opioid Misuse between the Attorney General's office, the University of Nebraska Medical Center, Nebraska Department of Health and Human Services, and the US Attorney's office to be proactive to prevent an opioid crisis from arising in Nebraska. The coalition involves medical professionals, treatment specialists, public health officials and law enforcement developing best practices to prevent and treat opioid misuse and addiction.

Recently, there here have been several news stories about holding opioid manufacturers and distributors accountable for their roles in the opioid crisis. The state of Nebraska, through the Attorney General's office, is actively engaged in this conversation. Nebraska has joined more than 40 other states in various multistate investigations into a number of the drug manufacturers and distributors. Twenty-one states have pursued private lawsuits against certain manufacturers and distributors. There are approximately 500 cities and counties from around the country who are also involved in litigation against the opioid industry.

Currently, a number of these city and county lawsuits have been consolidated by the Judicial Panel on Multidistrict Litigation into an MDL in federal district court in Ohio. Earlier this year, the Judge invited the states to participate in settlement discussions with all parties involved – the counties, cities, manufacturers, and distributors. Those discussions are ongoing.

Several large class action law firms from the around the country have been, and continue to try to recruit cities and counties to join into the lawsuit. Some of those firms have inaccurately described the opioid litigation as the next "big tobacco" type of lawsuit. There are significant legal differences, both from a liability standpoint and the anticipated distribution model for any recovery. Specifically, any recovery by the state of Nebraska from the opioid manufacturers and distributors would include, and thereby release, any claims held by our counties or cities. Therefore, it is unnecessary for cities or counties to file a separate legal action, and such lawsuits may actually delay the states' efforts to expedite recovery on behalf of our citizens. Furthermore, while no distribution model has been agreed upon, Nebraska does not anticipate awarding greater funds to any city or county simply due to the fact that it filed litigation or incurred attorney fees.

We are receiving updates on a weekly basis from both legal counsel for the litigating states and from our leadership in the multistate negotiations. We look forward to updating you on our progress in the very near future.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doug Peterson", with a long horizontal flourish extending to the right.

Douglas J. Peterson  
Nebraska Attorney General